SENATE—*Friday, February 19, 1971*

(Legislative day of Wednesday, February 17, 1971)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

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

Almighty God, our Heavenly Father, bless our country and make it a blessing to the world. Grant that our ideals and aspirations may accord with Thy will so that we may be an instrument for peace and justice among the nations. Grant us sound government, good education, a dependable press, simplicity and integrity in our relations one with another, and above all else the spirit of service motivated by love.

Bestow Thy divine approbation upon all who labor here. May each Member lay hold upon the spiritual verities that endure all time. May they have strength to labor, patience to endure, perseverance in the things that matter. Grant a spirit of mutual understanding and honest respect for one another that we may dwell together in unity and brotherhood, through Him who is one with Thee, even Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, February 18, 1971, be approved.

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

AUTHORIZATION FOR COMMITTEE ON RULES AND ADMINISTRATION TO FILE REPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate Committee on Rules and Administration be authorized to file reports together with minority, individual, or supplemental views until midnight tonight.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

EXECUTIVE SESSION

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

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

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF COMMERCE

The assistant legislative clerk read the nomination of James H. Wakelin, Jr., of the District of Columbia, to be an Assistant Secretary of Commerce.

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

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The assistant legislative clerk proceeded to read sundry nominations in the National Oceanic and Atmospheric Administration.

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

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

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

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I am happy to yield to the distinguished minority leader.

Mr. SCOTT. I would like to ask at this time what the distinguished majority leader has in mind for the schedule next week. I am aware that the cloture motion will be voted upon. I think it would be well for the RECORD to show the time for that, and whatever other matters the majority leader may have in mind bringing up.

Mr. MANSFIELD. Mr. President, in response to the questions raised by my distinguished colleague from Pennsylvania, the minority leader, as of now, the vote on the cloture motion will be held at 1 o'clock on Tuesday next. Of course, the cloture motion itself still has to be filed, but I understand that it is the intention of the Senator from Kansas (Mr. PEARSON) and the Senator from Idaho (Mr. CHURCH) to do that today.

At the conclusion of that vote, it would be the joint leadership's intention to meet with those two Senators, to find out what their wishes would be, as to when another cloture vote would take place, because I would anticipate that we would not get sufficient votes on the second attempt.

Then, of course, the calendar has been kept very clear. With the cooperation of the minority leader, we are up to date. The committees are working.

I will meet, as usual, with the distinguished minority leader from time to time, and lay out the schedule for the Senate.

Mr. SCOTT. I thank the distinguished majority leader. I am aware of the fact that the majority leader has met with the chairmen of the standing committees having to do with legislative business. I have met with the ranking members of the same committees. We have both joined in urging as early and expeditious action on legislative matters as can possibly be had.

Right here at the beginning of the session is a good time to point out that we are both very hopeful that legislation can be brought to the floor expeditiously and the Nation's business transacted in a way to avoid too much of a jam-up at the end of the session, if we can.

Mr. MANSFIELD. Mr. President, I am in full accord with the distinguished minority leader's statement and views. I would point out that the money resolutions for the committees will be available for consideration around the middle of next week, but it is my intention to discuss this matter with the distinguished Presiding Officer at this moment, the President pro tempore, the senior Senator from Louisiana (Mr. ELLENDER), before any action is taken on them.

Now, Mr. President, could I be recognized in my own right?

The PRESIDENT pro tempore. The Senator from Montana is recognized for 3 minutes.

LAOS: SOME QUESTIONS

Mr. MANSFIELD. Mr. President, at the moment, the situation in Southeast Asia shows clearly that for many months U.S. casualties have been held lower, that fewer Americans have been engaged in combat, and that the cost of the war has decreased. These are consequences of the withdrawal of more than 200,000 Americans, a decision which was made at the outset of this administration. The consequences are, of course, welcome.

On the other side of the coin, it is also obvious that the arena of the war in Vietnam has been enlarged into an Indochinese war and the executive branch has made us partners in that expansion. First came the invasion of Cambodia last spring with U.S. ground forces and the subsequent widespread devastation of what had been the stable economic and social life of that country. We are there now with hundreds of millions of dollars in aid and a mounting staff of American officials. Now there is the invasion of Laos by South Vietnamese ground forces supported by American firepower, airpower and logistical support and the likelihood of more intense participation by North Vietnamese forces in this area close to its border.

This recent thrust of all-out conflict into still another region of Southeast

Asia represents a gamble which may not be worth the risks involved. Rather than a shortening of the war and a further reduction of casualties, the consequences of this air-ground invasion may be to lengthen the war and increase the casualties. The outcome of this new military venture depends not only on the success of the South Vietnamese forces in Laos but on the reaction there and elsewhere of the North Vietnamese and perhaps other Asian nations.

The gamble in Laos is likely, in my opinion, to make it still more difficult to arrive at a negotiated settlement. Furthermore, it may well increase, again, the number of U.S. casualties and raise the number of American prisoners of war who have been taken in Southeast Asia.

With regard to the American prisoners, the North Vietnamese have stated that the issue would not even be discussed until it is evident that U.S. forces are to be withdrawn completely from Vietnam. In my opinion, these men are held as hostages to that end and this action is almost certain to delay their release. Threats are not likely to deter North Vietnam from that course.

Nor is it at all certain, as has been suggested, that—

They—the North Vietnamese—have to fight there—in Laos—or give up the struggle.

The option is theirs as it has been from the outset. The fact is that they still have many cards in Cambodia, elsewhere in Laos, in South Vietnam, and in North Vietnam.

The PRESIDENT pro tempore. The time of the Senator from Montana has expired.

Mr. BYRD of West Virginia. Mr. President, if the Chair will recognize me, I shall be glad to yield to the able majority leader my 3 minutes.

Mr. MANSFIELD. I thank the Senator from West Virginia.

The PRESIDENT pro tempore. The Senator from Montana may proceed.

Mr. MANSFIELD. Mr. President, what if they opt not to fight at this time in Laos? What if they do stand and win against South Vietnamese forces in that remote area? What course is open to this Nation then?

What if they draw back now but return in May and resume use of the present Ho Chi Minh Trails or new trails on an accelerated basis?

What if the present penetration prompts them to move further west on the approaches to Thailand, even as the incursion into the Cambodian border areas last spring prompted them to move westward throughout Cambodia?

In short, we must ask ourselves whether a temporary invasion of Laos, and I emphasize the word temporary, will have any real effect on the capabilities of North Vietnam to wage a continuing war in Southeast Asia? According to North Vietnamese calculations, they have already been at war at least 25 years and an additional 25 years of conflict may well be anticipated.

These are questions which put in balance the military gamble which is now taking place in Laos. Is it worth the lives—American and others—which it already claims? Will it fulfill the objective of shortening the war, so that the U.S. military phaseout can be continued and accelerated? Will it hasten negotiations which will end this tragedy and thus permit a complete U.S. withdrawal?

Will it help the plight of our prisoners of war?

Indeed, has any previous escalation of the conflict since the Tonkin Gulf—the use of B–52 bombers, the massive air and naval war against North Vietnam, the secret air war in Laos, the incursion into Cambodia—have any one of these previous escalations fulfilled its promise to these ends?

In my opinion we may well be up against a stacked deck in Laos.

Mr. SCOTT. Mr. President, we all honor the distinguished majority leader's views here. I am bound to say that I cannot accept them as stated, for a number of reasons.

First, I think it ought to be pointed out that the incursion into Cambodia of last May was limited, that it worked, that it had the effect of cutting off 85 percent of the supplies being received by the enemy which were coming through Sihanoukville, that we know of, to all of the personnel, and 15 percent of the supplies were coming down the Ho Chi Minh Trail.

This incursion into Laos may or may not succeed. It is the judgment of our military authorities that it will succeed. If it does, it will severely cripple the enemy's ability to resist and will improve our chances in the talks at Paris and will greatly strengthen the ongoing Vietnamization of the South Vietnamese.

If this happens, then the enemy will be unable to mass forces for retaliation during the dry season. He certainly will not be able to do so during the monsoon or the wet season. This carries him on into November or December.

The purpose of these operations is to enable us to get our troops out of there, which we are doing. Our withdrawal from Indochina is continuing during the incursion of the South Vietnamese into Laos.

Indeed, I think this is why we can point to the cooling of America and to the challenges which other priorities are demanding, the greening of America and the growing of America.

I cannot join in the deploring of the successful operations, operations which so far at least, appear to be successful, when everything the President has done has been proven to be justified in ending the war.

The President has taken large numbers of troops out. And he will take more out. On May 1, or around that time, there will be other announcements.

It seems to me that this is not a heightening of the war but a constriction of the war. The war has always been in Laos. It has always been in Cambodia. The difference is that only one side was able to use these privileged sanctuaries, and now the other side, without the use of U.S. ground forces, have put an end to something that ought to have been put an end to 4 years or more ago, I respectfully submit.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled, "The Curious Liberal View of Southeast Asia," written by Crosby S. Noyes of February 7, 1971. This article does not relate to what the distinguished majority leader has had to say.

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

THE CURIOUS LIBERAL VIEW OF SOUTHEAST ASIA

(By Crosby S. Noyes)

The anger of the liberals over recent developments in Southeast Asia defies rational analysis.

What is it that they want? What do they really feel? What would they do if they were making the decisions about our policy in Asia?

The answers, I submit, are not nearly as simple as they seem. The fatal weakness of the liberal position at this point is that it is inherently a minority position, not because the government or the majority of the country is reactionary and warlike, but because what the liberals recommend could not be adopted by any American government.

The one consistent characteristic of liberal thinking today is that of dissent—not from any particular policy, but from any policy that has the slightest chance of success. When it comes to Southeast Asia, the failure of American policy has become a primary article of faith to practicing liberals.

The anger at the present course of events is real enough. There is little that happens in this country or abroad that does not fuel their sense of exasperation and dismay. Their capacity for dire prediction is limitless.

The liberals are even angry at each other. The peace movement, they complain, is dead, killed off by the machinations of a devious administration. Even the peace bloc in the Senate seems to be showing new signs of indecision and impotence.

And meanwhile, of course, everything is going to hell in a handbasket.

The Cambodians, despite all the predictions, are showing signs of determination in resisting the invasion of their country by North Vietnam. The South Vietnamese are said to be invading Laos with the object—just imagine it—of breaking up Communist supply lines into their country. And worst of all, the Americans are helping them, even while claiming that they intend to withdraw the bulk of their forces in Vietnam as quickly as possible.

Small wonder the liberals feel betrayed. This is hardly the scenario they had in mind when the Senate doves pushed through the Cooper-Church amendment last summer. And if, in the end, they were unable to limit the use of American air power in supporting actions in Laos and Cambodia, why surely the administration should have understood what they meant to do.

But what is it exactly that they did intend? The liberal lexicon is a bit murky when it comes to practical policy, but a few solid points show through the rhetoric.

They would, presumably, prohibit all help for Cambodia and Laos and for the South Vietnamese operating in these countries. They also would set a firm date for the end of the American involvement in Vietnam—including the withdrawal of all American troops and support for the Vietnamese army. And finally, they would pull the rug out from under the "unrepresentative and repressive" government in Saigon and set up in its place a coalition willing to come to terms with Hanoi.

Or would they?

The curious thing about the Senate liberals is that while they readily make ruinous

suggestions about what others might do, they show little zest for putting such suggestions into effect. The chances, for instance, of extending the Cooper-Church amendment to cover the use of American air power in Cambodia and Laos are rated at practically zero.

If you ask them, furthermore, whether they really would prefer to see a Communist government in control in Cambodia or Laos, they will say of course not. If you ask them who would be served by a public timetable for an American departure from Vietnam, they change the subject. If you ask them whether they consider the government in Hanoi more representative and less repressive than the one in Saigon, they say it is beside the point.

More than anything else, one feels, there is an apprehension that it may all work out—that the disaster they have been predicting so relentlessly over the years may not actually come about. It is, quite obviously, a luxury which only the opposition can afford. And the liberals at this point seem devoutly attached to their opposition role.

Mr. BROCK. Mr. President, I rise to support what the distinguished Senator from Pennsylvania has had to say.

I am distressed by the continuing criticism of our actions in Southeast Asia, specifically our bombing of Laos and Cambodia. This running commentary in many instances is little more than "crying wolf."

I regret these attacks against the President, because they only hinder our efforts to withdraw American fighting men from this conflict and make it increasingly difficult to achieve a negotiated peace.

Is it not time to put aside partisan caterwauling and unite in commom purpose to end this tragic war? Is it not time to stop trying to use American POW's as political pawns?

No one wants to prolong any war. Instead of being "barbaric," our bombing missions in Laos and Cambodia were called to hit the enemies' last remaining supply route—to destroy their ammunition, supplies, and food—and, therefore, their ability to wage war.

The President has kept his word to the American people. Critics should note that we now have some 330,000 men in Vietnam, 200,000 less than were there 2 years ago. We continue to negotiate sincerely—without any response from the North Vietnamese other than the usual diatribe.

We continue to seek humane treatment and early release of American prisoners of war—without any response from North Vietnam; other than a continuation of the abuse of our men.

Is it America that is now at fault? I think not. Nor do I believe charges of political malfeasance assist the cause of peace or the hope for early return of our men.

Mr. MANSFIELD. Mr. President, when the distinguished Senator from Tennessee has had an opportunity to read in full the remarks which I made, he will understand that I was not attacking the President of the United States. I have never attacked any President of the United States. I realize the tremendous responsibilities which any President has. However, by the same token, I am aware of the responsibilities which we as individual Senators have.

In response to the remarks of my distinguished counterpart, the minority leader, may I say that I, too, am pleased that as far as the reactions of the United States are concerned, this represents a cooling-off period, to use his words. But the fact that there is such a period does not mean that these questions which I have raised in relation to Vietnam and Indochina, and which may well spread elsewhere, are not worthy of consideration by the Senate and the American people.

I believe that in the course of my remarks I gave the President full credit for the withdrawal of troops and the slowing down of the war up to this time. But it is pretty fair to say that under the present circumstances the war might well be increased and expanded, the casualties could be increased, the possibilities of the release of the POW's could be decreased, and our chances for success, which are not very good at the present, would not be bettered in the negotiations at Paris.

One thing I have not forgotten—and do not intend to forget—is the casualty lists that come in. I have not gotten an answer as to the latest casualties, for the last 3 weeks, from the Department of Defense.

As of January 9, 1971, however, 53,359 Americans have died; 44,268 in combat, and 9,091 in noncombat capacities. The number of men wounded is 293,612 and the total figure of casualties is 346,971. I daresay that figure has increased by several thousand in the past month, counting both dead and wounded.

So I rise on the floor of the Senate, as I always try to do with a proper understanding of the situation which confronts this Nation, of a deep appreciation of the responsibilities which are the President's, but not forgetting for a moment that we, as Senators, have a responsibility, and it is our duty and our obligation, to express our thoughts when we can in good conscience.

Mr. CHURCH addressed the Chair.

The PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I wish to commend the distinguished majority leader for his excellent statement on the most recent developments in the war in Southeast Asia.

Any intimation to the effect that the majority leader expresses a partisan view with regard to the war is so completely and utterly refuted by the record that I hardly need stress it here. Nevertheless, the Senate will remember well that the majority leader began to express his misgivings concerning this war long ago during the tenure of the Democratic President. He has been consistent throughout the years in admonishing against expansion of that war and American participation in it. If his advice had been taken years ago, 53,000 Americans would not have died in Vietnam and a quarter of a million men would not have been maimed and wounded.

I, for one, am glad the distinguished majority leader continues to speak out. History bears out the accuracy of his forecasts in the past and the soundness of his misgivings.

Mr. BYRD of West Virginia. Mr. President, I wish to say most respectfully to the able Senator from Tennessee that I have read the statement by our distinguished majority leader and I listened with great care as he made that statement.

I recognize the fact that the Senator from Tennessee did not criticize the majority leader by name in his remarks, but coming on the heels of the remarks by the majority leader it can be appropriately inferred by readers of the RECORD and those who heard the remarks that some criticism might have been meant and directed to the majority leader for the statement he had just made.

In the majority leader's prepared statement there was no "criticism" of the President. There was no attack on the President. I am using now the words of the able Senator from Tennessee, as I recall them. He used the words "attacks against the President." There was no attack against the President by the majority leader in his statement. There was no "partisanship."

I have been in the Senate for 12 years, and I have seen less "partisanship" displayed by the majority leader than I have seen displayed by any other leader in my 12 years in the Senate, my 6 years in the House of Representatives, and my 6 years in both houses of the West Virginia Legislature. There is supposed to be a little partisanship in a party leader, but there was none in this speech by the distinguished majority leader.

The majority leader did not say anything that would indicate an attempt to "use American prisoners of war as political pawns." I think the record should be made clear that the majority leader raised legitimate questions—questions that should be raised. I salute him for raising those questons. I would have a few of my own. For example, I would like to see a more definitive announcement on how much this operation is costing the United States in men and materiel, the exact number of helicopters that have been downed, and the number of helicopters that could not be retrieved. I would like to know how many Americans have died as a result of this offensive. I do not necessarily criticize the efforts being made in Laos by raising these questions, but they are legitimate questions. Of course, North Vietnamese troops are being forced to fight. If they chose not to do so, the Ho Chi Minh Trail would be effectively cut and the threat to American forces in South Vietnam would be weakened. There are two sides to the issue, but the questions raised here today are reasonable and pertinent.

I hoped we would be very careful not to misinterpret as partisan that which was not partisan or as an attack upon the President that which was not. The statement by the majority leader was clear and ought not be misunderstood.

Mr. BROCK. Mr. President, may I say to the distinguished Senator from West Virginia and particularly to the distinguished majority leader that I appreci-

ate their comments. I, too, regret that my remarks fell immediately following the remarks by the Senator from Montana.

I would point out for the record that my remarks were prepared prior to the session of the Senate this morning, and in response to comments I read in the newspaper last evening and this morning. Those statements stated that the President has given up on a political solution, and that he has given up on negotiations in Paris, and that he has given up on the release of our prisoners and is flirting with world war III. Those are statements with which I categorically disagree. Again I was responding to the press account I read in the morning newspapers.

I want to make the situation absolutely clear that I did not refer to the distinguished majority leader in my charges of partisanship or charges of playing with our American prisoners of war. I would not do so.

Mr. MANSFIELD. Mr. President, I express my thanks to the distinguished Senator from Tennessee for his most gracious remarks. I feel now that he had something else in mind at the time. It was an unfortunate coincidence that all of these remarks happen to come at the same time, and I think now the record will not be misinterpreted.

I thank the Senator.

WORLD WAR III

Mr. SCOTT. Mr. President, there is a good deal of rather irresponsible talk going around these days about the threat of world war III. A week or so ago a well-known commentator for the Columbia Broadcasting System's radio network made a gloomy prediction that world war III is standing in the wings waiting to move onto center stage in the Middle East. He somehow left the impression the United States was encouraging the new act.

Now my esteemed colleague the junior Senator from South Dakota (Mr. McGOVERN) comes to the fore with a prediction that the South Vietnamese attacks into Laos will bring on world war III. Again, the blame for this supposed grave and imminent danger is placed on the shoulders of the United States.

I cannot believe that the Senator from South Dakota really thinks we are in urgent danger of touching off world war III. It has become increasingly evident over the past 9 months that the efforts to wind down the war in Vietnam are succeeding and that in spite of small and occasional flareups, the danger of this limited war becoming a major conflagration are less now than they have been for a decade.

There are those outside the Senate who see some political advantage to be gained by this kind of gloom talk, raising a nonexistent threat of world war III and placing the supposed threat at the door of the White House. This effort to instill fear into the American people is a blatant effort to use war and the threat of war for partisan political advantage.

It is thus even more shocking to find this kind of partisan use of war and the supposed threat of bigger wars creeping into the Senate itself.

PAYMENTS TO CERTAIN EMPLOYEES OF SENATE COMMITTEES FROM THE CONTINGENT FUND OF THE SENATE

Mr. MANSFIELD. Mr. President, on behalf of the minority leader and myself, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 51

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay, from the contingent fund of the Senate, the compensation of employees of Senate committees which would have been payable on February 19 if Senate resolutions referred to and under consideration by the Committee on Rules and Administration had been agreed to by that date, such payments to be charged to the aforesaid resolutions, if and when agreed to by the Senate. If any such resolution fails to be agreed to, payments made to the employees under this resolution shall be charged to this resolution.

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

There being no objection, the resolution (S. Res. 51) was considered and agreed to.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE—CLOTURE MOTION

Mr. CHURCH. Mr. President, I send to the desk under the provision of paragraph 2 of rule XXII of the Standing Rules of the Senate a motion signed by myself and 22 other colleagues, a motion to bring to a close the debate on whether to proceed to consideration of Senate Resolution 9, and I ask that it be read.

The PRESIDENT pro tempore. Pursuant to the rule, the Chair directs the clerk to state the motion.

The assistant legislative clerk read the cloture motion, as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed to the consideration of the Resolution (S. Res. 9) amending Rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

FRANK CHURCH, ROBERT GRIFFIN, MIKE MANSFIELD, HUGH SCOTT, JAMES B. PEARSON, ADLAI STEVENSON, JOHN TUNNEY, WALTER F. MONDALE, JOSEPH M. MONTOYA, FRED HARRIS, GEORGE McGOVERN, THOMAS F. EAGLETON, LLOYD BENTSEN, RICHARD S. SCHWEIKER, CHARLES PERCY, ROBERT TAFT, CLAIBORNE PELL, MARLOW COOK, CLIFFORD P. CASE, JENNINGS RANDOLPH.

INATTENTION TO THE NEEDS OF THE PEOPLE OF IDAHO BY THE DEPARTMENT OF TRANSPORTATION

Mr. CHURCH. Mr. President, 19 days ago, I joined other members of the Idaho congressional delegation in protesting to the Secretary of Transportation the virtual isolation of the State of Idaho from the National Rail Passenger Network.

This is a matter of vital concern to thousands of my fellow Idahoans and I have anxiously awaited a reply from the Department of Transportation. To date, no reply has been received. I consider this delay unnecessary and unwarranted.

Today, I have sent a telegram to Secretary of Transportation John Volpe expressing my concern in this matter. I ask unanimous consent that the text of the letter sent by the Idaho congressional delegation to Secretary Volpe and the copy of my telegram to him appear at this point in the RECORD.

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

U.S. SENATE,
Washington, D.C., February 1, 1971.

HON. JOHN A. VOLPE,
Secretary, Department of Transportation, Washington, D.C.

DEAR SECRETARY VOLPE: Our understanding of the final report submitted to the Congress on the Basic National Rail Passenger System by the Department of Transportation is that no passenger service will be provided to our state of Idaho, either on a North-South or East-West basis.

Not only has the Department of Transportation refused to accept the recommendation of the Interstate Commerce Commission that trains 35 and 36 providing North-South service between Butte, Montana, and Salt Lake City be included in the system but, in addition, it appears that the Department has dropped from its final report the preliminary designation of a Chicago-Seattle route passing through the Southern portion of our state with possible stops at Pocatello and Boise. Our reading of this report indicates that the State of Idaho is left totally barren of any rail transportation facilities under the Department's plan.

This virtual isolation of our state under this final report we most vigorously protest. We fail to understand how an "Integrated National Rail Network" can be achieved by the blanket denial of such service to our state, and its major population centers.

Frankly, we are shocked not only at this action, but also by the arbitrary manner in which it was accomplished. At the time of the submission of the preliminary report, a distinct impression was made that this was the minimal basis of essential passenger service. Now, only eight weeks later, it has been determined that the possible Pocatello-Boise stops are no longer essential. We do not think it improper to insist that an adequate explanation be made as to why the Pocatello-Boise stops have now been deemed dispensable. And, further, why the subject was ignored in the final report, which spoke only of "additions" to the preliminary routes.

Your early attention to this oversight would be greatly appreciated.

Sincerely,

LEN B. JORDON,
FRANK CHURCH,
JAMES McCLURE,
ORVAL HANSEN.

U.S. SENATE,
February 18, 1971.

JOHN A. VOLPE,
Secretary of Transportation, Department of Transportation, Washington, D.C.:

On February 1, 1971, I, along with other members of the Idaho Congressional Delegation, requested from you, in writing, your

reasons for the isolation of the State of Idaho from the National Rail Passenger System. It is now the 19th of February and I have received no reply from you or your Department to that letter.

This is a matter vitally affecting thousands of Idahoans who have a direct interest in the actions of your Department and this administration in eliminating greatly needed rail passenger service in our State. This delay in failing to respond to our concern is not acceptable.

I respectfully request an immediate answer to our request.

FRANK CHURCH,
U.S. Senate.

THE PRESIDENTIAL CANDIDATES

Mr. CHURCH. Mr. President, between January 25 and January 30 there appeared in the Washington Evening Star a series of six articles on the leading Democratic contenders for the 1972 Presidential nomination.

Written by Star writers Paul Hope and James Doyle, the articles present an excellent series of profiles on several of our colleagues in the Senate.

Mr. President, I commend this series to my colleagues, and ask unanimous consent that these articles appear at this point in the CONGRESSIONAL RECORD.

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

McGOVERN STARTS DOWN A LONG ROAD

(By Paul Hope)

"I recognize," said Sen. George S. McGovern, "that I don't have flash, status or favored position that might be desirable."

But the 48-year-old South Dakota liberal does lay claim to a large amount of tenacity, truthfulness and conviction and to being out front on the issues.

He expects to parlay that, hard work for the next year and a half, plus a bit of good luck, into the 1972 Democratic presidential nomination.

McGovern is the first man since Andrew Jackson 145 years ago to announce his candidacy so early.

He said he became the first out of the starting gate because he had to get in early to build a political base for the preferential primaries that begin next winter in the snows of New Hampshire.

Between now and then, he and the small staff working out of an old house a block from his Senate office have a mountain of work to do.

There is money to be raised—lots of it. There are thousands of contacts to be made with people who count in politics across the nation. There are speeches to be given, primary laws to be studied and issues to be researched.

Overlaying it all is the need for McGovern to cut into the formidable strength of Sen. Edmund S. Muskie, the front-runner from Maine.

McGovern recognizes that he is starting from a position pretty far back and that the woods may be full of hunters looking for the same prize.

One of the reasons for his early announcement obviously is to discourage some of the other candidates who would be competing for the same money and potential supporters. For instance, Sen. Harold Hughes of Iowa, who is testing the waters, would cut into McGovern's base.

On the other hand, McGovern probably would be quite happy to see someone like Sen. Harry M. Jackson of Washington get in because that could be very damaging to Muskie.

Regardless of who or how many decide to take the plunge, McGovern says he's in for the duration. The only thing that could make him back away from that pledge he has made to himself and his followers would be a series of devastating defeats in early primaries—a situation he does not anticipate.

McGovern has really been in the race ever since the 1968 convention where he was the leader of the disorganized followers of Robert F. Kennedy. After Kennedy was assassinated the night of the June California primary, McGovern waited a long time before trying to pull the remnants of the Kennedy organization together, and he wound up third in the convention balloting behind nominee Hubert H. Humphrey and Sen. Eugene J. McCarthy.

After Humphrey was defeated by President Nixon, McGovern made no secret of the fact he was interested in 1972. He is restive in the Senate, as Eugene McCarthy was, because he feels a senator can have only a limited impact on the course the nation will follow.

The presidency is where the action is and that's where McGovern wants to be.

OPENED OFFICE IN JULY

McGovern began his quest in earnest last July when he opened a political headquarters separate from his Senate office.

His political operation at 201 Maryland Ave. NE is being run by Gary Hart, a 32-year-old Denver lawyer who worked at the Justice Department under Robert F. Kennedy and was a Western regional coordinator for the 1968 Kennedy campaign.

Political research is being handled by Rick Stearns, 26-year-old Rhodes scholar who was a Midwest coordinator in the 1968 McCarthy campaign.

The paid staff numbers fewer than a half-dozen but it will be enlarged considerably now that McGovern's candidacy has been announced. In addition to the paid help, volunteers have been in plentiful supply and the quarters are cramped.

Already the staff has compiled a quarter-million names for a computer mailing announcing his candidacy.

Unlike Muskie, McGovern hasn't acquired a coterie of top-level advisers. For many months Muskie has been drawing on advice from a brain trust made up in large part of men who occupied high posts in past administrations. But so far McGovern has been relying pretty much on his own ingenuity and his own firm convictions in plotting his course on the issues.

He has just begun to organize a "citizens" committee and expects that before long there will be a lot of prominent names on it.

The citizens committee is being put together by John W. Douglas, son of former Illinois Sen. Paul Douglas; Jean Westwood, Democratic national committeewoman from Utah, and Blair Clark, 1968 campaign manager for McCarthy.

Fund raising is under the direction of Henry Kimelman, a Virgin Islands businessman, who has the title of financial chairman. Under him are two principal fund raisers for the Eastern and Western parts of the country.

Handling the West is Max Palevsky, chairman of the executive committee of Xerox Inc. For the East is James Kerr, president of AVCO, an aviation oriented conglomerate.

McGovern wants to raise $1 million in 1971. He expects to spend half of that this year and have the other half ready to begin the primaries in 1972. Assuming that he makes a substantial showing in the early primaries, he expects money will begin coming in greater abundance.

That list of a quarter of a million names is an important element in the fund-raising effort and many of the names got there because McGovern was looking ahead months ago when he was engaged in other successful money-raising ventures.

McGovern, along with Republican Sen. Mark O. Hatfield of Oregon, raised more than a half-million dollars to finance a publicity campaign for the McGovern-Hatfield bill last year which would have placed a time limit on withdrawing American troops from Vietnam. McGovern also led a drive that raised $1.2 million for liberal Democratic senators in last fall's elections.

KEPT NAME LISTS

McGovern got to keep the names on the lists from which this money was raised.

The McGovern forces also expect to get a good deal of seed money from some of the wealthy Democrats who have helped bankroll the peace movement for several years.

McGovern dislikes political labels but he acknowledges that many look upon Muskie as a centrist candidate and himself as more to the left.

"You can't any longer define center, left and right. What is important is how soon you come to grips with a problem," he said.

If a liberal is one who simply wants to spend more and more money then he would like to pass up being labeled a liberal, he said. "I'm skeptical of just shoveling out money for new programs."

But he said that being in the center "sometimes simply means you're sluggish."

McGovern scarcely disguises his criticism of Muskie's cautious approach. As the campaign progresses, this criticism no doubt will get more open and sharper.

"Muskie is less inclined to advocate new and far-reaching solutions. He is more inclined to move on a cautious basis," he said during an interview.

"To just be competing with Ed for the center of the road doesn't make sense. To win, I've got to do a better job of defining the problems and offering solutions. To some my solutions may seem rather radical."

One of McGovern's problems, according to many who are skeptical of his chances, is that he comes across more like a nice Sunday school teacher than a forceful politician. McGovern thinks he can change that image.

SEEKS COMMUNICATION

"I'm going to demonstrate that I do communicate effectively. I do come across with people in an auditorium. I recognize I don't have flash . . . and one reason for announcing early and getting in the primaries is to demonstrate that tenacity, truthfulness and conviction are more important than charisma.

"I think the country is a little tired of hard-sell image-making."

Discussing Muskie's image of coolness and calmness, McGovern said: "I can demonstrate those, plus I can show I have faced hard issues directly. I think a candidate has to be able to demonstrate that he stood on the issues."

McGovern's most prominent out-front stance has been on Vietnam. He was an early and consistent critic of policies of both the Johnson and Nixon administrations.

As chairman of the Senate's Select Committee on Nutrition and Human Needs, he has been in the forefront of the fight against hunger.

And he has been the most prominent leader since the 1968 convention of efforts to reform Democratic party procedures for selecting convention delegates. He resigned only a few weeks ago from the chairmanship of the Commission on Party Structure and Delegate Selection, popularly known as the McGovern Commission.

EMPHASIS ON PRIMARIES

McGovern said the new guidelines his commission has outlined for broader participation by Democratic voters in the nominating process will place a new emphasis on the presidential primaries.

But he thinks anyone who is interested in

the nomination can't just sit back and wait for the primaries.

"Anyone who does that is not going to be in it. Things are moving too fast," he said.

That's why he announced so early and intends to concentrate the next 12 months on building a political base for the primary fights.

He hasn't decided yet exactly what primaries to go into, but he says it will be a "sizable number."

His inclination now is to go into the first one in New Hampshire, although he thinks that is Muskie territory.

"If I can get even 15 to 20 percent there, it will do two things: It will demonstrate that I have a hard core of followers and it will keep me in the national limelight."

He said he would expect to "do well" in such states as Wisconsin, Nebraska, Oregon and California.

McGovern expects to be active in the Senate, too. He plans to reintroduce the McGovern-Hatfield bill to end U.S. participation in the Vietnam war by the end of 1971.

ECONOMIC CONVERSION

He intends to push for "economic conversion" legislation which would require defense and space industries to set aside a percentage of income for conversion to peacetime production.

He will press for improvements in the food stamp program, which he considers the most effective method of combatting hunger. "I want to be able to say by the end of 1971 we have put an end to hunger in this country," he said.

He expects to play an active role in promoting legislation for national health insurance and for improving health facilities.

He said he will give strong support to President Nixon's welfare reform program and his legislation to share federal revenues with the states.

If the nationwide polls are any indication, McGovern has a long way to go. He has been drawing only 2 to 3 percent in those periodic popularity contests.

But he is inclined to discount the polls at this point. "All they do is give an indication of what your recognition factor is," he said.

He thinks support will begin firming up now that he has announced his candidacy. "What I'm told," he said, "is that if I'm serious about running, they'll be serious about supporting me.'

The soft-spoken son of a minister, a former teacher, and World War II bomber pilot, has never been more serious.

CLEARLY AND UNCOMFORTABLY AHEAD

(By Paul Hope)

One of Sen. Edmund S. Muskie's favorite expressions goes like this: "I'm not going to twist myself out of joint for anyone."

But that doesn't mean that he won't do a powerful lot of stretching—on his own and under pressure—between now and Democratic convention eve 1972.

"Steady Ed" Muskie is the frontrunner for the presidential nomination by almost everyone's definition.

But there is an element that may be significant running through the comment about Muskie: Almost no one is willing to say with finality that he will be the nominee.

One of the "darkhorse" candidates, of which there are many, was talking the other day about Muskie's problems.

"Two things," he said. "First, Ed is not as clear cut, as though as he might be on the issues. The other is more tactical; he seems to be too much tied to the (Lyndon) Johnson people."

And on the other side of town, a Republican party official, perhaps with a strong element of wishful thinking, predicted that Muskie will not be the nominee.

The thinking now among Republican strategists seems to be that the 56-year-old Muskie would be the hardest for President Nixon to beat. They see him as the Democrat most attuned to the center—the place that Nixon tries to occupy—and they see him as the one who might bring the unity to the Democratic party that was lacking in 1968.

A survey by pollster Louis Harris in late November showed Muskie running ahead of Nixon 46 percent to 40.

But the cautious Maine senator is skeptical.

"It doesn't mean a thing," he says. "There are going to be ups and downs. I've been lucky. It hasn't been the result of deliberate planning."

But one thing he does know is that while it's nice to be out front, it's not necessarily comfortable.

As the front runner, he's going to be shot at from a lot of directions. But he can't afford to stay hunkered down from now until next year to escape the fire.

One of the things that Muskie people believe he has to avoid is getting pressured to move too far out on the left flank. That's where most of the flak is coming from now.

David Mixner, a young leader of the peace movement and a member of the Democratic party reform commission, expresses the opinion heard from many of the leftist, anti-war element. Says Mixner:

"I don't have hostility toward Muskie. But I have grave doubts.

"His position on the war has bothered me. He hasn't taken a major role on the issues. He just hasn't been out front. He's going to have to show a lot more before I would support him."

In the December issue of "the New Democrat," a new publication edited by a liberal group, an article by one of its Washington correspondents said that despite Muskie's front running position he "has hardly consolidated his position in the party."

"He had the good fortune of being compared to Humphrey, Nixon, Agnew, Wallace and LeMay in 1968," the article said. "Then there was Chappaquiddick . . . The final big boost . . . came (last) election eve when he was designated to speak for the Democrats (and) once again looked good in comparison to someone terrible."

ACKNOWLEDGES THE BREAKS

Muskie is among the first to admit that a lot of breaks have helped put him where he is.

"As I think back to the Ed Muskie of July 1968, would I have regarded him as a likely candidate for the presidency in 1972? Some lucky breaks . . . You look back upon it and you wonder, 'What does a man's reason and planning have to do with it?'"

Hubert Humphrey selected him for his vice presidential running mate and thereby provided the forum that brought Muskie to national prominence. In an election campaign that could hardly be considered the ultimate in shedding light and reasonableness, Muskie did, indeed, show up well by comparison.

FAVORED BY COMMITTEE

There is a strong feeling in the camp of Sen. George S. McGovern, the only announced candidate, that the Democratic National Committee is playing favorites with Muskie.

McGovern himself says that National Chairman Lawrence F. O'Brien has assured him he intends to maintain absolute neutrality and McGovern says he has seen no evidence to indicate otherwise.

But others in the McGovern entourage suspect there was collusion between the committee and some of the group that financed the election eve telecast to use it to promote Muskie. They also claim Muskie received favored treatment in a closed circuit telecast arranged by party officials earlier in the campaign and seen in several cities across the country.

PRIMARIES ARE THE TEST

The primaries will be Muskie's big test. One potential candidate observed that Muskie has never run in a primary.

McGovern thinks that much of Muskie's present support is soft. "I'm not sure all the people who appear to be committed now to Ed are committed for a year and a half," he said.

McGovern expects to cut Muskie down in the primaries. There are supporters of others who may not become active candidates working behind the scenes toward the same goal.

One anti-Muskie activist who said he is in frequent contact with the Kennedy camp said Kennedy's "people" have been making contacts. He did not know whether this was with Kennedys consent or even with his knowledge.

But he said the gist of the conversations has been to suggest that Kennedy might emerge as a candidate at the convention if the primaries produce a stalemate.

A stalemate is something that Muskie can hardly afford. To be beaten or even closely challenged might erode his support seriously and send the political pros in search of someone else.

RUNNING HARD

That's why Muskie is running so hard now and has been for some time, even though he is not expected to announce his candidacy for several months.

Muskie told an interviewer recently that so many people are anxious to get to work that "we risk alienating them if we tell them to sit tight."

Muskie himself hasn't been sitting tight by any means. The 1968 returns were hardly in before he was off on a formidable schedule of speeches to keep himself in the public eye.

He was the first to open a political headquarters separate from his Senate office. It started out last spring as a five-room suite in a downtown Washington office building at 1660 L St. N.W., but now occupies 10 rooms on two floors and is expected to be enlarged considerably in the coming weeks.

PAID VOLUNTEER STAFF

It has a staff of about 30 full-time professional and clerical workers and several paid part-time employes, plus volunteers.

Under the direction of Muskie's longtime administrative assistant, Don Nicoll, they are doing research on issues and state election laws, writing speeches, compiling lists of names for fund-raising purposes and political chores, and keeping in touch with politically influential people across the country.

Muskie has been advised by some supporters to hire a cadre of top-level people familiar with the intricate and sophisticated job of president making. Muskie is now seeking them out.

There has been some talk that Muskie is trying to sign on Bill Moyers, former White House press secretary and former publisher of Newsday on Long Island, as top political operative. But both sides have denied it.

"EDUCATION OF MUSKIE"

In addition to staff building, Muskie has gathered a rather large group of prominent men to serve in what is referred to at the political headquarters as "the education of Ed Muskie."

Many of them served in top jobs under President Johnson and this has led to criticism that he is surrounding himself with "Johnson people."

One of them is W. Averell Harriman, former ambassador to the Paris peace talks. Harriman, a central figure in raising the money to pay for Muskie's election eve telecast last November, joined Muskie in Moscow recently for his talks with Kremlin leaders.

Among others are former Defense Depart-

ment officials Clark Clifford, Cyrus Vance and Paul Warnke, former White House economic advisers Walter Heller and Arthur Okun, former Johnson speechwriter Harry McPherson, former White House aide Jack Valenti, and former Civil Rights Commission director Berl Bernhard.

Muskie is boning up on everything from race relations to foreign policy. And while he may not twist himself out of joint, he certainly will be plowing new ground.

MORE FORCEFUL ON WAR

Partly because of "education" and probably partly because of pressure to get out front on the issues, Muskie has in the past several months spoken out much more forcefully against the war in Vietnam.

Criticism that he has not been identified closely enough with the fight for civil rights undoubtedly played a part in his rather dramatic flight to Mississippi last year to meet with members of the black community after two Negroes were slain at Jackson State College during a confrontation with police.

To improve his credentials on foreign affairs Muskie sought and won a seat on the Foreign Relations Committee. He has just returned from a quick trip to Europe, the Middle East and the Soviet Union.

During the next year, he is considering trips to Africa, South America and Southeast Asia.

He expects to be busy on the legislative front, too, particularly in his speciality—the environment. He plans to play a major role in developing legislation to expand and improve health care for all Americans.

FUND-RAISING

Meanwhile, the quest for money is proceeding apace. While budget figures haven't been released, there is talk of spending $1.5 million even before the primaries begin next year, a figure that is three times as much as the amount McGovern has said he expects to spend during the same period.

Muskie's chief fund-raiser is Arnold Picker, chairman of the executive committee of United Artists Corp. in New York City. He is associate of Arthur Krim who was Johnson's top money collector.

So far, Picker's operation is reported to have raised about $300,000 most of which was spent in 1970 on Muskie's Maine reelection campaign and his operations on the presidential front.

Muskie is well aware of the dangers of being the front runner and hopes to avoid the shoot-from-the-hip reactions that scuttled George Romney early in the race for the 1968 Republican nomination.

He got a taste in the Middle East of the kind of trouble a candidate can get into with an off-hand comment.

While visiting the Golan Heights area taken from Syria in the Six Day War of 1967, an Israeli asked Muskie what he could do about holding the heights if he were they. "If I were in your shoes I'd hold onto them," Muskie replied.

The comment was front page news the next day in newspapers in Egypt, which is demanding that Israel return all the land it occupied. News dispatches said Muskie's comment created a mild stir when he arrived in Cairo shortly thereafter for talks with Egyptian leaders.

Muskie would prefer a slower campaign pace but he recognizes that a front runner cannot let up when others are on his heels.

"If the result is to get you running faster than you want to be running, that's the price you have to pay," he says.

HUMPHREY PLAYS THE WAITING GAME

(By Paul Hope)

Hubert H. Humphrey figures that waiting is a game anyone can play and that for him it may be the best game in town.

While candidates and dark horses already are crowding the Democratic presidential track, Humphrey is sitting back in Gene McCarthy's old Senate office waiting to see how many are still around in the stretch.

Humphrey, now the junior senator from Minnesota, told a newsman in October that he had a lot of dreams left to fulfill, but realized he would never get a chance to fulfill them from the White House. Today he's having second thoughts.

His statements lately indicate a strong desire for another chance at the presidency. He says there's nothing like a few days in Washington to sharpen one's political appetite.

"When one gets back to Washington, he gets more sensitive to political developments. Politics here is in living color," he told an interviewer the other day.

He has no plans for now to actively seek the nomination; he doesn't have a political war chest; his staff is oriented toward Senate duties.

But listen to this: "I do not write myself off. I have a national following, a substantial one. I am not worn out, I'm not tired. I'm not an elder statesman. I'm not projecting myself into the presidential nomination race, but I'm not setting aside the possibility of some reassessment at a later date."

Bill Connell, a top political operative for Humphrey for many years, who now is in private business, does not discount the possibility that Humphrey could become an active candidate before the 1972 convention.

"A lot of people want him to do something. He has a strong cadre of people around the country. I expect many of them will wait and see what he does," he said.

"Events will determine it. Politics is 90 percent unpredictable," he added.

While Humphrey has no political staff, he acknowledges that many people associated with him in the past keep watch on things around the country and stay in touch. Humphrey supporters claim he could put together a strong organization in a short time if he decided to move.

Humphrey has several handicaps: He will be 61 by the time of the 1972 convention. He has lost once. He is not acceptable to many on the Democratic left because of his past association with former President Johnson's Vietnam war policies.

But he has some things going for him, too: He almost defeated Richard Nixon after his chances had been pretty well written off. He is liked personally by most Democrats. He has plenty of experience at political infighting.

He has been in the forefront of Democratic politics for more than 20 years. His reelection to the Senate has given him another national political forum.

Many Democratic leaders think that two developments would give Humphrey a chance at the presidential nomination again: A stalemate in the primaries among the several candidates expected to enter, and an upturn in President Nixon's fortunes that would make the Republican appear well nigh unbeatable in 1972.

M'GOVERN COMMENT

The feeling seems to be that the worse Nixon looks, the more likely the Democrats will want a fresh face to put up against him.

Sen. George S. McGovern of South Dakota, the first to announce his candidacy, said last week that a candidate will have to offer himself in the primaries if he expects to be nominated.

Another potential candidate said he doesn't buy the idea that either Humphrey or Sen. Edward M. Kennedy of Massachusetts "will be able to sit around at the convention and pick up the pieces."

Humphrey does not completely disagree with that, but he does say that primaries "are inaccurate tests of public opinion or of the political process."

BYPASS SUGGESTED

A couple of months ago, Humphrey made the suggestion that the Democrats consider bypassing the primaries because they are divisive and burn up tremendous amounts of money, energy and talent that might better be used to fight the Republicans.

His thought was that if there seemed to be a clear frontrunner a year from now, party leaders should get behind him.

Many party leaders, especially those who are leading the effort to broaden participation in the nominating process, jumped on Humphrey. Some suggested that Humphrey's idea was a move toward his 1968 running mate, Sen. Edmund S. Muskie of Maine.

Humphrey said during an interview that what he meant to suggest was the primaries should be put in their "proper perspective." He said there is no way to stop them but he hopes that the candidates won't spend millions upon millions of dollars in them.

Denying that his suggestion was intended to help Muskie, Humphrey said:

"I have a strict neutrality. I must preserve that."

Humphrey plans to focus his attention on the Senate rather than presidential maneuvering.

"I happen to think that is the best politics," he said. "People watch the Senate and what goes on here and who the participants are."

But he also plans to take an active role in party affairs. And he expects to do considerable speaking around the country trying to draw the issues for the party as a whole.

"I believe one of the weaknesses of the Democrats thus far is that we haven't carefully and meticulously drawn the difference between the Nixon administration's rhetoric and its performance," he said.

"PUBLIC FED UP"

"I do not mean to say that I think the Democrats will occupy the White House in 1972 simply by criticism. The public is really fed up with critics and bellyachers. We have to project alternatives. The people, particularly the new young voters, want to know what we have in mind."

One way Humphrey plans to push this is through the Democratic Policy Council that he heads. The council, appointed by former national Democratic chairman Fred R. Harris, operates something like the now-defunct Republican Coordinating Committee set up by the GOP after its defeat in 1964.

Humphrey expects to call a meeting of the council in early March. He said it will set a group of task forces to work on the issues, draft a series of programs to meet national problems and begin drafting proposals for the 1972 party platform.

In the Senate, he expects to concentrate on urban problems.

"The main concern in the country during the next couple of years is not going to be on foreign affairs but domestic problems," he said.

"The politics of 1972 will be overwhelmingly domestic. In 1968, the Democratic ticket suffered because of Vietnam. In 1970, the Republicans suffered from the economy. In 1972, the big issue is going to be improving the quality of life—the economy, the environment, health, the cities."

Humphrey said he expects to be very active in the area of health. He plans to joint with Sen. Kennedy and others to sponsor a national health insurance program, and he expects to push other legislation in this field.

FAVORS REVENUE SHARING

He said he is strongly in favor of the idea behind President Nixon's plan to share federal revenues with the states and cities, but that there "must not be any cutback in existing aid programs to do it."

He said any reshuffling of funds without adding any new money would be a "deception

and a fraud" and would not help the hard-up states and localities. He and Rep. Henry S. Reuss, D-Wis., are drafting a bill that would provide $3 billion for revenue sharing the first year and rise to $10 billion in four year. He said all of this would be in addition to present aid programs.

Humphrey also supports the "general thrust" of Nixon's welfare reform proposal, but he thinks it has "some weak points." He thinks there may be some merit to suggestions to give it a trial run by establishing pilot projects in several areas for a year.

"TRIMMED MY OFFICE"

"I've trimmed my office to become involved in urban affairs," he said.

His new administrative assistant is Ken Gray, who has had considerable experience in urban problems and worked for former Sen. Joseph D. Tydings of Maryland. He is hiring an urban specialist from John Gardner's Common Cause, and his two legislative assistants are well versed in urban problems.

Humphrey said he does not intend to forget foreign affairs, though.

He is troubled by recent military activities in Cambodia and believes that Nixon may be listening too much to advice from the military.

"TRIED TO BE HELPFUL"

"I've tried to be helpful to the President on Vietnam and I've been criticized in my own party for it. I told him in October 1969 that a decision to get out had to be made. I told him that some advisers would always find reasons for saying we have to stay there.

"We have to have in mind a date, a timetable for withdrawal. We shouldn't let the government of South Vietnam or sporadic actions of the North determine the timetable Nixon started well, I thought, but he seems to be getting into trouble again."

He picked up a clipping that quoted former Ambassador W. Averell Harriman as saying that if Humphrey had been elected president, the U.S. would have been well on the way out now. "We would have, too," Humphrey said.

HOPE LINGERS

Although it may be a long shot, Humphrey obviously hasn't put aside the thought that he could still get a chance to do something about it from the vantage of the White House.

But he said all the presidential talk and maneuvering is really pretty early.

"The people right now are much more concerned about jobs than who is going to be the nominee. Things are moving maybe a little faster than they should.

"I think we ought to wait and see what happens, see how people perform. There will be a lot of tests—in the Senate and elsewhere. At the end of the year I'll take a look at the situation."

HAROLD HUGHES: HE COMES ACROSS SINCERE

(By James Doyle)

Down a side street near the Capitol, there's a gray townhouse that always seems to be filled with bell-bottomed young ladies and hirsute lads, rushing from room to room and playing presidential politics.

There's a little too much atmosphere of the cornfields for it to be a group of left-over kids from the McCarthy campaign. It isn't sleek enough to belong to Teddy Kennedy. It seems to be a mixture.

It belongs to Harold Hughes.

Harold Hughes? He is the junior senator from Iowa, a state with eight electoral votes. He has been in the Senate two years. Some of his friends, he admits, still don't get the name right. They call him "Howard Hughes."

So what is he doing running for president? Well, say his admirers, Harold Hughes is larger than life. He gives off vibrations of strength and wisdom, most of all, sincerity.

He is cool on the tube and warm in person. Men want to shake his hand and nod in appreciation of the speech he just gave. Women want to touch his arm, smile at him, have him speak to them.

A reformed drinker who works with him in Alcoholics Anonymous says of Harold Hughes, "He comes across with all the masculinity and all the sincerity in the world. He hits an audience like a fundamentalist preacher. Elmer Gantry comes to mind. Except Harold Hughes is sincere.

A young Washington lawyer who is working to make Hughes a candidate says of him, 'He's the liberals' Billy Graham."

Hughes is not a candidate for president, although he is running hard and full time.

He is traveling across the country speaking to ladies' teas and hardhat conventions, college seminars and veterans' conditions.

During the last congressional race, he campaigned with Democratic candidates in 30 states, getting his picture in the local papers and being interviewed on television.

He also managed to collect the names of local politicians and potential convention delegates for the "Hughes committee" card file.

Hughes is one of a half dozen liberal Democratic senators who will spend most of 1971 preparing for the primary campaign of 1972.

The committee operates out of that townhouse at 41 Ivy St. SE and consists of a half dozen young men and women who are semi-attached to Hughes' Senate office, and a larger group of part-time volunteers. These workers spend a day or more each week helping with the correspondence, publicity efforts and the collection of information on state primary laws and delegate selection procedures in the nonprimary states.

EYE ON M'GOVERN

At some point, Harold Hughes must decide whether to seek the nomination. According to one Hughes man, that time will come after he sees how well Sen. George McGovern of South Dakota, who announced his candidacy Jan. 18, is doing in the polls.

Hughes and McGovern share the same views: The need to quickly end the U.S. involvement in Vietnam; a passionate commitment to expanding racial and social equality to all Americans; the need to reorder the priorities of the government and society from preparing and fighting wars to living in peace.

If McGovern catches on, Hughes' candidacy would seem futile. But some Hughes supporters are quick to say that, while they love George McGovern and would be happy to vote for him, he continually hovers in the one digit percentages in the popularity polls.

CHARISMATIC QUALITIES

Should McGovern fare poorly in the early 1972 Democratic primaries, Hughes will be ready to go. And, say his many ardent fans, it is at that point that the electricity of personal politics might take over.

For in the parlance of the image makers, Harold Hughes has many of the charismatic qualities that the other possible candidates are supposed to lack.

Charisma has been a political cliche since the campaigns of John F. Kennedy. It has become a catch word to explain how a candidate can be attractive to both American Legionnaires and Americans for Democratic Action.

A suburban Washington housewife, seeing Hughes on television for the first time, stated it in more understandable terms.

"My, he's a handsome hunk of manhood," she said. "That deep voice and the sexy sideburns and all that strength that oozes out of him, the reformed alcoholic and all of that . . ."

That indeed has been the key to Harold Hughes' success in politics. He was brought up a strict Methodist in the hill country of Eastern Kentucky and the farmlands of Ida Grove, Iowa.

In college he discovered the uses of liquor and, he says quickly became an alcoholic. It was many years before he realized that, and he was 32 before he conquered it. But from the beginning, he says, he was a bona fide alcoholic.

He quit college and slogged through the worst part of World War II as a front line infantryman in Italy, returning home to jobs as truck driver and steamfitter. For seven years he took his drinking very seriously, never quite failing to support his family and never quite disintegrating. But his life was a ruin before he stopped in 1953. He hasn't had a drink since.

He changed his voter registration from Republican to Democrat, and was elected governor three times in a largely Republican state. Then he came to the Senate.

Harold Hughes resembles actor Robert Preston, who played the part of Professor Harold Hill in "The Music Man." And his salesmanship, at a political convention or an Alcoholics Anonymous meeting, might convince you to buy 76 trombones from the man, if that's what he was selling.

Says an AA associate, "He's anybody's vision of a Methodist. To me, an Irishman, drinking was a silly spree that got the best of me and now I've gotten the best of it. But to him, it was a violation of his whole moral code; it was an assault on his vision of morality.

"As a reformed drunk he's a true believer. He'd go miles out of his way to rescue a boozer who asked for help. He's got a few of us in his office up there.

"I think of him as a throwback to a simpler day. He's Oliver Cromwell. He will smite his enemies hip and thigh. If he were president, he would pay more attention to the Bible than anyone we've had recently.

"He's a frontier man who had a wild youth and then go religion."

Not everyone who has worked with Harold Hughes is as admiring. Some of his colleagues in the Senate look upon him with some distaste and much distruct. "He's a fanatic," says one brutally. "He can scheme and dissemble, and convince himself it's a good thing for whatever might be his purpose."

But that is a minority view. The common statement is that Harold Hughes is a cornfield Bobby Kennedy who can unite the hardhats and convince the kids; a giant figure who could pull together the disparate forces of the Democratic party and go on to bring together all the voters who didn't vote for Richard Nixon last time, all 57 percent of them, and some who did.

His organization is fledgling. According to Eli Segal, a 28-year-old lawyer who joined the Hughes committee after working with the senator on reforming the process for selecting Democratic convention delegates, there are fewer Hughes operatives across the United States than there are for half a dozen other potential candidates.

There is also a lack of funds. "At this stage two kinds of money are available, smart money and earnest money," Segal says. "We aren't getting the smart money.

"But Harold Hughes hasn't told anybody whether he's running. I don't believe he knows himself. If he gets into it, the money will come."

His chief fund raiser is Robert Pirie, a Boston lawyer who is heir to a Chicago department store fortune (Carson, Pirie and Scott). He has said that the money coming in will be sufficient for the current small scale operation.

Harold Hughes remains a dark, dark horse in the presidential sweepstakes, waiting to see of Edmund Muskie and George McGovern falter; if Teddy Kennedy is really out of it, and what moves are made by the Hubert Humphreys and the Birch Bayhs.

He has no big names on his team and no big money to fund it. But it is amazing that he is mentioned at all. The fact that he is keeps all sides from discounting him.

And should he become no more than what he is at present, a vice presidential nomination is entirely possible, especially if Muskie is the candidate.

Harold Hughes has never said he would turn it down.

KENNEDY: WILL THE PARTY COME TO HIM?

(By James Doyle)

When Edward M. Kennedy was rejected as majority whip by his Democratic colleagues in the Senate, there was the immediate reaction that this might indeed be the end of his potential as a national political figure.

It was another Chappaquiddick, said one writer. The derailment of the Camelot Express, said another.

That was last week, but the refrain was reminiscent of earlier days.

In 1962, Kennedy admitted cheating on a college Spanish exam, and that was deemed a blow to his chances of being elected to the Senate.

In 1964, he almost died in a plane crash and there were those who said he never would return to the Senate.

In 1965, he lost a battle to make family friend Francis X. Morrissey a federal judge and supposedly wrecked his climb toward Senate leadership.

By 1969, he was No. 2 in the Senate Democratic leadership and a leading candidate for the Democratic presidential nomination for 1972. The death of Mary Jo Kopechne on Chappaquiddick then was said to have ended his chances.

But a year later, he again was high in the public opinion polls and his protestations that he would not seek the presidential nomination in 1972 were ignored.

Last week's defeat was at heart an intramural Senate squabble. It took on greater importance because the man defeated was Ted Kennedy. But there seemed litle justification to conclude that his situation was much different than it already had been as a result of Chappaquiddick and his own insistence that he was not a candidate for the Democratic presidential nomination.

On the night before his colleagues ousted him, Kennedy talked at length about Democratic presidential politics.

He anaylzed the candidates, their strengths and weaknesses, their sources of money and their problems. He has some very definite ideas about how things are going for each of them—Muskie, McGovern, Hughes, Jackson and all the others.

And he seemed, sincerely, not to be including himself in the contest, although he is part of the equation. He has said many times that he expects to play a role in shaping the issues in the Senate and in his party.

He will not sit by and do nothing if a Democrat not to his liking seems to be emerging as the candidate.

He sees the ambiguity in his position.

He is not preparing a candidacy and has no operations under way in either the primary or the non-primary states. This can be taken as a sign that he truly is not a potential candidate for the nomination in 1972.

PAINSTAKING IN PAST

The history of Kennedy politics has been to carefully prepare the field of battle, to spend and do what is necessary, to be ready for the day of contest.

If Edward Kennedy is to be considered this time, it cannot be as an active candidate. He must let Edmund Muskie have his run at it. And as long as Muskie remains the clear front-runner, Kennedy must remove his own name from any primary ballot.

The alternative is a party bloodletting that would revive the spectre of 1968, and almost certainly Edward Kennedy would be the loser, even if he won his party's nomination.

He can become a candidate in 1972 only if the party clearly comes to him because its other possible candidates have exhausted themselves or events have somehow eliminated them.

That is not very likely. Edward Kennedy says he does not expect it, that he foresees no circumstances in which he would be a candidate.

WILL KEEP HAND IN

But he will keep his hand in. He will be ready to shape policies or events, to do whatever he can and whatever is necessary when the times comes.

So the question remains, Is Ted Kennedy a candidate?

"I have heard him make irrevocable statements on many occasions that he is not," says Kennedy's closest aide, David Burke. "The presidency results out of work, not out of confusion. Either you campaign actively in the primaries or you work overtly in the non-primary states, or both.

"A person doesn't run for the presidency through this passive process of waiting for the pieces to fall together. It just doesn't happen that way."

That is the voice of hard political realities. The Kennedy men believe, along with almost everybody else in the party, that if Muskie wins the primaries, he will be the Democratic presidential nominee.

HE WAS BRED TO RUN

Says a perceptive Kennedy-watcher who served John and Robert: "Teddy is running in the sense that he is a Kennedy. He was bred to run and inside he has to be running. But that doesn't mean anything. He can't bring himself to go after it now, and I doubt very much that he will."

Richard Goodwin, the man who has written speeches for candidates from John Kennedy to Lyndon Johnson, Eugene McCarthy, Robert Kennedy and Edmund Muskie, says of Edward Kennedy:

"Charles de Gaulle is supposed to have told Bobby once, 'Don't get involved in Vietnam. When your country is ready, it will call you.' That was right for De Gaulle and exactly wrong for Bobby because of who he was and the circumstances of his public life. But I'm not sure that something like that advice isn't right for Teddy."

There were many signs that Edward Kennedy was not a candidate long before last week's defeat. One of his closest aides in Washington, former Illinois Sen. Paul H. Douglas' son John, is a leading member of the McGovern campaign.

"He very carefully and deliberately did not ask me what he should do, he told me what he was going to do," Kennedy says.

Perhaps the best signal is that David Burke, a 34-year-old economist who has been Kennedy's alter ego for five years, is leaving him for private industry.

Burke is not the normal version of a top political aide. His work for Kennedy has turned to the deepest of friendships. Last year, though, he decided he had to leave soon after Congress adjourned to make some money.

But will Burke be active at the 1972 convention, or available to work in primaries?

"I'm committed to Edward Kennedy. I'm not committed to any other man. In 1972, I will be nothing, not a convention delegate, not a speech writer, not an advance man."

But Burke will be at the other end of a phone line. Should the call come, he will return.

HYMAN WITH MUSKIE

Another person whose first loyalty has been to Edward Kennedy, always, is Lester Hyman, a Washington lawyer who once was Kennedy's appointee as chairman of the Massachusetts Democratic party. Hyman is now working for Muskie.

Hyman says he recently sent Kennedy a memo that made three points: One, if you run, you might well be killed in the emotional climate of America today; two, if you run and win the nomination, I'm not sure you can beat Nixon; three, beware of bad advice over the coming months.

Kennedy has been getting the same opinion from others around him. Most of the people who love him most are afraid for his life if he runs for president.

What keeps the Kennedy pot boiling is the reaction to the actions of the Douglases and Hymans. Their actions have been repeated by countless other political men, Kennedy supporters in the past who are now working actively with other candidates.

SUSPICIONS RAISED

The presence of Douglas in the McGovern campaign is one reason suspicious politicians accuse McGovern of being a stalking horse for the Kennedy candidacy.

Hyman says that when he started working with Muskie, he told the Maine senator: "My first loyalty is to Ted Kennedy. I don't think he'll be a candidate. But if he is, that's where I'll be."

That was months ago. Hyman is now convinced that Kennedy is not a candidate. But this kind of loyalty strikes fear into the hearts of politicians who cannot command it.

It is these politicians who fed the rumors of Kennedy preparations. Recently, a political column carried an item saying that James Flug of Kennedy's staff had been contacting labor leaders who are working for Muskie, telling them to stay loose and be prepared to jump ship if and when Kennedy makes his move.

FREQUENT JOKES

"That's laughable," Flug says. "The last time I talked to a labor leader was in the fall, on an equal employment opportunities bill. I fought with most of the ones I talked to."

Flug is a young lawyer who handles much of Kennedy's substantive legislative programs. In the Kennedy office, there are frequent jokes about his "radicalism," his failure to gain rapport with the party regulars who are the cement of politics. He seldom handles political chores in an office where others, especially Burke and Andrew Vitale, specialize.

It is hard to conceive of Kennedy agents spelling out their plans or dreams to labor leaders or anybody else. But stories of Kennedy preparations, of calls to agents to position themselves, have taken on a life of their own.

And that may be the real story of Kennedy's future. The world seems to divide between the Kennedy haters and the torch carriers, the holders of the dream. Not many people fall in between.

WHAT KEEPS IT GOING?

"Why do people refuse to believe he's not running?" a Kennedy man asks, then answers it himself. "Wish fulfillment in some cases. The deepest fear in others.

"What keeps it going year after year? People have to look in their hearts and ask themselves why. But I'll tell you one thing. Ted Kennedy is not going to have a long, dull career.

"The people who talk of stalking horses for a Kennedy believe it, either because the spectre of Kennedy fills them with fear or the vision of him thrills them.

"Some day he's going to be president, or get very hurt trying."

AND THEN THERE IS BAYH, JACKSON, ET CETERA

(By Paul Hope)

Almost anyone can come up with at least 15 potential candidates for the 1972 Democratic presidential nomination.

There are an acknowledged frontrunner, one announced candidate, several active "explorers," a couple of "sit back and wait" types and beyond that a group of darkhorses as long as your arm.

Previous articles have explored the activi-

ties of five possible nominees—Sens. Edmund S. Muskie of Maine, George S. McGovern of South Dakota, Hubert H. Humphrey of Minnesota, Harold E. Hughes of Iowa and Edward M. Kennedy of Massachusetts.

But there are many others who could become serious candidates. Some are exploring the possibility actively; some deny they have presidential ambitions. All, of course—including the top five—are also potential vice presidential nominees.

Sen. Birch Bayh of Indiana is one of the most active explorers.

He is the latest to open a Washington political headquarters apart from his Senate office. But he says he has not made up his mind yet whether to run.

To one degree or another, these men also have been involed in the speculation: Sen. Henry M. Jackson of Washington, Sen. Fred R. Harris of Oklahoma, former Sen. Eugene J. McCarthy, former Atty Gen. Ramsey Clark, Common Cause chairman John W. Gardner, Sen. William Proxmire of Wisconsin, former ambassador and poverty agency director R. Sargent Shriver, Sen. Walter Mondale of Minnesota and New York Mayor John V. Lindsay.

Bayh, at 43, one of the youngest of the potential contenders, has been interested in seeking the presidency since he gained national prominence through his leadership for electoral reform and the successful effort to reject President Nixon's nominations of two southerners to the Supreme Court.

Bayh declines to talk about finances, but he says he will have enough to pay for an exploration in depth during 1971. This probably would mean several hundred thousand dollars.

The Indiana senator has close ties to organized labor, but he denies that the main push for his effort is coming from that direction.

He acknowledges that Muskie is the front-runner at this point, but he is not ready to accept the idea that Muskie is unbeatable.

Bayh appears to be angling toward the position of being the second choice of supporters of several candidates. Under this strategy, if others fall by the wayside or if no candidate emerges as a clear front-runner by the time of the Democratic convention, he apparently thinks many Democrats would turn to him.

Bayh is trying to maneuver away from the left and more toward the middle of the Democratic party spectrum. He believes that it might be helpful to the party if a man from the Midwest heads the ticket.

LOSE IN THE CENTER

"One thing we have to do as a party is to have a candidate and a ticket that can draw support from the basic bedrock of the party but not lose the intellectuals and the liberals," he said. "We need policies and a platform and candidates to get them back on the reservation but if we appeal only to them, we lose too much in the center."

Bayh's political office, located at 1225 19th St., NW, will be headed by James M. Nicholson, 42-year-old lawyer from Indiana, who served as a Federal Trade Commission member under President Johnson.

Four other top full-time staffers are Verlan Nelson, an advance man for Eugene J. McCarthy's 1968 campaign; Clarence Martin, a coordinator in Humphrey's 1968 campaign; Jerry Udell, who has been running Bayh's Indiana office, and John Reuther, a nephew of the late United Auto Workers chief, Walter Reuther, and a former member of Edward Kennedy's Senate staff.

SMASHING VICTORY

His chief fund raiser is Milton Gilbert, chairman of the board of Gilbert Flexivan, Inc., a New York shipping container firm.

Speculation about Sen. Jackson's future arose after his smashing re-election victory last year, in which he got 87 percent of the vote against a former McCarthy supporter in the primary and 84 percent against the Republican candidate in the general election.

Jackson acknowledged recently that he is doing nothing to discourage those who are "prodding and pushing" him to get into the race. But he has not set up an outside political office as have Muskie, McGovern, Hughes and Bayh.

Neale Chaney, Democratic chairman in Washington, says that if Jackson is willing, a Jackson-for-President drive may begin in late spring through the state Democratic committee.

Jackson, 58, has a liberal record on domestic issues, but he has been on the hawkish side of the Vietnam issue, a strong supporter of the supersonic transport plane, and a vigorous proponent of maintaining strong U.S. defenses.

ACQUIRES ENEMIES

Vietnam, SST and support of the military have earned him many enemies among the anti-Vietnam segments in the Democratic party.

Some of them claim that the probability of a new party being organized on the political left would be much greater if Jackson becomes a serious possibility for the Democratic nomination.

Jackson has said he is not a candidate but he gives indications of being interested in becoming one. He expects to get around the country on a speaking tour in the next several months.

Jackson, a former chairman of the Democratic National Committee, could expect substantial support among southern Democrats because of his hard-line stand on national security and Vietnam.

Sen. Harris is another former party chairman who says he isn't a candidate but who seems to be pretty interested in the possibilities of becoming one.

Harris, 40, meets regularly with young political operatives with whom he has been associated in previous elections. He also keeps in touch with people who have been financial contributors to Democratic campaigns.

Harris was co-chairman with Sen. Mondale of Humphrey's pre-convention campaign in 1968 but his relationship with Humphrey was hurt when he pressed Humphrey to take a strong stand against the war in Vietnam at the convention and during the campaign.

The Oklahoma senator believes that voters want candidates to express a strong moral outrage against conditions of poverty, discrimination, bad housing, pollution and the war in Vietnam, and he believes that some candidates have not done that so far.

Mondale, 43, is one of the least visible potential candidates. But some party leaders think he would be one of the more attractive and articulate candidates if he could be persuaded to run.

NAMES KEY ISSUES

He has said, however, that he does not expect to become a candidate and that he plans to concentrate on Senate activities. He said recently that he believes that bringing the races together and correcting the failures of the school system are the key issues in the country.

Ramsey Clark has been coy about how seriously he is interested, but close associates say he has been bitten by the presidential bug.

One Democrat claimed that Clark has more than $1 million pledged or available for an "exploratory" operation. He said Clark may establish a political office in Washington within a couple of months.

Clark received extensive publicity recently when he got into a fight with FBI Director J. Edgar Hoover.

In a book published in November, Clark claimed that Hoover so dominated the FBI with a "self-centered concern for his reputation" that the agency sometimes sacrificed effective crime control in a pursuit of personal glory. Hoover responded by calling Clark a "jellyfish" when it came to law enforcement.

APPEAL TO LEFT

The 43-year-old Clark probably would find a substantial base of support among the anti-war, leftist side of the party.

Eugene McCarthy has given little indication of what role he plans to play in 1972 presidential politics, except to say that he expects to keep his hand in.

Some think the 54-year-old Minnesotan, who led the anti-Johnson forces in 1968, might again get involved in the Democratic primaries.

He gave some support to those who think he might head a new party when he said in a magazine article in June: "It is not unlikely or unreasonable to believe that there will be a liberal third-party movement by 1972."

But during a later interview he indicated he is not yet ready to give up on the Democratic party and expected to watch with interest where it appears to be headed going into 1972.

GARDNER MENTIONED

John Gardner, former secretary of Health, Education and Welfare in the Johnson administration and a nominal Republican, has been mentioned frequently as a possible Democratic candidate.

The 58-year-old Gardner has said he has no presidential ambitions but as head of Common Cause he appears to be reaching for a large share of political clout.

Common Cause grew out of Gardner's association with the National Urban Coalition. He wanted to establish an organization that could function more freely as a lobbying unit on national issues and on reform of the political processes.

Sen. Proxmire has hinted that he might enter the Wisconsin primary. But party leaders are not sure whether he is interested in seeking the presidency or in trying to tie up the state delegation until he decides whom to support.

SHRIVER MAKES NO MOVE

Shriver, 55, one-time ambassador to France and former director of the Peace Corps and the Office of Economic Opportunity, campaigned extensively last fall for Democratic congressional candidates. He is the husband of one of the Kennedy sisters.

Shriver headed a group called Congressional Leadership for the Future which had an office separate from the Democratic National Committee and the House Democratic Campaign Committee. That office closed after the campaign and Shriver has not made any public move toward the presidential nomination, but he continues to figure in the speculation.

Mayor Lindsay is the object of a great deal of speculation. He remains a registered Republican and keeps insisting he will stay in the party, but many leaders of both parties believe he is finished in the GOP because of his strong opposition to President Nixon's policies and his support last fall to Democrat Arthur A. Goldberg in the New York gubernatorial race.

Aides of the mayor reportedly are making a close study of the primary laws of all the states in preparation for a presidential drive.

Many people active in politics believe it is only a matter of time before he switches to the Democratic party. Some think the 49-year-old mayor may be thinking of trying to unite anti-war, liberal elements of both parties into a new party.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unan-

imous consent that the order for the quorum call be rescinded.

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

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

Mr. ALLEN. Mr. President, on yesterday the Senate took historic action with respect to the effort to cut off debate on the matter of amending the Senate rules. The effort to apply cloture failed by a vote of 48 in favor and 37 against. The Vice President announced that, fewer than two-thirds of the Senators having voted in favor of the motion to apply cloture, the motion had not been agreed to.

That was indeed a significant statement on the part of the Vice President, because 2 years ago the then Vice President of the United States, the present junior Senator from Minnesota (Mr. HUMPHREY), when fewer than two-thirds of the Senators but yet a majority of the Senators voted to apply cloture, ruled that cloture had been applied because it was at the start of a session and the Senate at the start of a session, by majority vote, could amend the rules irrespective of the obstables that were in the way.

Now we have gone beyond the beginning of the session, and it would seem to the junior Senator from Alabama that the contention cannot be made on separate votes on a cloture motion that a majority of the Senate can apply cloture. So it was a significant vote. It was important to every citizen of the United States. It was important to those who wished to protect the rights of a minority of the Senate and a minority of this country from the acts of a ruthless and tyrannical majority.

It was encouraging to those who want to see the Senate remain and continue as a great deliberative body. It was encouraging to those who want to see careful and studious attention given to legislation pending before the Senate. So 2 years ago, Mr. President, the Senate itself ruled that a majority of the Senate cannot apply cloture in the face of rule XXII, requiring a two-thirds vote.

I hope, Mr. President, the distinguished Senator from Idaho having filed another cloture motion today requiring a vote on that question on next Tuesday, that if that vote results in the application of cloture being defeated or being denied, the majority leader will then set the matter aside.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF THE FEDERAL CROP INSURANCE CORPORATION

A letter from the Assistant Secretary, Department of Agriculture, transmitting, pursuant to law, a report for the 1970 crop year (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT RELATING TO APPROPRIATIONS FOR VIETNAMESE AND OTHER FREE WORLD FORCES IN VIETNAM AND SUPPORT FOR LOCAL FORCES IN LAOS AND THAILAND

A letter from the Secretary of Defense, transmitting, pursuant to law, a confidential report relative to appropriations for Vietnamese and other free world forces in Vietnam and support for local forces in Laos and Thailand (with accompanying report); to the Committee on Appropriations.

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Director, Office of Management and Budget, Executive Office of the President reporting, pursuant to law, that the appropriation to the Department of Agriculture for "Food stamp program," Food and Nutrition Service for the fiscal year 1971, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

PROPOSED LEGISLATION TO AMEND PUBLIC LAW 91-514

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend Public Law 91-514, section 2, by striking the words "of the Interior" and inserting in lieu thereof the words "of Commerce" (with accompanying papers); to the Committee on Commerce.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting pursuant to law, a report on applying a uniform policy with respect to rental charges for Credit Unions (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to reevaluate packing specifications for cabinets, lockers, and wardrobes, General Services Administration, dated February 19, 1971 (with an accompanying report); to the Committee on Government Operations.

JUDGMENT IN FAVOR OF THE PEMBINA BAND OF CHIPPEWA INDIANS

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the disposition of funds appropriated to pay a judgment in favor of the Pembina Band of Chippewa Indians in Indian Claims Commission dockets Nos. 18-A, 113, and 191, and for other purposes; to the Committee on Interior and Insular Affairs.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

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

REPORT OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report with respect to certain civilian positions established pursuant to section 3104(a)(8), United States Code, during calendar year 1970; to the Committee on Post Office and Civil Service.

PETITION

The PRESIDENT pro tempore laid before the Senate the following resolutions of the Commonwealth of Massachusetts, which were referred to the Committee on the Judiciary:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO AMEND THE FEDERAL CONSTITUTION TO PERMIT BIBLE VERSES AND PRAYER IN OUR PUBLIC SCHOOLS

Whereas, Our Forefathers came to this great land with a deep trust in God, with Bibles in their hands, and a prayer in their hearts, a pattern was set for our way of life; and

"Whereas, Forefathers monument in Plymouth has Faith in God as its main symbol, Faith stands with one foot on Forefathers rock, in her left hand a Bible, her right hand pointed toward Heaven. On a pedestal at the base of the monument, surrounding Faith, are the symbolic figures of Morality, Law, Education and Freedom. The story of Plymouth is that of America, showing the true inner strength of our great country; therefore be it

"Resolved, That the Massachusetts House of Representatives hereby urges the Congress of the United States to enact legislation to amend the Federal Constitution so that pupils whose parents do not object may listen to Bible verses and recite a prayer, while in our public schools; and be it further

"Resolved, That copies of these resolutions be forwarded by the Secretary of the Commonwealth to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, with amendments:

S. Res. 35. Resolution to provide additional funds for the Committee on Labor and Public Welfare; referred to the Committee on Rules and Administration.

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 11. Resolution to provide additional funds for the Committee on Appropriations;

S. Res. 19. Resolution authorizing additional expenditures by the Select Committee on Small Business (Rept. No. 92-16);

S. Res. 21. Resolution to provide additional funds for the Committee on Post Office and Civil Service (Rept. No. 92-13);

S. Res. 22. Resolution authorizing additional expenditures by the Committee on Public Works for inquiries and investigations (Rept. No. 92-14);

S. Res. 23. Resolution continuing, and authorizing additional expenditures by, the Select Committee on Nutrition and Human Needs (Rept. No. 92-18);

S. Res. 24. Resolution authorizing additional expenditures by the Committee on the District of Columbia for inquiries and investigations (Rept. No. 92-7);

S. Res. 26. Resolution to provide for a study of matters pertaining to foreign policy of the United States by the Committee on Foreign Relations (Rept. No. 92-8);

S. Res. 27. Resolution continuing, and authorizing additional expenditure by, the Special Committee on Aging (Rept. No. 92-19);

S. Res. 28. Resolution authorizing additional expenditures by the Committee on Rules and Administration for a study of matters relating to privileges and election (Rept. No. 92-15);

S. Res. 29. Resolution authorizing additional expenditures by the Committee on Banking, Housing and Urban Affairs for inquiries and investigations (Rept. No. 92-5);

S. Res. 30. Resolution authorizing additional expenditures by the Committee on Armed Services for inquiries and investigations (Rept. No. 92-4); and

S. Res. 34. Resolution authorizing additional expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations (Rept. No. 92-10).

By Mr. CANNON, from the Committee on Rules and Administration, with an additional amendment:

S. Res. 25. Resolution authorizing additional expenditures by the Committee on Commerce for inquiries and investigations (Rept. No. 92-6).

By Mr. CANNON, from the Committee on Rules and Administration, without additional amendment:

S. Res. 31. Resolution authorizing addi-

tional expenditures by the Committee on Government Operations for inquiries and investigations (Rept. No. 92–9); and

S. Res. 35. Resolution to provide additional funds for the Committee on Labor and Public Welfare (Rept. No. 92–12).

By Mr. CANNON, from the Committee on Rules and Administration, with an amendment:

S. Res. 49. Resolution authorizing expenditures by the Select Committee on Equal Educational Opportunity (Rept. No. 92–17).

By Mr. CANNON, from the Committee on Rules and Administration, with amendments:

S. Res. 32. Resolution authorizing additional expenditures by the Committee on the Judiciary for inquiries and investigations (Rept. No. 92–11).

SENATE RESOLUTION 52—ORIGINAL RESOLUTION REPORTED PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 52); which was placed on the calendar:

S. Res. 52

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mr. JORDAN of North Carolina, Mr. ALLEN of Alabama, and Mr. GRIFFIN of Michigan.

Joint Committee of Congress on the Library: Mr. JORDAN of North Carolina, Mr. PELL of Rhode Island, Mr. CANNON of Nevada, Mr. COOPER of Kentucky, and Mr. SCOTT of Pennsylvania.

SENATE RESOLUTION 53—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO FRANCES T. HOLLOMON

Mr. CANNON, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 53); which was placed on the calendar:

S. Res. 53

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Frances T. Hollomon, sister of W. Lucille Thomas, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 54—ORIGINAL RESOLUTION TO PAY A GRATUITY TO JOHN H. ARTHUR

Mr. CANNON from the Committee on Rules and Administration, reported the following original resolution (S. Res. 54); which was placed on the calendar:

S. Res. 54

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to John H. Arthur, widower of W. Bertrue Arthur, an employee of the Senate at the time of her death, a sum equal to five months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. BYRD of West Virginia (for Mr. RANDOLPH), from the Committee on Public Works:

Thomas F. Schweigert, of Michigan, to be Federal Cochairman of the Upper Great Lakes Regional Commission.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. BEALL:

S. 876. A bill for the relief of Adrian Sofjan; and

S. 877. A bill for the relief of Jocelyn Allison Abraham. Referred to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. PERCY and Mr. RIBICOFF):

S. 878. A bill to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government. Referred to the Committee on Government Operations.

Mr. JAVITS. Mr. President, on behalf of Senators RIBICOFF, PERCY, and myself, I introduce, at the request of the administration, a bill which would extend the period in which the President may transmit to the Congress plans for reorganization of agencies of the executive branch of the Government.

I introduce this bill as the ranking member of the Subcommittee on Executive Reorganization of the Committee on Government Operations. Senator RIBICOFF and Senator PERCY, who join with me, are the chairman of that subcommittee, and the acting ranking member of the Committee on Government Operations, respectively.

Under present law the President's authority to submit such reorganization plans expires April 1, 1971. This bill will extend his authority to April 1, 1973.

The Reorganization Act, now sections 901–913 of title 5 of the United States Code, has proved to be a most useful tool for allowing the President the opportunity to improve the effectiveness and efficiency of Government machinery. Yet, by offering Congress the opportunity to disapprove of any proposal submitted by the President, within 60 days of its transmittal to Congress, this law still gives Congress a handle on executive branch reorganization.

Last year the President submitted, among others, proposals to create the Domestic Council and the Office of Management and Budget, to set up the Environmental Protection Agency, and to establish the National Oceanic and Atmospheric Administration in the Department of Commerce. Only after careful examination and consideration did Congress agree to them.

Although important, plans such as those submitted last year are relatively minor when compared to the reorganization proposals the President announced in his state of the Union address in January. These proposals, I understand, will be submitted shortly in legislative form requiring the positive action of Congress for them to become operative. The Reorganization Act is not intended to be used as the vehicle to effectuate those proposals. Congress will not be asked merely to agree or disagree with whatever the President submits, but will have the opportunity, indeed will insist on the opportunity, to scrutinize them carefully.

While this law has proved to be useful and indeed needed, at times it must be reviewed to insure that it still meets the best interests of both the legislative and executive branches. Since this bill has not been reviewed in more than 10 years, the Government Operations Committee, to which this bill will be referred, likely will be conducting such a review.

Mr. President, I ask unanimous consent that a copy of the Reorganization Act, that is, sections 901–913 of title 5 of the United States Code, be printed in the RECORD at this point, with a letter from the Director of the Office of Management and Budget, George P. Shultz, to the President of the Senate, Mr. AGNEW, urging that the reorganization authority be extended for 2 years. I also ask unanimous consent that the bill I have introduced be printed in the RECORD.

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

S. 878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 905 (b) of title 5, United States Code, is amended by striking out "April 1, 1971" and inserting in lieu thereof "April 1, 1973".

The material presented by Mr. JAVITS, is as follows:

TITLE 5 UNITED STATES CODE

CHAPTER 9—EXECUTIVE REORGANIZATION

§ 901. Purpose

(a) The President shall from time to time examine the organization of all agencies and shall determine what changes therein are necessary to accomplish the following purposes:

(1) to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business;

(2) to reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Government;

(3) to increase the efficiency of the operations of the Government to the fullest extent practicable;

(4) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

(5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

(6) to eliminate overlapping and duplication of effort.

(b) Congress declares that the public interest demands the carrying out of the purposes of subsection (a) of this section and that the purposes may be accomplished in great measure by proceeding under this chapter, and can be accomplished more speedily thereby than by the enactment of specific legislation. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 394.)

§ 902. Definitions

For the purpose of this chapter—

(1) "agency" means—

(A) an Executive agency or part thereof;

(B) an office or officer in the executive branch; and

(C) any and all parts of the government of the District of Columbia other than the courts thereof;

but does not include the General Accounting Office or the Comptroller General of the United States;

(2) "reorganization" means a transfer, consolidation, coordination, authorization, or abolition, referred to in section 903 of this title; and

(3) "officer" is not limited by section 2104 of this title. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 394, amended Pub. L. 90–83, § 1(98), Sept. 11, 1967, 81 Stat. 220.)

§ 903. Reorganization plans

(a) When the President, after investigation, finds that—

(1) the transfer of the whole or a part of an agency, or of the whole or a part of the functions thereof, to the jurisdiction and control of another agency;

(2) the abolition of all or a part of the functions of an agency;

(3) the consolidation or coordination of the whole or a part of an agency, or of the whole or a part of the functions thereof, with the whole or a part of another agency or the functions thereof;

(4) the consolidation or coordination of a part of an agency or the functions thereof with another part of the same agency or the functions thereof;

(5) the authorization of an officer to delegate any of his functions; or

(6) the abolition of the whole or a part of an agency which agency or part does not have, or on the taking effect of the reorganization plan will not have, any functions;

is necessary to accomplish one or more of the purposes of section 901(a) of this title, he shall prepare a reorganization plan for the making of the reorganizations as to which he has made findings and which he includes in the plan, and transmit the plan (bearing an identification number) to Congress, together with a declaration that, with respect to each reorganization included in the plan, he has found that the reorganization is necessary to accomplish one or more of the purposes of section 901(a) of this title.

(b) The President shall have a reorganization plan delivered to both Houses on the same day and to each House while it is in session. In his message transmitting a reorganization plan, the President shall specify with respect to each abolition of a function included in the plan the statutory authority for the exercise of the function and the reduction of expenditures (itemized so far as practicable) that it is is probably will be brought about by the taking effect of the reorganizations included in the plan. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 394, amended Pub. L. 90–83, § 1(99), Sept. 11, 1967, 81 Stat. 220.)

§ 904. Additional contents of reorganization plans

A reorganization plan transmitted by the President under section 903 of this title—

(1) may change, in such cases as the President considers necessary, the name of an agency affected by a reorganization and the title of its head; and shall designate the name of an agency resulting from a reorganization and the title of its head;

(2) may provide for the appointment and pay of the head and one or more officers of an agency (including an agency resulting from a consolidation or other type of reorganization) if the President finds, and in his message transmitting the plan declares, that by reason of a reorganization made by the plan the provisions are necessary. The head so provided may be an individual or may be a commission or board with more than one member. In case of such an appointment, the term of office may not be fixed at more than 4 years, the pay may not be at a rate in excess of that found by the President to be applicable to comparable officers in the executive branch, and if the appointment is not to a position in the competitive service, it shall be by the President, by and with the advice and consent of the Senate, except that, in the case of an officer of the government of the District of Columbia, it may be by the Board of Commissioners or other body or officer of that government designated in the plan;

(3) shall provide for the transfer or other disposition of the records, property, and personnel affected by a reorganization;

(4) shall provide for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with a function or agency affected by a reorganization, as the President considers necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which shall have the functions after the reorganization plan is effective. However, the unexpended balances so transferred may be used only for the purposes for which the appropriation was originally made; and

(5) shall provide for terminating the affairs of an agency abolished.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 395.)

§ 905. Limitations on powers

(a) A reorganization plan may not provide for, and a reorganization under this chapter may not have the effect of—

(1) creating a new Executive department, abolishing or transferring an Executive department or all the functions thereof, or consolidating two or more Executive departments or all the functions thereof;

(2) continuing an agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made;

(3) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

(4) authorizing an agency to exercise a function which is not expressly authorized by law at the time the plan is transmitted to Congress;

(5) increasing the term of an office beyond that provided by law for the office; or

(6) transferring to or consolidating with another agency the government of the District of Columbia or all the functions thereof which are subject to this chapter, or abolishing that government or all those functions.

(b) A provision contained in a reorganization plan may take effect only if the plan is transmitted to Congress before April 1, 1971. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 396, amended Pub. L. 91–5, Mar. 27, 1969, 83 Stat. 6.)

§ 906. Effective date and publication of reorganization plans

(a) Except as otherwise provided under subsection (c) of this section, a reorganization plan is effective at the end of the first period of 60 calendar days of continuous session of Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the 60-day period, either House passes a resolution stating in substance that that House does not favor the reorganization plan.

(b) For the purpose of subsection (a) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 60-day period.

(c) Under provisions contained in a reorganization plan, a provision of the plan may be effective at a time later than the date on which the plan otherwise is effective.

(d) A reorganization plan which is effective shall be printed (1) in the Statutes at Large in the same volume as the public laws and (2) in the Federal Register. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 396.)

§ 907. Effect on other laws, pending legal proceedings, and unexpended appropriations

(a) A statute enacted, and a regulation or other action made, prescribed, issued, granted, or performed in respect of or by an agency or function affected by a reorganization under this chapter, before the effective date of the reorganization, has, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law or by the abolition of a function, the same effect as if the reorganization had not been made. However, if the statute, regulation, or other action has vested the functions in the agency from which it is removed under the reorganization plan, the function, insofar as it is to be exercised after the plan becomes effective, shall be deemed as vested in the agency under which the function is placed by the plan.

(b) For the purpose of subsection (a) of this section, "regulation or other action" means a regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

(c) A suit, action, or other proceeding lawfully commenced by or against the head of an agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, does not abate by reason of the taking effect of a reorganization plan under this chapter. On motion or supplemental petition filed at any time within 12 months after the reorganization plan takes effect, showing a necessity for a survival of the suit, action, or other proceeding to obtain a settlement of the questions involved, the court may allow the suit, action, or other proceeding to be maintained by or against the successor of the head or officer under the reorganization effected by the plan or, if there is no successor, against such agency or officer as the President designates.

(d) The appropriations or portions of appropriations unexpended by reason of the operation of this chapter may not be used for any purpose, but shall revert to the Treasury. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 396.)

§ 908. Rules of Senate and House of Representatives on reorganization plans

Sections 909–913 of this title are enacted by Congress—

(1) as an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rule of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by section 909 of this title; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 397.)

§ 909. Terms of resolution

For the purpose of sections 908–913 of this title, "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the ——— does not favor the reorganization plan numbered ——— transmitted to Congress by the President on ———, 19—.", the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one reorganization plan. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 397.)

§ 910. Reference of resolution to committee

A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. (Pub. L. 89–554, Sept. 6, 1968, 80 Stat. 397.)

§ 911. Discharge of committee considering resolution

(a) If the committee to which a resolution with respect to a reorganization plan has been referred has not reported it at the end of 10 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to the reorganization plan which has been referred to the committee.

(b) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(c) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 397.)

§ 912. Procedure after report or discharge of committee; debate

(a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(b) Debate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 398.)

§ 913. Decisions without debate on motion to postpone or proceed

(a) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution with respect to a reorganization plan, and motions to proceed to the consideration of other business, shall be decided without debate.

(b) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 398.)

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., February 1, 1971.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: On January 30, 1969, the President sent a special message to the Congress requesting an extension of his reorganization authority. At that time he said:

"New times call for new ideas and fresh approaches. To meet the needs of today and tomorrow, and to achieve a new level of efficiency, the Executive Branch requires flexibility in its organization. Government organization is created to serve, not to exist; as functions change, the organization must be ready to adapt itself to those changes."

That need continues today.

In one of its first actions, the 91st Congress did extend the President's authority until April 1, 1971. The President has made significant use of the power granted:

In 1969, he proposed a reorganization plan to strengthen the executive powers of the chairman of the Interstate Commerce Commission, thus improving the day-to-day operations of that important agency.

In 1970, he proposed the creation of a new Office of Telecommunications Policy in the Executive Office of the President through the transfer of certain functions from the Office of Emergency Preparedness, thus enhancing our ability to deal with problems in this vital area.

To further strengthen the Executive Office, he moved to create the Domestic Council to deal with the overall question of what we do, and the Office of Management and Budget to better deal with the question of how we do it.

He also used his authority to create the new separate Environmental Protection Agency bringing together key programs for setting environmental standards and abating pollution.

Finally, the National Oceanic and Atmospheric Administration was established in the Department of Commerce assembling major programs for measuring and dealing with important aspects of our environment.

The Congress allowed all of hese measures to become effective.

This cooperative and time-tested executive-legislative approach to reorganization has shown itself to be sensible and effective, regardless of party alignments. It works to curtain ineffective organizational arrangements and to enable good managers to manage well.

The reorganization authority expires on April 1, 1971. We urge that it be extended for two years to help the President continue with a neverending task of providing sound machinery to administer our laws.

Sincerely,

GEORGE P. SHULTZ,
Director.

Mr. RIBICOFF. Mr. President, I am pleased to join with Senator JAVITS, the ranking minority member of the Subcommittee on Executive Reorganization and Government Research, in introducing a bill to extend the authority of the President to submit reorganization plans to the Congress for 2 years, to April 1, 1973.

The Reorganization Act of 1949 has been used by succeeding Presidents to modernize and improve the structure of the executive branch. In most cases the Congress, which exercises a veto power, has agreed to the proposals. It traditionally grants the President broad discretion in reorganizing the departments and agencies.

President Nixon submitted four reorganization plans during 1970—all went into effect. These plans established the Office of Telecommunications, plan 1; the Domestic Council and the Office of Management and Budget, plan 2; the Environmental Protection Agency, plan 3; and the National Oceanographic and Atmospheric Administration, plan 4.

I have been advised that the President is considering transmitting additional reorganization plans to the Congress in 1971. Since the Reorganization Act expires on April 1, it is necessary that the Congress act soon to continue this important authority.

In view of the fact that there has not been a major examination of this act in more than a decade. I believe Congress should undertake a review of the law in order to determine if amendments are necessary to serve the interests of the Congress and the Executive in the 1970's.

I anticipate that the Subcommittee on Executive Reorganization and Government Research and the full Committee on Government Operations will give early attention to this legislation.

By Mr. HOLLINGS:

S. 879. A bill to amend chapter 7 of title 38, United States Code, to authorize the Veterans' Administration to provide hospital and domiciliary care to peacetime veterans who are unable to defray the expenses thereof. Referred to the Committee on Veterans' Affairs.

Mr. HOLLINGS. Mr. President, I am confident that all of us would agree that our Nation owes a continuing debt of gratitude to our citizens who have served with honor in the various branches of our Armed Forces. Obviously, this honor is no less in peactime than it would be in a time of armed conflict. Unfortunately, there is an anomaly in our law whereby certain benefits to the veterans of this Nation are extended to those who have served in time of armed conflict but are denied those who served in the Armed Forces in times of peace. Under the law any veteran who served in the Armed Forces between World War I and World War II or between World War II and the Korean conflict and is under the age of 65 is denied hospital and domiciliary care

by the Veterans' Administration even though they are unable to defray the expenses of such private care. The only exception to this is, of course, the case where the need for such care is directly attributable to a service-connected injury. All other veterans are entitled to such care.

There are presently 275,000 veterans now living who served in the Armed Forces between World War I and World War II. There are 245,000 veterans still living who were in the service between World War II and the Korean conflict. Obviously, some of these veterans have reached the age of 65 and many may have served in World War II or the Korean conflict but the fact remains, that there are many thousands who fall in the "peacetime" category who are under the age of 65. Unfortunately, many do not have the financial resources to seek proper medical and domiciliary care. This fact is underscored when we see that the high unemployment has put many of these citizens out of work, inflation has wiped out or prohibited substantial savings and age has placed them out of the job market.

Consequently, I am introducing a bill to amend chapter 17 of title 38, United States Code, which would authorize the Veterans' Administration to provide hospital and domiciliary care to peacetime veterans if they are unable to defray the expenses of such needed care.

Recently, a particular case was brought to my attention of a constituent of mine who was 62 years old, totally disabled, and whose total income was $68.90 monthly from the Social Security Administration. Although he does have one-half acre of land which is devoted to tobacco, it is so heavily mortgaged that it does not produce any income. He presently has in excess of $2,300 in hospital bills and, although he requires further medical treatment, he is unable to finance such care. He served honorably with the U.S. Army in the 1920's but is told by the Veterans' Administration that if he will just wait 3 more years, they will be able to assist him. I believe that the arbitrary condition illustrated by this case and supported by our law ought to be changed. If the need is there and the circumstances warrant it, such care ought to be provided to all veterans regardless of age and regardless of the time they served.

By Mr. RIBICOFF (for himself and Mr. BENTSEN):

S. 880. A bill to amend the Social Security Amendments of 1965 and title XVIII of the Social Security Act to permit individuals who are age 65 or over and who are not otherwise covered by the hospital insurance program established by part A of such title to enroll and become covered under such program upon payment of a monthly premium. Referred to the Committee on Finance.

Mr. RIBICOFF. Mr. President, I am introducing today a bill permitting voluntary enrollment in the medicare hospital insurance program of people reaching the age of 65 who are not under the social security system.

Similar legislation, which I introduced, passed both Houses in the last session of the 91st Congress. Unfortunately, time ran out before a conference agreement could be reached. I hope that this legislation can be enacted into law as soon as possible to allow all of our elderly citizens to take part in the medicare program.

In 1965, Congress enacted a medicare program for its elderly citizens to provide for them a sense of security when the fear of illness is greatest, incomes are the lowest, and savings are threatened by the very real possibility of prolonged and expensive illness.

Unfortunately, the hospital insurance program devised in 1965 was not perfect. To simplify its administration, medicare eligibility was predicated on eligibility for social security benefits; and while medicare benefits have now been extended to over 20 million Americans, there are still hundreds of thousands of elderly citizens who are unable to take advantage of this vital hospital program because they are not under social security.

Ironically, the persons most severely affected by exclusion from medicare are thousands of public servants who have worked over the years for the public. Medicare benefits are denied to State and local public servants in over a dozen States across the Nation, including Connecticut. Excluded from nationwide coverage are three-quarters of a million teachers, as well as policemen and firemen who are not part of the social security program, but belong to their own retirement program. In Connecticut, for example, State and local employees have an excellent retirement program, but they are not covered by medicare since eligibility is based primarily on the right of a retired person to receive cash benefits under social security.

As of January 1, 1970, more than 300,000 people over 65 were ineligible for medicare. Those ineligible include a number of people who are eligible for social security coverage, but who did not elect, or whose employers did not elect, to be covered. These include many employees of State and local governments, and several other groups:

First. Wives who have never worked under covered employment and whose husbands are eligible for hospital insurance under the transitional medicare provision;

Second. Women who are not insured on their own account and who cannot qualify for dependents benefits, such as dependent aged sisters of insured workers or dependents of uninsured workers; and

Third. Workers, such as agricultural and domestic workers whose earnings may have been so low or sporadic they are unable to acquire an insured status.

It has become difficult for these groups to obtain private hospital insurance comparable to coverage under medicare. Since the passage of the medicare law, private insurance companies have generally changed their hospital insurance plans available to people age 65 and over to make coverage complementary to medicare. While there is generally some type of hospital insurance available to persons age 65 and over, most of that which is offered is in the form of specified cash payment insurance, paying from $25 to $200 per week for limited periods of hospitalization. Few private health insurance companies offer their regular hospital expense plans to the aged.

This bill would provide an alternative means for these Americans to join the medicare program. It would remedy the defect which now keeps thousands from enjoying the security of adequate hospitalization insurance.

My legislation would allow Connecticut and other States in similar situations, as well as individuals, to make an agreement with the Department of Health, Education, and Welfare to purchase medicare coverage. The cost of this medicare insurance is estimated at $27 a month. State and public organizations, by agreement with HEW, will be permitted to purchase this needed protection for their members on a group basis.

It should be pointed out that enactment of this legislation will not create any new costs for the Federal Government. A State which elects to participate in this program will agree to reimburse the medicare trust fund for all benefits paid and the administrative costs incurred.

It is time we closed the present gap in the medicare program, especially since many of those prevented from receiving the benefits of medicare have dedicated their lives to teaching our young and serving the public. I urge my colleagues to join me in order to provide basic hospital insurance coverage to many thousands of elderly Americans.

I ask unanimous consent that Senator BENTSEN's statement concerning this bill be included at this point in the RECORD.

There being no objection, Mr. BENTSEN's statement was ordered to be printed in the RECORD, as follows:

Mr. BENTSEN. I am pleased to join my distinguished colleague, the senior Senator from Connecticut (Mr. Ribicoff) in introducing legislation to allow all persons reaching the age of 65 to participate in the Medicare program.

Medicare has provided a measure of protection to millions of Americans over the age of 65 who are frequently faced with the intolerable burden of hospital expense. Of the nearly $13.5 billion spent for the health care of older Americans in fiscal 1969, Medicare alone paid nearly one-half of the total.

The per capita health care expenditures incurred by persons 65 and older amounted to $692 during that year; out-of-pocket expenses for these same individuals averaged only $163. Medicare paid 66% of the total hospital bill for older citizens and 72% of their physicians' bills in fiscal year 1969. These are indeed impressive achievements in a relatively short period of time.

Yet there are gaps in our present Medicare coverage, and the present bill is directed to closing them.

Hundreds of thousands of local and state employees, for example, are not covered by Medicare benefits, because they are not enrolled in Social Security. State retirement systems, with all of their advantages, do not provide the hospital and health insurance similar to that available under Medicare Parts A and B.

This legislation would seek to remedy that

situation by allowing the Secretary of Health, Education, and Welfare to enter into agreements with applicant states to include Medicare coverage under teacher and public employee retirement systems.

Other individuals who have not been eligible for Medicare would be able to enter into agreements with the Department of Health, Education and Welfare to pay the cost of their own coverage. This bill, then, stresses a voluntary approach as well as a state-by-state implementation.

States which elect to take the opportunity to provide Medicare coverage to public employees must work out a coverage agreement with the Secretary of Health, Education, and Welfare; members of local retirement systems must approve coverage by referendum.

Moreover, it should be emphasized that the proposed bill requires that the recipients of Medicare coverage must pay their own way through employer and employee contributions or through individual monthly payments. There would be no additional drain on the Federal treasury.

I believe this legislation offers a reasonable method of including thousands of elderly citizens, including teachers, state and local officials, agricultural and domestic workers and others under the Medicare program. Indeed, I am particularly mindful that upwards of 750,000 teachers, including approximately 75,000 in my own state of Texas, are not eligible for Medicare benefits. These individuals, many of whom are underpaid, must confront old age without the resources necessary to care for their needs.

I urge favorable action on this legislation.

By Mr. PACKWOOD:

S. 881. A bill to establish the Cascade Mountain Range Study Commission. Referred to the Committee on Interior and Insular Affairs.

Mr. PACKWOOD. Mr. President, I am today reintroducing legislation to provide for a 2-year, independent study of the Oregon Cascades. This proposal as I am introducing it today was also before the 91st Congress.

My bill would establish a Cascade Mountain Range Study Commission, composed of seven men, three appointed by each of the Secretaries of the Interior and of Agriculture, and one by the Governor of Oregon. In addition, $250,000 would be authorized for a 2-year independent study of the entire Cascade Range in Oregon, within the Mount Hood, Willamette, Umpqua, Deschutes, Winema, and Fremont National Forests, and lands of the Rogue River National Forest which lie within the Cascade Mountain Range.

The seven-man Commission as proposed by my bill will be free of domination by persons having a vested interest in the conclusions drawn in the study of these lands for scenic, scientific, recreational, educational, wildlife, wilderness, timber, and other resource values.

Members of the Commission would serve without compensation, except for reimbursement of travel expenses, and these members cannot be either present or former employees of the Interior or Agriculture Departments. The Commission would be allowed to hire an executive director and other staff personnel as might be necessary to the study, and private agencies, institutions and individuals would be allowed to assist in the study. Public hearings would be held by the Commission within the State of Oregon, and at the end of the study a written report would be filed with the Secretaries of the Interior and Agriculture, with the Governor of Oregon, and with the Congress, which would include the findings and recommendations of the Commission.

Mr. President, Americans have become alarmed at the rapid disappearance of our natural resources, and the subject of land-use is on the minds of many of our citizens. This study is especially vital in this day when society is so concrete-oriented that you literally cannot find a forest without a map in some parts of the country.

And, when we have an area as vast as the Oregon Cascades, certainly we should make every attempt to study it carefully to determine how this land, together with its many other natural resources should be used.

Mr. President, I ask at this point that the text of my proposal be printed in the CONGRESSIONAL RECORD.

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

S. 881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that (a) for the purpose of fully evaluating how the lands comprising Mount Hood, Willamette, Umpqua, Deschutes, Winema, and Fremont National Forests, and lands comprising Rogue River National Forest which are within the Cascade Mountain Range or contiguous thereto, can be managed in order to best serve the people of the Nation, there is hereby established the Cascade Mountain Range Study Commission (hereinafter referred to in this Act as the "Commission").

(b) The Commission shall be composed of seven members of whom three shall be appointed by the Secretary of the Interior, three by the Secretary of Agriculture, and one by the Governor of the State of Oregon. The initial meeting of the Commission shall be at such time and place as the Secretaries of the Interior and Agriculture, jointly, may determine. The Commission shall elect its own Chairman and Vice Chairman from among its members.

(c) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) Members of the Commission shall serve without compensation, but they shall be reimbursed by the Commission for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties of the Commission.

(e) No officer or employee (or former officer or employee) of the Department of the Interior or the Department of Agriculture shall be appointed to the Commission.

(f) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power to appoint and fix the compensation of such staff personnel as he deems necessary, including an Executive Director.

SEC. 2 (a). It shall be the duty of the Commission to conduct an investigation and study with a view to determining how those lands comprising Mount Hood, Willamette, Umpqua, Deschutes, Winema, and Fremont National Forests, and lands compromising Rogue River National Forest which are within the Cascade Mountain Range or contiguous thereto, can be managed in order to best serve the people of the Nation. In making such determination, the Commission shall conduct a comprehensive investigation and study of (1) the scenic, scientific, recreational, educational, wildlife, wilderness, timber, and other resource values of the aforementioned lands, (2) how the United States can best proceed with reforestation of the aforementioned lands which may have been logged but not properly reforested, and (3) which of the aforementioned lands are desirable for management changes with respect thereto.

(b) In carrying out its duties under this Act, the Commission shall, from time to time, hold public hearings at various points within the State of Oregon, including major population centers, in order that interested individuals and groups may express their views.

SEC. 3. On or before the expiration of two years following the date of the enactment of this Act, the Commission shall file a written report with the Secretary of the Interior, the Secretary of Agriculture, the Governor of the State of Oregon, and the Congress. Such report shall include the findings and recommendations of the Commission resulting from its investigation and study under this Act.

SEC. 4. The Commission is authorized to enter into agreements, by contract or otherwise, with any private agency, institution, or individual to assist the Commission in carrying out its duties under this Act.

SEC. 5. Upon the expiration of sixty days following the submission of its report, the Commission shall cease to exist.

SEC. 6. (a) There are hereby authorized to be appropriated such sums, not to exceed $250,000, as may be necessary to carry out the provisions of this Act.

(b) In carrying out its duties under this Act, the Commission is authorized to receive and expend gifts, contributions, or other donations.

By Mr. WILLIAMS:

S. 882. A bill authorizing payment under medicare for services performed by a household aide. Referred to the Committee on Finance.

Mr. WILLIAMS. Mr. President, I introduce for appropriate reference, a bill to authorize payment under Medicare for services furnished by a household aide at a patient's home.

According to the latest data available, the average health bill for persons 65 and older is $692—about 2½ times that for individuals in the 19 to 64 age category.

Today the average retired single worker receives approximately $1,400 in annual social security benefits, and an elderly couple nearly $2,400.

Even if medicare met all of their health care costs, their financial position would be serious enough. But valuable as medicare is, it covers less than one-half of the health care expenditures of the aged.

In the past, I have introduced several measures to strengthen medicare by:

Extending coverage to out-of-hospital prescription drugs;

Making the program available for disabled social security beneficiaries under age 65; and

Eliminating the $5.30 monthly premium charge for the elderly for part B supplementary medical insurance.

Today I introduce a bill to close another gap in coverage.

Under present law, medicare covers

home-health services under a plan established and reviewed by the patient's physician. To be eligible for these services, four conditions must be met:

The patient must have been hospitalized for at least 3 consecutive days.

He must be confined to his home.

His doctor must determine that additional care in the patient's home is necessary and he then establishes a home-health plan within 14 days after the patient is released from a hospital or nursing home.

The home-health care is for further treatment of the condition for which the patient was hospitalized.

Covered home-health services under medicare include occupational, speech or physical therapy; part-time nursing care; and medical social services. In addition, certain supportive services essential for the individual's care—such as bathing or feeding the patient—are available.

However, many other elderly persons—such as a cardiac patient or an individual with an arthritic condition—could remain in their homes if an aide could assist them with certain household chores which are too strenuous for them to perform.

But, as things stand now, large numbers of frail individuals are unnecessarily institutionalized, increasing medicare costs.

According to Dr. James Haughton, first deputy administrator for New York City's Health Services Administration, at least 10 percent of the nursing home residents in that city are unnecessarily institutionalized because suitable alternatives are not available.

My bill would help to meet this problem by extending medicare coverage for services performed by a household aide as part of a home health service plan.

Strongly supporting this measure, Dr. Haughton said:

> This is an important piece of legislation and should be supported because frequently an older person is under medical supervision at home and is unable to perform these services for himself, even though he may not need personal care. Frequently these persons are institutionalized at great expense because these services are not available to them as a medicare benefit.

With this alternative, many nursing home or hospital patients could be released much earlier.

Most older persons would also prefer to live in their home, rather than being institutionalized.

Additionally, living at home may be of important therapeutic value for the patient in improving his outlook and well-being.

And our Nation could also save tax dollars. For example, shaving one hospital day from the medicare national average could result in savings up to $400 million.

For these reasons, I urge prompt consideration of this legislation.

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

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

S. 882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1861(m)(4) of the Social Security Act is amended by inserting after "services of a home health aide" the following: "or a household aide or both".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to services furnished on or after the first day of the second month which begins after the date of the enactment of this Act.

By Mr. WILLIAMS:

S. 883. A bill to provide for the establishment of an Institute on Retirement Income which shall conduct studies and make recommendations designed to enable retired individuals to enjoy an adequate retirement income. Referred to the Committee on Government Operations.

Mr. WILLIAMS. Mr. President, I introduce for appropriate reference, a bill to establish an Institute on Retirement Income.

Today, low income in retirement continues to be the No. 1 problem facing a majority of our 20 million older Americans. This crisis also threatens to engulf many more nearing retirement age.

Older persons are now suffering from an income gap in relation to younger individuals.

In 1969 the median income of families with an aged head was 47.6 percent of that for younger families. But in 1962 their median income was 50.6 percent compared with families with a head aged 14 to 64.

Quite clearly, low income in old age is not a transitional problem that given present trends will be resolved in the near future.

For families with a head 65 and older, 27.4 percent have annual incomes below $3,000. In sharp contrast, only 6.3 percent of younger families fall within this category.

For the elderly single person, the income picture is especially grim. Almost 55 percent of unrelated individuals 65 and older had incomes below $2,000 in 1969.

Private pensions, while providing valuable protection for millions of older Americans, still serve far fewer than commonly assumed.

There are now about 30 million workers covered under private pension plans—approximately 36 percent of the total civilian labor force.

But coverage tends to be concentrated among higher paid workers. Consequently those who will be in the greatest need in old age will be least likely to receive private pension benefits.

Projections for 1980 indicate that about half the couples and more than three-fourths of the unmarried retirees will receive $3,000 or less in pension income. And these projections use relatively liberal assumptions with regard to increases in private and public benefit levels.

Even under earlier projections, now known to be too optimistic, only a third to two-fifths of all aged persons are expected to have income from private group pensions.

It is for reasons like these that present inadequacies in retirement income—and the policies and trends that perpetuate them—are of immediate and direct concern for all Americans, the young as well as the old.

But we need a continuing mechanism for developing and implementing a national policy because the problems of income maintenance in old age are complicated and widespread.

New approaches are also needed because the traditional means of providing security in retirement have not kept pace with this critical problem.

The Institute on Retirement Income as proposed in my bill, would operate as a "think tank" agency for conducting intensive study and making concrete recommendations.

It would touch on all aspects of retirement income—social security, railroad retirement, military retirement programs, private pensions and other systems of retirement assistance—and would be concerned with improving these existing systems.

Finally it would propose innovative ways for meeting the overall demand for adequate income in retirement, but not necessarily confined to existing plans and programs.

Moreover, the Institute would help assure that the Nation's retirement policies and commitments for its older people are based on the soundest possible foundation.

This Institute on Retirement Income is proposed—not for the sake of "study" or because there is uncertainty about the need for comprehensive action—but because it can provide the information, which is not now available, to help the Congress and the executive branch to come to grips with these concrete economic issues.

In strongly urging the adoption of this legislation, the Senate Committee on Aging's report on the "Economics of Aging" listed seven specific areas which would be appropriate for investigation by the Institute:

1. Projections of coverage and benefits under private pension plans, essential to the development of public policy in the area of social security.

2. Analysis of proposals for expanding the coverage of private pension plans—three of which were proposed during Committee hearings—assessing their likenesses and differences with a view to developing a sound legislative proposal.

3. An objective assessment of the Social Security "retirement test", and various proposals for elimination and drastically changing its character, from the point of view of the effect of the test on employment opportunities for the aged as well as optimum use of social security funds, and with account taken of any offsets to costs which result through gains in income taxes and savings in welfare payments.

4. Lessons to be learned from foreign experience with public and private pension systems, especially in methods of adjustment to productivity.

5. Study of various methods of automatically adjusting social security benefits to rising costs and *standards* of living, including specifically an assessment of the appropriateness of using the Consumer Price Index for adjustment of benefits of an aged population.

6. Follow-up research on an attitudinal

study of a proposal for converting the equity in the owned home into a lifetime annuity and on the mechanism whereby such a proposal could be implemented.

7. Development of models indicating the cost of various alternative methods of achieving retirement income of adequate level and related to the growth of the economy, for use in establishing an order of priority.

Today millions of older Americans, as well as many nearing retirement, are awaiting a solution for their pressing economic problems.

They must plan or begin to prepare for a retirement period of undetermined length and uncertain needs. For today's workers, they must also attempt to allocate their earnings to meet their family responsibilities, yet still have something left over for old age.

But the longer we make them wait, the more intense their economic problems will become.

For these reasons, I urge prompt and favorable action on this legislation.

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

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

S. 883

A bill to provide for the establishment of an Institute on Retirement Income which shall conduct studies and make recommendations designed to enable retired individuals to enjoy an adequate retirement income

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Institute on Retirement Income Act".

SEC. 2. (a) In order to conduct studies, demonstrations, and research of the income needs of retired individuals with a view to devising and recommending methods by which such income needs may be met by such individuals, the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized to enter into an agreement with any public or nonprofit private agency or organization (either existing or organized expressly to enter into the agreement authorized by this Act) for the payment by the United States of all or part of the costs of the establishment and operation, including equipment but not construction, of an Institute on Retirement Income.

(b) Before entering into the agreement provided for in subsection (a), the Secretary shall consult with the Secretaries of Defense and Labor, the Administrator of the Veterans' Administration, the Chairman of the Civil Service Commission, the Director of the Office of Economic Opportunity, and with such other officers of the executive branch of the Government as he may choose who have a responsibility for retirement incomes, with reference to the terms to be included in such agreement and the effectiveness of the plan to establish and operate an Institute on Retirement Income.

(c) Any agency or organization desiring to enter into such an agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed by the Secretary. In considering such proposals, the Secretary shall give preference to these proposals which give promise of ability to achieve the purposes of this Act with minimum expense and maximum effectiveness, including ability to attract and retain personnel who are well qualified to study problems and opportunities relating to retirement income and ability to find and recommend appropriate solutions to such problems independent of coercion from individuals outside the Institute.

(d) The agreement shall—

(1) provide that Federal funds paid to the agency or organization for the Institute will be used only for purposes for which paid and in accordance with the applicable provisions of this Act and the agreement made pursuant thereto;

(2) provide that the agency or organization making the agreement will make an annual report to the Secretary, which the Secretary in turn shall transmit to the Congress with such comments and recommendations as he may deem appropriate; and

(3) include such other conditions as the Secretary deems necessary to carry out the purposes of this Act.

SEC. 3. It shall be the duty and function of the Institute to study all aspects of the problems and opportunities relating to the attainment of adequate retirement income, including, but not limited to, the following:

(a) possible methods whereby increased retirement benefits may be paid on a fiscally sound basis by Federal retirement programs such as the social security retirement program, the railroad retirement program, the civil service retirement program, and the military retirement programs;

(b) means whereby the coverage of workers by private pension programs can be increased and means whereby such programs can be encouraged and assisted to provide more adequately retirement incomes for aged individuals;

(c) actions that might be taken by the Federal Government to assist State and local governments in paying increased retirement benefits to their employees, or in making such employees eligible for retirement and health insurance benefits under the Social Security Act;

(d) actions which might be taken by the Federal Government to encourage and assist young and middle-aged wage earners more adequately to meet their retirement needs through systematic savings;

(g) actions which the Federal Government might take to encourage and assist young and middle-aged persons to contribute to needy elderly relatives;

(f) actions that the Federal Government might take to increase opportunities for full-time or part-time employment for elderly individuals who desire to supplement inadequate retirement income by working;

(g) actions which the Federal Governnent might take to cause existing Federal programs combating poverty more adequately to meet the needs of aged persons for adequate retirement income; and

(h) actions the Federal Government might take to assist elderly individuals in establishing and operating small businesses to provide services in locations where such services otherwise would not be provided.

SEC. 4. There are hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this Act.

By Mr. JACKSON:

S. 884. A bill for the relief of Comdr. Howard A. Weltner, U.S. Naval Reserve. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH:

S. 885. A bill for the relief of Alfred Trevor Gallaher. Referred to the Committee on the Judiciary.

By Mr. STEVENS:

S. 886. A bill to amend section 5722 of title 5, United States Code, to provide for travel and transportation expenses for new Government appointees residing in Alaska. Referred to the Committee on Government Operations.

By Mr. EAGLETON (for himself, Mr. BAYH, Mr. BIBLE, Mr. DOLE, Mr. HARRIS, Mr. HART, Mr. HUMPHREY, Mr. INOUYE, Mr. JACKSON, Mr. MCGOVERN, Mr. MONTOYA, Mr. NELSON, Mr. PELL, Mr. SPONG, and Mr. TUNNEY):

S. 887. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology. Referred to the Committee on Labor and Public Welfare.

Mr. EAGLETON. Mr. President, I am today introducing a bill to provide for the establishment of a National Institute of Gerontology as a part of the National Institutes of Health. Joining with me as cosponsors are the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Kansas (Mr. DOLE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PELL), the Senator from Virginia (Mr. SPONG), and the Senator from California (Mr. TUNNEY).

I am pleased that so many distinguished Members of the Senate have joined with me in this bill for I know that the creation of a new institute is not, and should not be, a casual matter. The support that has already been engendered for this proposal is, I believe, an indicator of its merit.

The purpose of the proposed National Institute of Gerontology is to conduct and support biomedical, social, and behavioral research and training related to the aging process and the diseases and other special health problems and needs of the aged. It would fill a gap in our research efforts of long standing, for we are simply not supporting research and training in this area commensurate with the needs of our elderly population.

Today, about 10 percent of our population—20 million Americans—is over 65 years of age. Within the next 30 years an additional 45 to 50 million Americans will have passed their 65th birthday and this group will represent an even greater proportion of the population.

Yet the share of the NIH budget devoted to research in aging is incredibly small. Last year, only about seven-tenths of 1 percent of the total NIH research budget went for research specifically designed to alleviate the problems of our elderly citizens.

This allocation of resources is not only inequitable, it is shortsighted. Persons over 65 account for an inordinately large share of the total health care expenses in the United States; by some estimates, as much as two-thirds of our total expenditures for health care can be attributed to treating elderly persons. This tremendous expenditure of funds for the care of the aged is ironic when, according to recognized medical authorities, medical knowledge regarding aging and degenerative diseases has reached the point where a major breakthrough could be made.

The work done by the National Institute of Gerontology would have a very substantial effect on the quality of life of the aged. It could lead to an extension of the healthy middle years of life. The contribution each individual might make to society would be increased. And, by improving our knowledge of the aging process, we can hope to develop a greater proficiency in preventive medicine for the diseases of the aged, thus reducing the annual cost of health care now attributable to treatment of the aged.

By Mr. HANSEN:

S. 888. A bill for the relief of David J. Crumb. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 889. A bill to restore the Postal Service seniority of Elmer Erickson. Referred to the Committee on Post Office and Civil Service.

By Mr. CHILES:

S. 890. A bill to amend chapter 3 of title 18, United States Code, to prohibit the importation to the United States of certain noxious aquatic plants. Referred to the Committee on Agriculture and Forestry, by unanimous consent.

Mr. CHILES. Mr. President, I am pleased to introduce legislation which would prohibit anyone importing into the United States certain noxious aquatic plants which are damaging to the proper functioning and utilization of our waterways.

Millions of dollars are spent each year by local, State, and Federal agencies and by private interests in an effort to control noxoius aquatic weeds. Many thousands of dollars are being spent annually in research and experimentation to develop chemical means to control such weeds.

The aquatic plants that are causing our greatest problems are water hyacinths, alligator weed, and elodea. None of these are native to the United States but have been imported and introduced into our lakes, streams, and waterways. While it is realized that nothing can be done to restrict the noxious aquatic plant species already introduced into our waters, appropriate action should be taken to prevent importation of other such plants, as many of them are being imported by commercial and private interests and distributed throughout the country.

Experience has shown us that the unrestricted importation and distribution of exotic aquatic plants can only lead to increased problems for all agencies involved in water control, water supply, mosquito control, fish and wildlife management, recreation, and navigation.

Section 46 of Title 18, United States Code, presently makes it a crime to transport from one state to another certain types of water plants or their seeds. My bill would merely extend the existing law to prohibit the importation of such plants from a foreign country into the United States. If transportation of these plants across State boundaries is detrimental to the Nation's interest, a fact already recognized by the law, then certainly we should prohibit their importation.

With millions of dollars being spent by public and private interests in an effort to cope with this problem, it seems we in the Senate should give it our earnest attention and provide further means of helping them gain control.

Mr. BYRD of West Virginia subsequently said: Mr. President, the distinguished Senator from Florida (Mr. CHILES) has introduced a bill to amend chapter 3 of title 18 of the United States Code to prohibit the importation into the United States of certain noxious aquatic plants. At the request of Mr. CHILES, I ask unanimous consent that that bill be referred to the Committee on Agriculture and Forestry.

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

By Mr. ALLEN:

S.J. Res. 45. Joint resolution relating to the establishment of a museum to be used for the exhibition of works of art. Referred jointly to the Committees on Public Works and Government Operations, by unanimous consent.

Mr. ALLEN. Mr. President, I introduce a joint resolution, and ask unanimous consent that it be referred jointly to the Committee on Public Works and the Committee on Government Operations.

The PRESIDENT pro tempore. The joint resolution will be received, and, without objection, will be referred in accordance with the Senator's request.

The joint resolution (S.J. Res. 45), relating to the establishment of a museum to be used for the exhibition of works of art, introduced by Mr. ALLEN, was received, read twice by its title, and referred to the Committees on Public Works and Government Operations, by unanimous consent.

Mr. ALLEN. Mr. President, this Senate Joint Resolution, among other things, declares an agreement of May 17, 1966, by and between Joseph H. Hirshhorn; the Joseph H. Hirshhorn Foundation, Inc.; and the Smithsonian Institution to be null and void as contrary to public policy.

One effect of the proposed amendment is that the museum and sculpture garden contemplated by the above agreement will not have been consummated in accordance with the terms prescribed by the donor with the result that Joseph H. Hirshhorn and the Joseph H. Hirshhorn Foundation, Inc., are by terms of the agreement relieved of any obligations under the agreement.

On the other hand, the proposed amendment leaves intact the congressional appropriations of certain described public lands to the Smithsonian Institution. Thus, these public lands will remain available to the Smithsonian Institution for the construction of an appropriate museum subject to plans approved by Congress and with the understanding that the Smithsonian Institution accepts the lands as an agency of Federal Government subject to control of Congress and not as a private corporation.

Mr. President, to reach the merits of this proposed amendment, it is necessary to discuss both the agreement, as modified, and the statute which consummates the agreement. In the first instance, we believe that it can be conclusively demonstrated that the agreement even as modified is null and void as contrary to public policy; in the second instance, that the implementing statute should be amended to strike from it certain provisions enacted pursuant to the agreement.

Mr. President, with the above object in mind, I ask unanimous consent that the preamble to the proposed amendment be printed at this point in the RECORD.

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

Whereas, the Act of November 7, 1966 (80 Stat. 1403), was enacted by Congress pursuant to an agreement dated the seventeenth day of May 1966, by and between Joseph H. Hirshhorn; the Joseph H. Hirshhorn Foundation and the Smithsonian Institution under which agreement the Smithsonian Institution might receive title to a certain collection of modern art and sculpture contingent on specified conditions, including the enactment and approval of implementing legislation within ten days after the close of the 90th Congress and the further condition that a museum and sculpture garden be constructed and completed within five years from the date of the legislation;

Whereas, one Congress may not irrevocably bind another and since the above agreement and contemplated gift of a collection of art is made contingent on the enactment of a statute the object of which is to bind all future Congresses in perpetuity, it follows that such agreement is defective as contrary to law and public policy;

Whereas, Congress may not properly assign nonjudicial functions and responsibilities to members of the United States Supreme Court and since the above agreement and contemplated gift is made contingent on enactment by Congress of a statute which would assign nonjudicial administrative and policy duties and responsibilities to present and future Chief Justices of such Court, it follows that such agreement is defective as contrary to law and public policy;

Whereas, the ancient doctrine of Mortmain by which lands became perpetually inherent in one dead hand, is contrary to the Constitution and laws of the United States; and since the above agreement contemplates a gift of art to the Smithsonian Institution contingent on the enactment by Congress of a statute which would appropriate certain described public lands in perpetuity to the Smithsonian Institution for the sole purpose of providing a permanent structure for such works of art, and seeks to pledge in perpetuity the full faith and credit of the United States to open ended appropriations of tax revenues for the purpose of maintaining such structure in perpetuity and further contemplates designation of the structure by the name of the proposed donor in perpetuity; and by reason of these terms in the agreement it follows that such agreement is contrary to the Constitution, laws, and public policy of the United States and cannot properly be implemented by an Act of Congress;

Whereas, the contemplated gift was made contingent on the appropriation by Congress of certain described lands which incorporate areas that impinge on the architectural and historic integrity of the Washington Mall which area is universally revered as the Nation's court of honor and heretofore dedicated to the purpose of memorializing the lives of great American heroes and appropriate works of the arts and sciences and outstanding national achievements and since serious questions have been raised concerning the dedication of such lands as condition precedent to the gift of a collection of modern art; and

Whereas, the Act of November 7, 1966, implements the above conditions and other conditions set forth in the agreement; and since substantial evidence indicates that the above statute has been criticized as having been enacted without adequate Congressional hearings; without public knowledge of alleged cronyism and with inordinate pressures brought to bear in the process of enactment; and without public knowledge of

tax avoidance features involved in gifts to tax exempt foundations; now, therefore, be it

Mr. ALLEN. Mr. President, let us now take a look at terms and conditions in the agreement before it was modified which support the conclusions set out in the preamble.

The proposed gifts of a collection of art and a sum of money are contingent on the fulfillment of conditions which, among other things, require that Congress enact certain legislation containing the following provisions:

First. Certain described lands in the District of Columbia shall be appropriated to the Institution as the "permanent site of a museum and sculpture garden."

Second. The legislation must authorize the Board of Regents of the Smithsonian to remove an existing structure on the land appropriated.

Third. The legislation must provide that the museum and sculpture garden, "shall be designated and known in perpetuity as the Joseph H. Hirshhorn Museum and Sculpture Garden." In this connection, the precise language quoted above is contained in a separate provision of the agreement.

Fourth. The legislation must pledge the faith of the United States to "provide such funds as may be necessary for the upkeep, operation, and administration of the Joseph H. Hirshhorn Museum and Sculpture Garden."

Fifth. The legislation must provide that the Joseph H. Hirshhorn Museum and Sculpture Garden "shall be the permanent home" of the collections of art of Joseph H. Hirshhorn and the Joseph H. Hirshhorn Foundation.

Sixth. The legislation must establish in the Smithsonian Institution a Board of Trustees to be known as "the Board of Trustees of the Joseph H. Hirshhorn Museum and Sculpture Garden."

Seventh. The legislation must provide that "the Chief Justice of the United States shall serve as an ex officio member of the Board."

Eighth. The legislation must provide that four initial general members of the Board shall be appointed from among nominations submitted by Joseph H. Hirshhorn.

Ninth. The legislation must provide an authorization for "such sums as may be necessary, including all sums necessary for planning and constructing the museum of sculpture garden."

Then the agreement provides:

In the event that legislation containing provisions substantially as set forth in Paragraph Second hereof is not duly enacted by the Congress of the United States and duly approved by the President no later than ten (10) days after the close of the 90th Congress, or in the event that said Museum and Sculpture Garden shall not have been constructed and completed as provided in Paragraph Third hereof within five years after such legislation shall have been enacted and approved, this Agreement shall be null and void and the proposed gifts by the Donor and the Hirshhorn Foundation shall not be consummated.

Mr. President, the above agreement was modified by letter of June 6, 1968. In order to make the original agreement, the modification and the statute readily accessible to those who may wish to compare the provisions of each, I ask unanimous consent that the agreement dated the 17th day of May 1966 and the modification by letter dated June 6, 1968 and the act of November 7, 1966—80 Stat. 1403—be printed in the RECORD at the conclusion of my remarks.

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

(See exhibits 1, 2, and 3.)

Mr. ALLEN. It should be pointed out at this time the modification of the original agreement waives noncompliance by the Smithsonian Institution with certain time limitations imposed by the initial agreement. However, different time limitations are imposed. For example:

3. That by December 31, 1972, the Joseph H. Hirshhorn Museum and Sculpture Garden shall have been constructed and completed in accordance with the terms of Article Third of said Agreement.

In the event that any of these conditions are not met, the waiver contained herein shall be null and void and our gifts shall not be consummated. No terms or conditions of our Agreement of May 17, 1966, shall be deemed to be waived except as expressly herein provided.

At this point, a brief summary of the major provisions of the statute will indicate how faithfully the terms of the original agreement are reflected in the statute. For example:

First. The specific lands described in the agreement are appropriated to the Smithsonian Institution "in perpetuity."

Second. The statute designates these lands as "permanent sites" for construction of a museum and sculpture garden.

Third. The museum and sculpture garden are "designated in perpetuity" as the Joseph H. Hirshhorn Museum and Sculpture Garden.

Fourth. "The faith of the United States is pledged" to provide open ended appropriations as may be necessary for the upkeep, operation, and administration of the museum and sculpture garden.

Fifth. The statute provides that the museum and sculpture garden shall be "the permanent" home of the collections of art of Joseph H. Hirshhorn, and the Joseph H. Hirshhorn Foundation, Inc.

Sixth. A private board of trustees is established which is vested with "sole authority with respect to certain aspects of administration and policy," and the Chief Justice of the United States is designated an ex officio member of the board of trustees.

Seventh. The statute authorizes appropriations not to exceed $15 million for planning and construction and such additional sums as may be necessary for the maintenance and operation of the museum and sculpture garden.

Mr. President, the reasons why the agreement and implementing statute are contrary to public policy should be evident. However, some may say that public policy is ephemeral and that the implementing statute is a determination of public policy in this instance. This argument, if valid, would compel us to accept the proposition that Congress may appropriate public properties in perpetuity to any private corporation and that such properties can be designated in perpetuity for the sole and exclusive use of one aspect of art and named to honor the memory of a particular donor in perpetuity and that one Congress may bind another in perpetuity to make appropriations in perpetuity for the upkeep, operation, and maintenance of such lands and improvements. In short, such an argument, if valid, would compel us to accept the ancient doctrine of Mortmain as being consistent with the Constitution and with public policy.

Mr. President, one cannot but be impressed by the irony revealed in the fact that a national monument, known as the Armed Forces Institute of Pathology, visited by millions, was removed and the building it occupied torn down under authority of Congress to clear the land sought to be appropriated in perpetuity to the Smithsonian Institution for the sole purpose of housing the Hirshhorn collection of modern art and sculpture. Had that land or any other public lands on the Mall been appropriated in perpetuity the end would be in sight for any future monuments on the Nation's hall of fame. Could this be public policy of the United States?

We respectfully submit that one Congress may not irrevocably bind another in this manner and that these provisions of the act are contrary to public policy and should be stricken by amendment.

Turning now to another aspect of public policy, it is an established fact that Congress may not properly assign nonjudicial functions and responsibilities to members of the U.S. Supreme Court. But, it will be said, in truth, that former Chief Justices of the Supreme Court in the past have accepted nonjudicial duties and responsibilities when requested to do so by the President. And it can be said in truth that the Chief Justice is a member of the Board of Regents of the Smithsonian Institution under authority of the law creating the Institution. However, such assignments have not been without critics and not without valid criticism as it relates to current public policy and the present Court. In the case at hand, it is not only the present Chief Justice who is designated by statute as an ex officio member of a private board of trustees but also all future Chief Justices are so designated. This private board of trustees is assigned both administrative and policy responsibilities. In this connection, some Chief Justices may be eminently qualified to serve in such a capacity. Some may not. If one is qualified and if he is conscientious in the performance of his duties, it would seem clear that less of his time and talents would be available to perform the important duties of Chief Justice. On the other hand, if a Chief Justice is not qualified the assumption under law of nonjudicial responsibilities is a mockery and more window dressing to lend prestige and legitimation to decisions of the board of trustees. In either event, we do insist that the provision of this statute which designates Chief Justice ex officio members of a private board of trustees is contrary to public policy and should be stricken from the statute.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. President, I ask to be recognized.

The PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD of West Virginia. I yield my 3 minutes to the Senator from Alabama.

Mr. ALLEN. I thank the Senator from West Virginia.

Mr. President, it is not my purpose nor is it possible at this time to cover all of the reasons which recommend the proposed amendments to the act of November 7, 1966. However, substantial evidence is at hand to indicate that the statute has been severely criticized on grounds suggesting undue pressures and inadequate consideration by Congress of the implementing statute. For example, the Committee on House Administration in a report on the Smithsonian Institution dated December 30, 1970 states that despite the fact that the Subcommittee on Library and Memorials is a Standing Subcommittee on House Administration and has jurisdiction of the subject, it was bypassed when the Joseph H. Hirshhorn Museum and Sculpture Garden legislation was first presented to Congress. The report states:

> For a variety of reasons the Subcommittee on Library Memorials was circumvented and the matter referred to the Committee on Public Works.

The Committee report further states:

> During the course of its 1970 hearings, the Subcommittee on Library and Memorials heard testimony which raised questions about the propriety and wisdom of some of the terms involved in the Hirshhorn gift, and about actions taken giving effect to it. Some of these questions include: the location of the museum bearing the donor's name on the Mall; the propriety of appointing an architect to design the museum who at the time was a member of the Fine Arts Commission, which would have to approve the final design; the use of Federal funds to finance upkeep of the collection even though the agreement between Hirshhorn and the Smithsonian stipulates that he would be responsible for 'care of' the collection until the building was complete; the removal of $1 million cash he promised to give the museum as an endowment and its placing with Federally appropriated funds to cover the now increased cost of construction.

Mr. President, we urge all Members of the Senate to carefully evaluate the information in this short and informative report. In the meantime, again let me emphasize that one cannot, in remarks appropriate to the introduction of this proposed amendment, cover all the serious criticisms which have been raised to the act.

Much of such criticism has been widely publicized but none with more compelling effect than that contained in the reports of former presidential aide, Clark Mollenhoff, an eminent nationally syndicated columnist. Mr. President, Clark Mollenhoff earned national distinction by reason of his demonstrated talent in ferreting out wrongdoing in Government coupled with integrity and courage to report facts and let the chips fall where they may.

For this reason, I ask unanimous consent that Mr. Mollenhoff's syndicated column, "Watch on Washington" dated October 10, 1970, and his several columns on this subject which were subsequently published in the Salt Lake Register and Tribune be printed in the RECORD.

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

(See exhibits 4, 5, 6, and 7.)

Mr. ALLEN. In conclusion, Mr. President, I admit that the proposed amendment will give rise to problems. For one thing, it will be necessary to determine in what capacity the Smithsonian Institution contracted to accept the conditional gifts proposed by the donor. It is a complex question. In one respect the Smithsonian Institution views itself as a private corporation chartered by Congress with substantive authority to accept and administer gifts. Then we must remember that the then President of the United States, President Johnson, directed the Smithsonian to contract with the donor to accept the gifts. These considerations imply authority in the President and the Smithsonian independent of the will of Congress. On the other hand, the Institution clearly performs responsibilities as an agency of Government under supervision of Congress. This is illustrated by the fact that Congress pays the bulk of its operating expenses, including salaries, and by the additional fact that GSA acts as the Institution administrator in matters of construction.

Some part of the confusion will be cleared up by this amendment. The amendment makes it clear that the Smithsonian accepts the appropriation of lands as an agency of the Federal Government, and as such the land will not be removed from further control of Congress.

Another problem is that private rights and obligations have been incurred under authority of this statute. This is true except as to the proposed donor. By terms of the agreement, he is relieved of an obligation to convey title or to make delivery of the proposed gifts should conditions of the agreement not be met.

Such is not the case with the Smithsonian. Although Congress did not come through in 1966 with the full appropriation for construction, it appears that in the budget for fiscal year 1969 a contract authorization was provided—known as a "contract authority," and that the GSA administrator, who is the Smithsonian agent for construction and negotiation with the architect, "was expressly authorized to enter into a contract in the full amount of $14,197,000."

In this connection, it is sufficient to say that any retrospective aspect of the proposed amendment is not intended to leave aggrieved parties without recourse to settlement by negotiation if possible or by legal proceedings on valid contracts as a recourse of last resort.

As the situation stands today, of the total authorization of $14,197,000 only $3,697,000 remains to be appropriated and such sum is requested in the present budget for fiscal year 1972.

Nevertheless, it is not too late to salvage for posterity this national heritage of priceless property. It is not too late to admit a mistake and make amends. I sincerely urge the Senate to take the lead in doing just that. An early consideration and enactment of this amendment would be a first step toward that end.

EXHIBIT 1

AGREEMENT BETWEEN JOSEPH H. HIRSHHORN, THE JOSEPH H. HIRSHHORN FOUNDATION, INC., AND THE SMITHSONIAN INSTITUTION, MAY 17, 1966

Agreement dated the 17th day of May, 1966 by and between Joseph H. Hirshhorn (hereinafter sometimes referred to as the "Donor"); The Joseph H. Hirshhorn Foundation, Inc., a membership corporation organized under the laws of the State of New York (hereinafter sometimes referred to as the "Hirshhorn Foundation"); and The Smithsonian Institution, an establishment created and existing under and by virtue of an Act of the Congress of the United States of America, approved August 10, 1846 (hereinafter referred to as the "Institution").

Whereas, the Donor has for many years been acquiring important paintings and sculpture, with particular emphasis upon the works of contemporary American artists, and is desirous of encouraging and developing a greater understanding and appreciation of modern art; and

Whereas, the President of the United States and the Institution believe that the establishment of a sculpture garden and a museum in Washington, D.C., where modern art could be exhibited and studied, would enrich the culture of the nation; and

Whereas, the Donor and the Trustees of the Hirshhorn Foundation have proposed to the President of the United States that the Donor and the Hirshhorn Foundation donate their collections of art to the Institution for the benefit of the people of the United States and the Donor has proposed to the President that the Donor contribute One Million Dollars ($1,000,000) to the Institution for the purpose of acquiring additional works of art of contemporary artists; and

Whereas, the President of the United States has directed the Secretary of the Institution to make appropriate arrangements whereby the proposed gifts by the Donor and the Hirshhorn Foundation of their collections of works of art and the Donor's proposed gift of One Million Dollars to the Institution, may be consummated; and

Whereas, agreement has now been reached between the Donor, the Institution and the Hirshhorn Foundation with respect to the terms and conditions upon which said gifts will be made by the Donor and the Hirshhorn Foundation, and accepted by the Institution;

Now Therefore, it is agreed by and between the undersigned as follows:

First. The Donor hereby agrees to transfer and deliver the collection of works of art listed in the inventory attached hereto and marked Exhibits A and A–1, and to pay the sum of One Million Dollars ($1,000,000), to the Institution, and the Hirshhorn Foundation agrees to transfer and deliver to the Institution the collection of works of art listed in the inventory attached hereto and marked Exhibits B and B–1, and the Institution hereby agrees to accept said gifts from the Donor and the Hirshhorn Foundation, in trust, however, for the uses and purposes and subject to the provisions and conditions hereinafter expressed.

Second. It is a condition of the gifts by the Donor and The Hirshhorn Foundation:

A. That the Congress of the United States shall have enacted, and the President of the United States shall have approved, no later than ten days after the close of the 90th Congress, legislation to the following effect:

(1) The area bounded by Seventh Street, Independence Avenue, Ninth Street and Madison Drive, in the District of Columbia, shall be appropriated to the Institution as the permanent site of a museum and sculpture garden to be used exclusively for the exhibition of works of art.

(2) The Board of Regents of the Institution shall be duly authorized to remove any existing structure, to prepare architectural and engineering designs, plans and specifica-

tions, and to construct a suitable museum and sculpture garden for the use of the Institution within the area designated in Subparagraph "(1)" hereof.

(3) The museum and sculpture garden hereinbefore provided for shall be designated and known in perpetuity as the Joseph H. Hirshhorn Museum and Sculpture Garden, and shall be a free public museum and sculpture garden under the administration of the Board of Regents of the Institution.

(4) The faith of the United States shall be pledged that the United States shall provide such funds as may be necessary for the upkeep, operation and administration of the Joseph H. Hirshhorn Museum and Sculpture Garden.

(5) The Joseph H. Hirshhorn Museum and Sculpture Garden shall be the permanent home of the collections of art of Joseph H. Hirshhorn and The Joseph H. Hirshhorn Foundation, and shall be used exclusively for the storage, exhibition and study of works of art, and for the administration of the affairs of The Joseph H. Hirshhorn Museum and Sculpture Garden.

(6) There shall be established in the Institution a Board of Trustees to be known as the Board of Trustees of Joseph H. Hirshhorn Museum and Sculpture Garden, which shall provide advice and assistance to the Board of Regents of the Institution on all matters relating to the administration, operation, maintenance and preservation of the Joseph H. Hirshhorn Museum and Sculpture Garden; and which shall have the sole authority (a) to purchase or otherwise acquire (whether by gift, exchange or other means) works of art for the Joseph H. Hirshhorn Museum and Sculpture Garden; (b) to loan, exchange, sell or otherwise dispose of said works of art; and (c) to determine policy as to the method of display of the works of art contained in the Joseph H. Hirshhorn Museum and Sculpture Garden.

(7) The Board of Trustees of the Joseph H. Hirshhorn Museum and Sculpture Garden shall be composed of ten members as follows: (a) The Chief Justice of the United States and the Secretary of the Institution, who shall serve as *ex-officio* members and (b) eight general members to be initially appointed by the President, four of whom shall be appointed from among nominations submitted by Joseph H. Hirshhorn and four of whom shall be appointed from among nominations submitted by the Board of Regents of the Institution. The general members so appointed by the President shall have terms expiring one each on July 1, 1968, 1969, 1970, 1971, 1972, 1973, 1974, and 1975, as designated by the President. Successor general members (who may be elected from among members whose terms have expired) shall serve for a term of six years, except that a successor chosen to fill a vacancy occurring prior to the expiration of the term of office of his predecessor, shall be chosen only for the remainder of such term. Vacancies occurring among general members of the Board of Trustees of the Joseph H. Hirshhorn Museum and Sculpture Garden shall be filled by a vote of not less than four-fifths of the then acting members of the Board of Trustees.

(8) The Board of Regents of the Institution may appoint and fix the compensation and duties of a director and subject to his supervision, an administrator and two curators of the Joseph H. Hirshhorn Museum and Sculpture Garden, none of whose appointment, compensation or duties shall be subject to the civil service laws or the Classification Act of 1949, as amended. The Board of Regents may employ such other officers and employees as may be necessary for the efficient administration, operation and maintenance of the Joseph H. Hirshhorn Museum and Sculpture Garden.

(9) There shall be authorized to be appropriated, and there shall be appropriated, such sums as may be necessary to carry out the purposes of such legislation, including all sums necessary for planning and constructing the Joseph H. Hirshhorn Museum and Sculpture Garden.

B. That the said Joseph H. Hirshhorn Museum and Sculpture Garden shall have been constructed and completed in accordance with the provisions of this Agreement.

Third. Upon receipt of appropriate authorization from the Congress and the appropriation of funds as provided in Paragraph Second hereof, the Institution shall, with all due dispatch, construct the Joseph H. Hirshhorn Museum and Sculpture Garden on the site described in Subparagraph A(1) of Paragraph Second hereof, and landscape said site, in accordance with plans to be prepared by a firm of architects jointly chosen by the Donor and the Secretary of the Institution, which plans shall have been specifically approved by both the Donor and the Secretary of the Institution.

Fourth. Immediately following the construction and completion of the said museum and sculpture garden as herein provided, and the taking of such other steps as counsel for the Donor and counsel for the Institution shall deem necessary to give effect to the gifts contemplated hereunder, the Donor shall pay the sum of One Million Dollars ($1,000,000) to the Institution and title to the collections of the works of art listed in Exhibits A and A–1 and Exhibits B and B–1 shall pass to and be vested in the Institution, and such collections shall be delivered to the Institution at the expense of the Donor and the Joseph H. Hirshhorn Foundation, respectively, and thereafter shall remain under the exclusive control of the Institution, subject to the provisions of this Agreement.

During the period between the date of this Agreement and the time when title to said collections of art shall pass to and be vested in the Institution, or when this Agreement shall terminate, whichever shall be earlier, the Donor and the Hirshhorn Foundation shall respectively care for the said works of art and shall keep the same insured against loss or damage by fire, theft or burglary, in such amounts and with such parties as the Donor and the Hirshhorn Foundation in their discretion may determine, if and to the extent that such insurance may be obtainable; it being understood, however, that in no event nor under any circumstances, shall the Donor or the Hirshhorn Foundation be liable for any loss or damage to any of the works of art, however caused, which is not compensated for by such insurance. The Donor and the Hirshhorn Foundation shall respectively pay all costs, premiums, and other charges incidental to such care and insurance.

Fifth. The gift of One Million Dollars by the Donor hereunder shall be used solely to acquire works of art for the Joseph H. Hirshhorn Museum and Sculpture Garden. Pending the use of said funds for such purpose, the Institution may invest such funds in such manner as it may determine from time to time, provided that such funds and/or investments, and the income derived therefrom, shall be segregated and maintained as a trust fund for the benefit of the said Museum and Sculpture Garden, separate and apart from the other funds and investments of the Institution.

Sixth. The Institution may accept, hold and administer gifts, bequests or devises of money, securities, or other property for the benefit of the Joseph H. Hirshhorn Museum and Sculpture Garden, provided that no works of art shall be accepted for such Museum and Sculpture Garden without the prior consent and approval of the Board of Trustees of the Joseph H. Hirshhorn Museum and Sculpture Garden.

Seventh. The Institution covenants and agrees that:

A. It will, at all times, properly maintain the Joseph H. Hirshhorn Museum and Sculpture Garden, protect and care for all works of art therein, and regularly exhibit works of art contained therein with dignity to the general public free of charge.

B. In no event shall any sculpture of the Joseph H. Hirshhorn Museum and Sculpture Garden be loaned for periods longer than three hundred sixty (360) days.

C. The funds received from the sale of works of art of the Joseph H. Hirshhorn Museum and Sculpture Garden shall be used solely for the purpose of acquiring works of art for said Museum and Sculpture Garden. Pending the use of said funds for such purpose, the Institution may invest such funds in such manner as it may determine from time to time, provided that such funds and/or investments, and the income derived therefrom, shall be segregated and maintained as a trust fund for the benefit of the said Museum and Sculpture Garden, separate and apart from the other funds and investments of the Institution.

D. The first director of the Joseph H. Hirshhorn Museum and Sculpture Garden shall be designated by the Donor with the consent of the Secretary of the Institution.

E. The said sculpture garden and museum in the area bounded by Seventh Street, Independence Avenue, Ninth Street, and Madison Drive, in the District of Columbia, shall be known and designated in perpetuity as the Joseph H. Hirshhorn Museum and Sculpture Garden to which the entire public shall forever have access without charge, subject only to reasonable regulations from time to time established by the Institution.

Eighth. Anything herein contained to the contrary notwithstanding, from and after the date of this Agreement and until title to the collections of works of art shall pass to and be vested in the Institution, (a) the Donor may transfer any of the works of art listed in Exhibits A or A–1 to the Hirshhorn Foundation, and all works of art thus transferred shall remain subject to this agreement as if originally listed in Exhibits B or B–1 instead of Exhibits A or A–1 hereto; and (b) the Donor and the Hirshhorn Foundation may loan or sell (for such consideration as the Donor or the Hirshhorn Foundation, as the case may be, shall in his or its sole discretion deem appropriate) any of the works of art listed respectively in Exhibits A, A–1, B and B–1 hereto and may also exchange the same for other works of art. No loan of such works of art shall be made for a period in excess of 180 days. The Donor and the Hirshhorn Foundation respectively may invest and reinvest the net proceeds arising from any such sale of his or its works of art by acquiring additional works of art and/or purchasing obligations of the United States Government. All works of art so acquired by purchase or exchange shall become subject to the terms of this Agreement as if originally listed in Exhibits A, A–1, B or B–1 in the place and stead of the works of art sold or exchanged as aforesaid. After title to the collections of works of art shall pass to and be vested in the Institution, any obligations of the United States Government acquired as aforesaid and the balance, if any, of net proceeds not used for the acquisition of works of art or obligations of the United States Government shall be transferred and paid over to the Institution to be used solely for the purpose of acquiring works of art for the Joseph H. Hirshhorn Museum and Sculpture Garden, and pending such use, such funds and obligations shall be administered as provided in Paragraph Fifth hereof. Any insurance proceeds realized under policies carried by the Donor and the Hirshhorn Foundation in accordance with the provisions of Paragraph Fourth hereof shall be treated in the same manner as net proceeds arising from the sale of the works of art of the Donor and the Hirshhorn Foundation as provided in this Paragraph Eighth.

Ninth. In the event that legislation containing provisions substantially as set forth in Paragraph Second hereof is not duly enacted by the Congress of the United States and duly approved by the President no later than ten (10) days after the close of the 90th Congress, or in the event that said Museum and Sculpture Garden shall not have been constructed and completed as provided in Paragraph Third hereof within five years after such legislation shall have been enacted and approved, this Agreement shall be null and void and the proposed gifts by the Donor and the Hirshhorn Foundation shall not be consummated.

Tenth. This Agreement shall be binding upon the heirs, executors and administrators of the Donor.

IN WITNESS WHEREOF, Joseph H. Hirshhorn has caused this Agreement to be executed by his hand and seal; The Smithsonian Institution, pursuant to a resolution duly adopted by its Board of Regents, has caused this Agreement to be signed and its official seal to be hereunto affixed by its Secretary; and The Joesph H. Hirshhorn Foundation, Inc., pursuant to a resolution duly adopted by its Board of Directors, has caused this Agreement to be signed and its official seal to be hereunto affixed by its Secretary, all as of the day and year first above written.

THE SMITHSONIAN INSTITUTION,
JOSEPH H. HIRSHHORN.
By S. DILLON RIPLEY,
Secretary.

THE JOSEPH HIRSHHORN FOUNDATION, INC.
By SAM HARRIS,
Secretary.

EXHIBIT 2

PUBLIC LAW 89-788, 89TH CONGRESS, S. 3389, NOV. 7. 1966

An act to provide for the establishment of the Joseph H. Hirshhorn Museum and Sculpture Garden, and for other purposes

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

SECTION 1. (a) The area bounded by Seventh Street, Independence Avenue, Ninth Street, and Jefferson Drive, in the District of Columbia, is hereby appropriated to the Smithsonian Institution as the permanent site of a museum and the area bounded by Seventh Street, Jefferson Drive, Ninth Street, and Madison Drive, in the District of Columbia is hereby made available to the Smithsonian Institution as the permanent site of a sculpture garden, both areas to be used for the exhibition of works of art.

(b) The Board of Regents of the Smithsonian Institution is authorized to remove any existing structure, to prepare architectural and engineering designs, plans, and specifications, and to construct a suitable museum within said area lying south of Jefferson Drive and to provide a sculpture garden for the use of the Smithsonian Institution within the areas designated in section 1(a) of this Act.

SEC. 2. (a) The museum and sculpture garden provided for by this Act shall be designated and known in perpetuity as the Joseph H. Hirshhorn Museum and Sculpture Garden, and shall be a free public museum and sculpture garden under the administration of the Board of Regents of the Smithsonian Institution. In administering the sculpture garden the Board shall cooperate with the Secretary of Interior so that the development and use of the Garden is consistent with the open-space concept of the Mall, for which the Secretary of Interior is responsible, and with related development regarding underground garages and street development.

(b) The faith of the United States is pledged that the United States shall provide such funds as may be necessary for the upkeep, operation, and administration of the Joseph H. Hirshhorn Museum and Sculpture Garden.

(c) The Joseph H. Hirshhorn Museum and Sculpture Garden shall be the permanent home of the collections of art of Joseph H. Hirshhorn and the Joseph H. Hirshhorn Foundation, and shall be used for the storage, exhibition, and study of works of art, and for the administration of the affairs of the Joseph H. Hirshhorn Museum and Sculpture Garden.

SEC. 3. (a) There is established in the Smithsonian Institution a Board of Trustees to be known as the Trustees of the Joseph H. Hirshhorn Museum and Sculpture Garden, which shall provide advice and assistance to the Board of Regents of the Smithsonian Institution on all matters relating to the administration, operation, maintenance, and preservation of the Joseph H. Hirshhorn Museum and Sculpture Garden; and which shall have the sole authority (i) to purchase or otherwise acquire (whether by gift, exchange, or other means) works of art for the Joseph H. Hirshhorn Museum and Sculpture Garden, (ii) to loan, exchange, sell, or otherwise dispose of said works of art, and (iii) to determine policy as to the method of display of the works of art contained in said museum and sculpture garden.

(b) The Board of Trustees shall be composed of the Chief Justice of the United States and the Secretary of the Smithsonian Institution, who shall serve as ex officio members, and eight general members to be appointed as follows: Four of the general members first taking office shall be appointed by the President of the United States from among nominations submitted by Joseph H. Hirshhorn and four shall be appointed by the President from among nominations submitted by the Board of Regents of the Smithsonian Institution. The general members so appointed by the President shall have terms expiring one each on July 1, 1968, 1969, 1970, 1971, 1972, 1973, 1974, and 1975, as designated by the President. Successor general members (who may be elected from among members whose terms have expired) shall serve for a term of six years, except that a successor chosen to fill a vacancy occurring prior to the expiration of the term of office of his predecessor shall be chosen only for the remainder of such term. Vacancies occurring among general members of the Board of Trustees of the Joseph H. Hirshhorn Museum and Sculpture Garden shall be filled by a vote of not less than four-fifths of the then acting members of the Board of Trustees.

SEC. 4. The Board of Regents of the Smithsonian Institution may appoint and fix the compensation and duties of a director and, subject to his supervision, an administrator and two curators of the Joseph H. Hirshhorn Museum and Sculpture Garden, none of whose appointment, compensation, or duties shall be subject to the civil service laws or the Classification Act of 1949, as amended. The Board of Regents may employ such other officers and employees as may be necessary for the efficient administration, operation, and maintenance of the Joseph H. Hirshhorn Museum and Sculpture Garden.

SEC. 5. There is authorized to be appropriated not to exceed $15,000,000 for the planning and construction of the Joseph H. Hirshhorn Museum and Sculpture Garden, and such additional sums as may be necessary for the maintenance and operation of such museum and sculpture garden.

EXHIBIT 3

CHANGES IN AGREEMENT BETWEEN HIRSHHORN AND THE SMITHSONIAN

JUNE 6, 1968.

The SMITHSONIAN INSTITUTION,
Washington, D.C.

GENTLEMEN: In our Agreement of May 17, 1966, we have made gifts to The Smithsonian Institution which are to be consummated upon conditions, certain of which have not been fulfilled. We appreciate that prevailing circumstances make difficult the timely fulfillment of all such conditions. We desire to cooperate in effecting the purposes of our Agreement consistent with the exigencies of the nation.

To this end, we hereby waive noncompliance with Subparagraph A.(9) and Paragraph B. of Article Second and with Article Ninth of our Agreement of May 17, 1966, on and subject to the following conditions:

1. That the Congress of the United States shall have enacted, and the President of the United States shall have approved, no later than ten days after the close of the 90th Congress, legislation appropriating not less than Two Million Dollars ($2,000,000) for planning and constructing the Joseph H. Hirshhorn Museum and Sculpture Garden.

2. That the Congress of the United States shall have enacted, and the President of the United States shall have approved, no later than ten days after the close of the first session of the 91st Congress, legislation appropriating, for the construction of the Joseph H. Hirshhorn Museum and Sculpture Garden, such sums as shall, together with all sums previously appropriated for said purpose, equal Fifteen Million Dollars ($15,000,000), and such additional sums, as provided in our Agreement of May 17, 1966, as may be necessary for the maintenance and operation of the Joseph H. Hirshhorn Museum and Sculpture Garden.

3. That by December 31, 1972, the Joseph H. Hirshhorn Museum and Sculpture Garden shall have been constructed and completed in accordance with the terms of Article Third of said Agreement.

In the event that any of these conditions are not met, the waiver contained herein shall be null and void and our gifts shall not be consummated. No terms or conditions of our Agreement of May 17, 1966, shall be deemed to be waived except as expressly herein provided. This waiver shall be binding upon the heirs, executors, and administrators of Joseph H. Hirshhorn.

If the Smithsonian Institution is agreeable to proceeding under our Agreement of May 17, 1966, as modified by this waiver, please so indicate in the space provided below.

Very truly yours,
JOSEPH H. HIRSHHORN [L.S.].
THE JOSEPH H. HIRSHHORN FOUNDATION, INC.,
By SAM HARRIS, *Secretary.*

Agreed:
THE SMITHSONIAN INSTITUTION,
By S. DILLON RIPLEY, *Secretary.*

JOSEPH H. HIRSHHORN,
New York, N.Y., March 23, 1970.

Hon. S. DILLON RIPLEY,
Secretary, The Smithsonian Institution, Washington, D.C.

DEAR MR. SECRETARY: We refer to your letter of March 9, 1970, in which you requested on behalf of The Smithsonian Institution, that the Agreement between it, Joseph H. Hirshhorn and The Joseph H. Hirshhorn Foundation, Inc., dated May 17, 1966, be modified so as to permit the $1,000,000 cash gift which was to be used as an art acquisition fund to be used instead, to the extent necessary, to meet costs of completing the building.

The proposal as set forth in your letter of March 9, 1970, is acceptable to the undersigned; and the above-mentioned Agreement of May 17, 1966, shall be deemed amended accordingly.

Under the agreed amendment to the basic Agreement of May 17, 1966, the Joseph H. Hirshhorn Museum and Sculpture Garden will no longer begin its operations with an art acquisition fund of $1,000,000. The purpose of that fund was to augment the collection as described in the inventory of works of art which was set forth in the Agreement of

May 17, 1966. It is our hope that this purpose may be served by the contribution of additional works of art and to that end we wish to inform you of our intention to transfer to the Joseph H. Hirshhorn Museum and Sculpture Garden, upon its construction and completion, additional works of art having a total value of approximately $1,000,000.

We appreciate that the Institution has been doing its utmost to meet the letter and spirit of our Agreement and we are pleased to cooperate in a kindred manner to bring the project to fruition.

Sincerely yours,

JOSEPH H. HIRSHHORN,
SAM HARRIS, *Secretary.*

EXHIBIT 4

WATCH ON WASHINGTON

(By Clark Mollenhoff)

WASHINGTON, D.C.—Lyndon B. Johnson made the decision that Joe Hirshhorn was a proper person to be memoralized on the Washington Mall with a $15,000,000 monument—the Joseph H. Hirshhorn Museum and Sculpture Gardens.

S. Dillon Ripley, secretary to the Smithsonian Institution, told of the Johnson role recently in explaining why he did not know of Hirshhorn's two convictions for foreign exchange violations. He said he made no inquiry into Hirshhorn's background because he considered it "none of my business" once the White House had made the decision.

The issue of Hirshhorn's convictions and background as an international stock manipulator has been raised before the House subcommittee on library and memorials. It is now getting serious attention from Chairman Frank Thompson (Dem., N.J.) and Representative Fred Schwengel (Rep., Ia.)

A House committee was told earlier this year that Hirshhorn was convicted twice of violating the foreign exchange laws of Canada. Also, he has been involved in investigations both in Canada and New York State concerning gold and uranium mine stock-selling.

Ripley will concede now there may be some reason to question whether Hirshhorn is deserving a place of honor on the Mall with Washington and Lincoln, but he feels the decision has been made. The contracts have been awarded, and bulldozers and men are at work on the monument.

Also, the Smithsonian has spent about a million dollars in preparing some of the Hirshhorn art for an exhibit.

Ripley, eager to get the Hirshhorn art and sculpture for the Smithsonian, admits he was a willing and enthusiastic participant in anything that President Johnson or the White House staff suggested.

"The orders came from the White House," Ripley said. "I knew nothing of Hirshhorn's background and considered it none of my business. We did what the President asked."

Ripley said he only knew it was "a fantastic deal" to get the multi-million-dollar Hirshhorn collection as a gift. Hirshhorn himself is reputed to have a fortune of $150 million.

Ripley explains the Hirshhorn project was handled personally by President Johnson with a slight assist from Abe Fortas, a friend of Hirshhorn. Ripley says President Johnson asked Fortas if the Hirshhorn collection was really worth the demands that Hirshhorn was making on the government to acquire it. "Fortas agreed it was a fantastic collection," Ripley said. "It was indeed worth every dime the taxpayers would spend."

The House subcommittee is finding out it was also "a fantastic deal" for Joe Hirshhorn. Ripley said Hirshhorn paid only about $4 or $5 million for the art, but he will receive the following benefits:

1. A monument on the Mall characterized as "the most expensive federally financed memorial ever built." It will be one of the three major points of interest along with the Lincoln Memorial and the Washington Monument.

2. The tax benefits of a gift that Ripley says will be between $40 and $50 million. Only Hirshhorn and his tax lawyers can say what that bonanza will be worth.

3. Government paid upkeep for his collection, and pay his staff, to the tune of about 2 million a year in perpetuity.

Chairman Thompson says now there was negligence in Congress in 1966 in failing to make a deeper study when it was approved. Hirshhorn was not questioned, and the Public Works Committee did not go beyond the enthusiastic gushing of Dillon Ripley who was doing just what the White House wanted.

Senator John Sherman Cooper (Rep., Ky.) did raise some questions in the Senate Public Works Committee. He complained that Congress was not legislating on the Hirshhorn museum, but seemed to be simply approving a deal agreed upon between Hirshhorn and the Johnson administration.

Senator Barry Goldwater (Rep., Ariz.) is another who is distressed at the Hirshhorn museum. He questions how the Hirshhorn museum got precedence over the Air and Space Museum that was approved in the mid-1940s, but had been held up in the 1960s because of the cost of the Vietnam War.

If war costs made it impossible to construct a universally-approved Air and Space Museum, Goldwater asks, how is it possible for the Johnson administration to find money for a monument to someone who is not so universally approved?

Certainly Joe Hirshhorn should be called before the House subcommittee to give an accounting under oath of his background.

Also, Secretary Ripley should be questioned in detail about some questions of "conflicts of interest" that have been raised because Gordon Bunshaft, a member of the Washington Fine Arts Commission, was awarded the contract to design the Joseph H. Hirshhorn Museum and Sculpture Garden. The Washington Fine Arts Commission had to approve the design and approve the new modernistic structure that has been the subject of much critical comment.

It has been pointed out that pending further explanation there is at least some question as to whether Joe Hirshhorn's life would be universally saluted as one of those "sages and heroes" who were to be honored on the Mall so the youth of the nation might find inspiration and example to guide them.

EXHIBIT 5

WANT NAME OF HIRSHHORN OFF MUSEUM

(By Clark Mollenhoff)

WASHINGTON, D.C.—New impetus was developing Friday to remove the name of Joseph H. Hirshhorn from the $15 million museum and sculpture garden being constructed on the Washington Mall.

The House subcommittee on library and memorials, headed by Representative Frank Thompson (Dem., N.J.), has written a still-secret report that is highly critical of the manner in which President Lyndon Johnson and S. Dillon Ripley, secretary of the Smithsonian Institution, pushed the project through Congress in 1966.

The report said that the question still remains "whether Joseph H. Hirshhorn was worthy of being memorialized on the Mall of the nation's capital in a position of prominence perhaps equal to the memorials of George Washington and Abraham Lincoln."

It points out that there has been testimony that Hirshhorn, a wealthy international spectator and art collector, "had been arrested twice during World War II for violations of Canada's foreign exchange laws and had come close to being indicted in New York for attempted stock fraud in 1950." He was convicted on the two Canadian charges.

Chairman Thompson and Representative Fred Schwengel (Rep., Ia.) have been among those who have raised the question of whether the Hirshhorn museum was properly authorized, and whether Hirshhorn was a proper person to have been memorialized.

The still-secret report questions the whole manner in which the Hirshhorn project was handled so that it bypassed the subcommittee on memorials that would have had the responsibility of a most careful study into the background of anyone who was to be memorialized.

It was passed over to a subcommittee of the House Public Works Committee, headed by Representative Kenneth Gray (Dem., Ill.) and was given only the most superficial hearings before that committee because Gray believed that the Smithsonian had already taken the proper steps to assure that Hirshhorn was a proper person to be memorialized.

WANT HEARINGS

Although the subcommittee on library and memorials recognized that the "generosity" of Hirshhorn would greatly enhance the nation's collection of art, it questioned whether he should be honored with his name on the third of the three axes of the Mall.

The report stated that there are now two axes extending from the Mall, and each has a special significance. "The first extends from the Washington Monument to the White House, symbolically linking the first President of the United States to the present one," the report said.

"The second axis extends from the Washington Monument to the Lincoln Memorial—thus from the traditional father of the nation to its 'saviour' ruling [during] the Civil War," the report said.

The third axis is not complete, the report said but added: "Now, without fanfare and the careful consideration such a project traditionally receives, the axis is formed with the Joseph H. Hirshhorn Museum as the structure opposite the Archives Building . . ."

The House subcommittee indicated an interest in more hearings, presumably with Hirshhorn as a witness under oath, to explore his background. The report said that "in the absence of more information about Mr. Hirshhorn and the significance of the third axis," no final decision can be made.

Representative Phil Crane (Rep., Ill.) a member of the House subcommittee, said Thursday, that he believed that it will be essential to call Hirshhorn because "of the testimony given against him. It would seem to me to be the least we could do, and if we don't get better answers, we should consider eliminating his name," Crane said.

SHARE BLAME

The subcommittee report states that the blame must be shared by President Johnson, the Smithsonian's Ripley and by the Congress itself.

The report reviews the manner in which Mr. Johnson pushed for the approval, but does not make mention of the fact that former Supreme Court Justice Abe Fortas, a friend of Hirshhorn, was one of those who sold President and Mrs. Johnson on acceptance of the gift under the conditions set down by Hirshhorn.

Ripley has defended the procedure of going directly to the Public Works Committee of the House on grounds that the Hirshhorn museum was not a "memorial" to Hirshhorn requiring the approval through the House subcommittee on memorials. The House subcommittee report rejected the Smithsonian's reasoning that it is not a "memorial" and went into some detailed explanation of why it was in fact comparable to the Washington Monument and the Lincoln Memorial in the manner in which it is placed on the Mall.

Ripley had told the Register earlier that the cost of the art work in the Hirshhorn

collection was probably about $4 to $5 million, but that Hirshhorn could have reason to believe it will be valued at $40 to $50 million as a gift to the government.

The House subcommittee report is critical of the agreement that put Hirshhorn in the position of bargaining for a memorial. The gift of art was to be made only if the Smithsonian agreed to these conditions:

That it would be housed in a building on the Mall.

That the museum would be named in perpetuity the Joseph H. Hirshhorn Museum and Sculpture Gardens.

That Congress would approve legislation to appropriate $15 million to construct a museum building and pledge to maintain the building (at a cost of about $2 million a year) in perpetuity.

In addition, Hirshhorn is given the authority to nominate persons to fill at least half of the positions on the board of trustees, and he and the secretary of the Smithsonian were authorized to jointly select both the architect and the director of the museum.

The report states that the subcommittee should have been "more diligent," and explains that the subcommittee headed by Gray did not understand its full responsibility.

"The legislation was written as if the Joseph H. Hirshhorn Museum and Sculpture Garden had already been established and the Smithsonian was merely seeking appropriations to construct a museum building for it," according to the report.

"The effect of this action was to severely limit public and congressional inquiry into the wisdom of accepting Hirshhorn's gift under the conditions he demanded," he said.

The House report said that "the hearings (en the museum) were a one-sided affair with the Smithsonian and the President providing all the 'expert' information about the Hirshhorn collection."

The only objection noted in the record was a letter to Mrs. Lyndon B. Johnson, from Sherman Lee, director of the Cleveland Museum of Modern Art. In his letter, Dr. Lee praised the collection, but warned about accepting it under the conditions Hirshhorn had stipulated because of the "disadvantage to the U.S. government and the unnecessary burden on the American taxpayers."

The report said Lee had argued against naming the museum after Hirshhorn because it would tend to discourage other contributions of art.

The report stated that rising building costs, the war in Vietnam, and other complications prevented construction on the Hirshhorn museum from getting underway until Mar. 23, 1970.

"During the intervening time, disturbing questions concerning the Hirshhorn gift, and about Hirshhorn himself began to surface, first through the inquiries of private citizens and finally in the press," it said.

"The principle of not imposing expenses on taxpayers without careful examination of all the facts by their elected representatives should have been more carefully followed," the report said. "The subcommittee recommends that no federally financed structure be named for any individuals without public disclosure of the person's background and character before final action is taken."

The subcommittee noted there are many reasons for memorials including valor in war, statesmanship, good deeds, and other acts, including generosity," but concluded:

". . . Never should a memorial be negotiated at federal expense as a prior condition to the act for which the memorial is intended."

When the report is released in a week or two, it is expected that there will be requests for Hirshhorn to appear and testify as to his background. Committee members have accepted the fact that they do not now have possession of the art, and that this effort to question him may result in Hirshhorn simply abandoning the agreement.

EXHIBIT 6

SCHWENGEL SEEKS BUILDING HALT TO HIRSHHORN MUSEUM

WASHINGTON, D.C.—Representative Fred Schwengel (Rep., Ia.) introduced legislation Tuesday to stop construction of the Hirshhorn Museum and Memorial Garden on the Mall between the Capitol and the Washington Monument.

The Iowa Republican was joined by Representative Frank Thompson (Dem., N.J.) in pushing to stop construction on the $15-million monument to Joseph Hirshhorn, who has given a large collection of modern art and sculpture to the Smithsonian Institution.

Schwengel said that he and Thompson, both members of a House subcommittee on memorials, are going "to stop construction until we can get some more answers to a lot of questions."

Schwengel said that this will include the questioning of Hirshhorn about his background, including complaints that he has been twice convicted in Canada on charges involving violation of the foreign exchange laws. Also, Schwengel said he will question Hirshhorn about reports on his involvement in a uranium stock manipulation in the early 1950s.

The Iowa Republican declared that the questions were not asked before the House passed legislation in 1966 to approve the Hirshhorn museum and sculpture garden.

The $15-million monument, promoted by former Supreme Court Justice Abe Fortas and pushed through by former President Lyndon Johnson, was to be one of three major monuments on the Mall the others are to President Washington and President Lincoln. Hirshhorn is a friend of Fortas.

Construction on the project has been under way for nearly a year, but Schwengel and Thompson hope to be able to stop construction and perhaps change the location of the museum and sculpture gardens.

The art and sculpture work initially had cost Hirshhorn about $4 or $5 million, but Smithsonian officials said that he would get a tax writeoff of about $40 to $50 million for the present value of the art works.

Schwengel said he and Thompson now are backed by a committee report in their efforts to get the construction stopped, and they will then leave it up to the board of regents and Smithsonian officials to work out some new agreement for a suitable location that is not on the Mall.

EXHIBIT 7

ASK HIRSHHORN PLAN CHANGE

WASHINGTON, D.C.—The chairman of the House library and memorials subcommittee pushed legislation Thursday that could upset the whole plan for the $15 million memorial to Joseph H. Hirshhorn.

The legislation introduced by Chairman Frank Thompson, Jr., (Dem. N.J.), with the backing of four other subcommittee members would forbid construction of the Hirshhorn sculpture garden on the capital mall.

Smithsonian Institution Secretary J. Dillion Ripley has written to Thompson stating that he can stop work immediately on the sculpture garden, but that the garden is "an integral part" of the Hirshhorn memorial.

Representative Fred Schwengel (Rep., Ia.) and Thompson have joined together to oppose the Hirshhorn project unless they can get a full hearing on Hirshhorn, who has been in the subject of a critical report by the House subcommittee.

The House Public Works Committee has heard testimony that Hirshhorn was twice convicted in Canada on charges involving illegal money exchange, and was a key figure in international stock manipulation in the early 1950s.

Thompson said that Hirshhorn gave art and sculpture worth several million dollars to the government with the provision that his name was to be enshrined on the mall. Construction already has started on the project.

By Mr. EASTLAND:

S.J. Res. 46. Joint resolution to provide for a Columbus Day Committee. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S.J. Res. 47. Joint resolution to establish a temporary commission to study the relationship between drug addiction and crime and make recommendations for the control of such addiction. Referred to the Committee on Labor and Public Welfare.

Mr. MONDALE. Mr. President, I recently introduced legislation to bring down an international quarantine to stop the growth and processing of opium abroad.

This quarantine is one essential step to fight the vicious epidemic of drug addiction.

But that epidemic is already raging in this country, and taking its toll from each of us.

There are as many as a half million "hard drug" addicts in the United States. Their addiction is costing our society as much as $8 billion a year.

We can no more tolerate the horror of drug-related crime here at home than we can tolerate rampant heroin traffic coming into America from foreign countries.

Today, I am introducing legislation in the Senate—and Congressman CHARLES RANGEL is introducing the same bill in the House—to reveal the nature and magnitude of crime brought on by drugs, and to tell us how to stop that crime.

The administration and the Congress have taken measures to combat domestic drug abuse. Over the past 3 years we have spent a half billion dollars on sorely needed treatment. We will spend hundreds of millions more in the next 3 years for medical facilities, education, and research. We have established stricter controls over drugs and harsher penalties for some narcotics offenses.

Yet drug addiction spreads relentlessly:

The number of new drug addicts nationwide doubled between 1968 and 1969. The total number now may be as high as a half million, and it grows by thousands every year.

In the last decade the increase in new addicts was 668 percent in Connecticut, 1,600 percent in Florida, 982 percent in Louisiana, 425 percent in Michigan, and 559 percent in Virginia.

From 1965 to 1969, there were 3,000 drug deaths in the United States, a tenfold increase over the 1960–65 period.

Every day in New York three people die because of drug addiction. In the last decade, less men from New York State died in Vietnam than those killed from narcotics in New York City alone. Heroin is now the greatest single cause of death for 18- to 35-year-olds in New York.

All this is terrible enough, with the anguish it brings to the addicts and their families.

But that suffering becomes the torment of the whole Nation when the addict is driven to crime.

The gathering evidence that drugs breed crime is appalling:

A Washington, D.C., study shows that 70 percent of those charged with armed robbery and 66 percent of those charged with murder are drug addicts.

A New York study shows that 70 percent of the inmates in the city's jail were heroin addicts who committed crimes directly or indirectly connected with their addiction.

A superior court judge in the District of Columbia has stated:

> Excluding family-related offenses . . . it is my experience that a minimum of 75 to 85% of the persons appearing before me for arraignment in criminal matters are users of narcotics.

We cannot measure the cost of this crime in human suffering and fear. There are initial estimates, however, of what drug-related crime is costing our economy:

On the basis of data gathered in New York and Washington on drug-inspired crime, it is estimated that addiction costs us $8 billion a year in theft, criminal justice proceedings, and related expenses.

Even if that $8 billion is reduced by half, drug-related crime would still cost us each year seven times what we now spend to fight air and water pollution, nearly four times our budget for health research, almost twice our investment in elementary and secondary education.

Drugs take hundreds of millions more from New York City each year than its citizens receive in welfare payments from all sources.

We are in a crisis. We must ask ourselves if we are facing the most critical questions and choices.

For example, recent legislation has provided a commission—which the President has now appointed—to report in a year on the problem of marihuana and within 2 years on "the causes of drug abuse and their relative significance."

There can be no doubt that the complex subject of marihuana requires special study.

But how relevant is one more report on the causes of drug addiction?

What we need to know—and we need it desperately—is how to control addiction and the crime it causes.

The sad truth is that we already know the underlying causes of addiction. Mountains of reports compiled by President Johnson's Crime Commission, the Kerner Commission, and the Violence Commission make these causes abundantly clear. If we do not know now, it is because we have failed to look and listen to what is happening in our midst.

Our crisis was ignited by poverty, bigotry, despair—by schools that mutilate a child's mind and spirit, by perverted priorities that elevate gadgets over human beings.

It is the disgrace of this generation that we have let it all go on.

The cure for those deeper causes of drug addiction is not in sight. The drug-crime crisis will not wait. Its victims should not have to wait 2 years for their government to deal with the problem directly.

New York City—losing $1.5 billion to drug-related crime every year—cannot wait.

Washington, D.C.—with more than 16,000 addicts—cannot wait.

Minnesota—with a fivefold increase in narcotics arrests—cannot wait.

Thousands of parents—whose children will become addict-criminals over the next 2 years—cannot wait.

Millions of ordinary citizens—who will pay in injury, fear, and money over the next 2 years—cannot wait.

The legislation I am proposing today would establish a Commission whose sole, specific and urgent task would be to draw together all we know to stop drug-related crime.

Made up of physicians, those experienced in law enforcement and criminal justice, and other experts, this Commission would work for 1 year:

First, to identify exactly what kind of drug addiction leads to crime, including the prospective impact of chemical synthetic drugs which could be the next great wave of addiction.

Second, to reveal the nature and extent of that crime throughout the country.

Third, and most important, to recommend a nationwide program to control that addiction and thus the crime that results from it.

It should be clearly understood that the ultimate purpose of this Commission is to reduce substantially the crime committed by addicts. Toward this goal, every legitimate method consistent with constitutional rights must be explored.

If the Commission's answer is a Government-run drug maintenance program, so be it. Such a recommendation would not necessarily eliminate drug addiction. But it could eliminate the need to steal in support of a $75 a day habit.

And a reduction in crime caused by addicts desperately trying to support their habit would inevitably make our streets and homes safer.

I would much prefer a society where there were no causes for drug addiction and where there were no drug addicts.

But to wait until such a society is a reality will do nothing for the drug addict; and it will do nothing for the innocent victims of his addiction.

In a very real sense, then, the need for this kind of Commission is an admission of our overwhelming failure.

We have failed to eradicate the shameful conditions in our society which breed drug addiction. No Commission is required to remind us of that haunting fact.

But if we do not yet have the national purpose and decency to eliminate poverty and despair, the very least we can do is contain and control the widespread crime caused by drug abuse.

If we cannot save the addict from the agony of drug dependence, we can at least do something about the agony he causes others in his community.

This is not a Commission, then, to produce still another disregarded blueprint for eliminating slums and wretched living conditions.

But for those in our urban ghettos—who bear the greatest burden of drug-related crime, in addition to everything else—this Commission would offer a realistic hope for lifting at least that burden.

And it would offer the same promise to the increasing number of victims of drug-related crime who live outside the ghetto.

I realize the difficulty of this task. Scientific evidence on the effectiveness of various programs to counter addiction—such as maintenance of addicts through methadone or other synthetic narcotics—is incomplete or disputed.

What works in one place may not be relevant to another. There are hopeful signs that a methadone program, for example, could be reducing drug-related crime in the District of Columbia. We do not know if it will also succeed in other cities.

And though a free narcotics maintenance program is apparently failing in Great Britain, we should ask why it failed and how it might have been effective.

Particularly, study must be given to the potential problems of chemical synthetic drugs. Such drugs are increasingly prevalent, and may lend themselves to the same spiral of addiction and crime as heroin. It would be a gruesome irony to win a fight against opium, only to find that the addict had turned to a chemical substitute just as deadly, but which we were unprepared to control.

We have few authoritative judgments on how to stop this disaster. But it is within our ability to come up with the answers.

One thing is clear. Unless we move faster and more firmly than we have—unless we mobilize our resources to treat this crisis for the peril it is—the drug-crime epidemic is going to engulf America.

We can leave no avenue unexplored, no solution untried, no political or scientific controversy unopened.

In New York's Harlem, which has known the horrors of drugs and crime longer and deeper than the rest of the country, deadly heroin is called "the horse."

The rest of the Nation is now learning what Harlem and other ghettos have long known—that "the horse" and the crime it carries can desolate a community—and that the way to reduce crime is to control addiction.

That lesson must now become the basis of an effective national policy.

Mr. President, I ask unanimous consent that the full text of the Joint Resolution be inserted at this point in the RECORD.

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

S.J. RES. 47

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this joint resolution may be cited as the "Crime and Drug Commission Resolution."

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that the incidence of drug related

crime is drastically increasing and is a major concern of the American people; and

(2) that the underlying causes of the drug addiction leading to crime, such as poverty and racism, have been clearly documented by past studies and commissions; and

(3) that the determination of the most effective methods for controlling and treating such addiction deserves the highest priority.

(b) It is the purpose of this joint resolution to establish a national commission—

(1) to determine the type or types of drug addiction which cause crime, including the potential impact on the crime rate of synthetic drugs; and

(2) to make specific recommendations for the control and treatment of such addiction.

ESTABLISHMENT OF COMMISSION

SEC. 3. There is hereby established a commission to be known as the National Commission on Crime and Drugs, hereinafter referred to as the "Commission."

SEC. 4. (a) The Commission shall be composed of twelve members appointed without regard to political affiliation. Members shall be apopinted from among persons especially qualified to serve on such Commission by virtue of their education, training and experience. The members shall be appointed as follows:

(1) Four members by the President;

(2) Four members of the Majority Leader of the Senate; and

(3) Four members by the Speaker of the House of Representatives.

(b) The President shall designate one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman.

(c) Seven members of the Commission shall constitute a quorum.

FUNCTIONS

SEC. 5. (a) The Commission shall conduct a comprehensive study and investigation of—

(1) the relationship between drug addiction and crime, specifying as precisely as possible the present and potential impact of various types of drug addiction on the crime rate; and

(2) the methods of treating and controlling such addiction, including, without limitation, methadone and other drug maintenance and withdrawal programs.

(b) The Commission shall transmit to the President and to the Congress a final report not later than 1 year after the date of enactment of this Act. Such report shall contain a detailed statement of the findings and conclusions of the Commission together with such recommendations for legislation as it deems appropriate.

POWERS OF THE COMMISSION

SEC. 6. (a) The Commission shall have the power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 57 and subchapter III of chapter 53 of such title, relating to the classification and General Schedule pay rates.

(b) The Commission may procure temporary or intermitten services of experts and consultants to the same extent as is authorized for the departments by section 3109 of title 5, United States Code, but at rates not to exceed $75 per day for individuals.

(c) The Commission is authorized to negotiate and enter into contracts with private business and nonprofit research organizations, including educational institutions, to conduct such studies and to prepare such reports as the Commission feels necessary in order to discharge its duties.

(d) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) may be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services; except that the regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46d) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Administrator for the administrative control of funds (31 U.S.C. 665 (g)) shall apply to appropriations of the Commission and that the Commission shall not be required to prescribe such regulations.

(e) The Commission, or any member thereof, may, for the purpose of carrying out the provisions of this joint resolution, hold such hearings and sit and act at such times and places and take such testimony, as the Commission or such member may deem advisable.

(f) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this joint resolution; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

(g) The Commission, or any member of the Commission when so authorized by the Commission, shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. The Commission, or any members of the Commission or any agent or agency designated by the Commission for such purpose, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing.

(h) In case of contumacy or refusal to obey a subpena issued to any person under subsection (g), any court of the United States within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(i) Process and papers of the Commission, its members, agent, or agency, may be served either upon the witness in person or by registered mail or by telegraph or by leaving a copy thereof at the residence or principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Commission, its members, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(j) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpena, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture (except demotion or removal from office) for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(k) All process of any court to which application may be made under this Act may be served in the judicial district wherein the person required to be served resides or may be found.

COMPENSATION OF COMMISSION MEMBERS

SEC. 7. (a) Members of the Commission who are officers or employees of the Federal Government shall serve as members of the Commission without compensation in addition to that received in their regular public employment. Members of the Commission from private life shall each receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission.

(b) All members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

EXPENSES OF THE COMMISSION

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution.

TERMINATION OF COMMISSION

SEC. 9. The Commission shall cease to exist thirty days after submitting its final report, as required by this joint resolution.

ADDITIONAL COSPONSORS OF BILLS

S. 346

At the request of the Senator from Kansas (Mr. PEARSON), the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of S. 346, the rural job development bill.

S. 350

At the request of the Senator from Kansas (Mr. DOLE), on behalf of the Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Idaho (Mr. JORDAN), the Senator from North Dakota (Mr. YOUNG), the Senator from New Mexico (Mr. MONTOYA), the Senator from Hawaii (Mr. FONG), the Senator from Utah (Mr. BENNETT), and the Senator from Florida (Mr. GURNEY) were added as cosponsors of S. 350, the American Forestry Act.

S. 426

At the request of the Senator from West Virginia (Mr. BYRD), on behalf of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 426, the Radiation Health and Safety Act of 1971.

S. 683

Mr. MONDALE. Mr. President, on February 9, 1971, I introduced for myself and

Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HATFIELD, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. KENNEDY, Mr. MCGOVERN, Mr. MONTOYA, Mr. MUSKIE, Mr. RANDOLPH, Mr. RIBICOFF, and Mr. TUNNEY, S. 683, the Quality Integrated Education Act of 1971.

It has come to my attention that through a technical error Senator HART was inadvertently not listed as a cosponsor of this bill in the RECORD or on the bill as printed.

I regret that this mistake occurred and ask unanimous consent that on future printings of the bill Senator HART's name appear as a cosponsor.

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

S. 732

At the request of the Senator from West Virginia (Mr. BYRD), on behalf of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. GURNEY), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 732, to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes.

S. 742

At the request of the Senator from Kansas (Mr. PEARSON), the Senator from Nevada (Mr. CANNON) was added as cosponsor of S. 742, the Rural Community Development Bank Act of 1971.

ADDITIONAL COSPONSORS OF JOINT RESOLUTION

SENATE JOINT RESOLUTION 10

On request of the Senator from Tennessee (Mr. BROCK), the Senator from Maryland (Mr. MATHIAS), the Senator from North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. BYRD), the Senator from Delaware (Mr. ROTH), the Senator from Delaware (Mr. BOGGS), the Senator from Colorado (Mr. ALLOTT), the Senator from Kansas (Mr. PEARSON), the Senator from Idaho (Mr. JORDAN), the Senator from New Jersey (Mr. CASE), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. HANSEN), and the Senator from Nebraska (Mr. CURTIS) were added as cosponsors of Senate Joint Resolution 10 to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action."

SENATE CONCURRENT RESOLUTION 8—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE CONTROL OF INTERNATIONAL DRUG TRAFFIC

Mr. PACKWOOD. Mr. President, last year I introduced legislation, S. 4233, aimed at encouraging a major international effort to eradicate the illegal traffic in hard narcotics. Since that time I am pleased to note that several important changes have taken place which reflect some of the measures advocated in S. 4233.

First of all, the international control of drugs has become a priority objective of American foreign policy. President Nixon has announced that the elimination of all illegal drug traffic is now a prime goal of the administration.

Second, the United States has called upon the United Nations to create a U.N. voluntary fund to finance an emergency program to fight the abuse of drugs and has pledged an initial contribution of $2 million.

Third, in January of this year, a special Plenipotentiary Conference convened in Vienna to consider ways to secure an international agreement on the control of production and international traffic in psychotropic substances. Hopefully, this conference will help to bring the manufacture, distribution, trade and use of such substances as LSD, amphetamines, and barbiturates under international control, as now exists for narcotics and dangerous drugs.

Although there have been some signs of progress in the creation of programs to check international drug traffic, it appears that in the United States the gravity of the situation has deepened. In 1970, almost without exception, there was a continuing increase in drug arrests in every State throughout the land. In Oregon drug abuse skyrocketed. During the year 1969 there were 1,181 drug arrests statewide. In 1970 the number of arrests almost doubled. According to the Oregon State police, 2,099 persons were arrested on drug charges last year. At this point the end to this growing menace is nowhere in sight.

In a 1970 survey in the District of Columbia the heroin addict population was estimated at 10,400 people. In this year's survey the estimated number has grown to 16,800—an alarming increase of more than 60 percent.

In New York City, which now has an estimated heroin addict population of well over 100,000, at least 1,154 persons died last year as a result of drug addiction. Half of these deaths occurred among young people less than 23 years old, and five were only 14. According to medical authorities, heroin addiction is now the leading cause of death in New Yorkers between the ages of 15 and 35.

Drugs are hitting more Americans at a younger age than could ever have been envisioned only a few years ago. The FBI reports that among young people under 20 years of age arrests for heroin violations alone have risen 120 percent in the last 4 years.

As recently as 5 years ago drug use and drug addiction were considered problems of the slums, the degenerates, the underworld, the criminals. But is this true today? Not hardly. In everincreasing numbers our children are becoming exposed to illegal narcotics. As the usage grows, so, too, does the list of names of the sons and daughters of numerous public figures from Hollywood movie stars to prominent political officials. Along with these, of course, are the hundreds of other families in the United States whose lives have been marred by drugs. Certainly the social and personal losses are tremendous.

No country seems to have remained immune from the epidemic in drug abuse. Other nations seem to share the fate of the United States. The Soviet Union has a drug problem as does Canada, Bolivia, West Germany, Italy, Pakistan, South Africa, Australia, the Netherlands, Israel, Yemen, Kenya, Argentina, Sweden, Venezuela—the list of countries with narcotic problems seems endless.

Great Britain, with its long history of free heroin to drug addicts, and long considered a model for drug control, is faced with a spectacular rise in addiction, and is sharply reducing and perhaps abandoning the free heroin to addicts program.

In attempting to combat this terrible scourge which is infecting our world, it becomes apparent that a global approach is essential for the ultimate elimination of illicit and uncontrolled production of narcotics raw material. For this reason, I believe we must do more to increase the involvement of the United Nations in the war against illegal narcotics. As U.N. Secretary General Thant has stated:

> At a time when men and women and especially the young desperately need the full use of their faculties to cope with the complex problems of our society, it is the duty of this organization to take the lead in controlling and eliminating the blight of narcotic addiction through all available means.

The United Nations has a unique role to play in curbing drug abuse and trafficking. And it has a unique convention to assist in demanding the cooperation of member nations. The Convention on Narcotic Drugs of 1961 was described in a report to the Congress by the Senate Foreign Relations Committee on May 3, 1967, as follows:

> The 1961 single convention is the culmination of more than 55 years of effort and progress in the field of international narcotics control. It embodies the fundamental principles of control which have evolved during this time; namely, that the production and use of narcotic drugs should be restricted to medical and scientific purposes, that their manufacture and import should be limited to quantities necessary for such purposes, and that every step from the cultivation of the basic raw materials to the final retail distribution of the manufactured drug should be carefully regulated and supervised. Mutual obligations among states based on these principles have been undertaken in the past and are evidenced by a series of separate multilateral agreements. These various agreements bind states to establish national control agencies, to license persons and establishments engaged in handling narcotic drugs, to submit periodic reports to international agencies, to control exports and imports by authorizations, and do many other things. The single convention, however, for the first time, brought these obligations together in one instrument commanding wide acceptance among states and this is a fundamental reason for accession.

While this international convention outlines the methods which ought to be followed in the production, exportation, importation, storage, and packaging of narcotics, its strength lies in the cooperation of the signatory powers. The United States and 79 other nations have ratified this convention. But ratification is not enough. Urgent action must be taken to stem the tide of this rising international crisis. Samuel De Palma, As-

sistant Secretary of State for International Organization Affairs, stated in an address before the Rochester chapter of the United Nations Association on September 25, 1970:

The U.N. Commission on Narcotic Drugs will meet in a special session called at the request of the United States. This is part of a major effort being made at the direction of the President to curb the illegal traffic in narcotic drugs and the disastrous spread of drug addiction. . . . This is a problem requiring urgent action on a worldwide basis; we cannot deal with it by ourselves. We shall, therefore urge changes in the Convention on Narcotic Drugs of 1961 to make MANDATORY certain provisions to curb and eventually to eliminate the production of opium and similar narcotic drugs. We shall urge that a major effort be made to train police and customs officials in all countries in order to suppress the growing illegal traffic closer to the source. We shall urge that programs be developed to improve the treatment of addicts. And, finally, we shall state our readiness to contribute toward the establishment of a special U.N. Fund to Fight Drug Abuse.

Mr. President, I realize that many of us are aware of the number of bills and resolutions which have been introduced concerning the drug problem. Certainly more constructive and effective action in this area is urgently needed. However, I think we must consider that we are dealing with a difficult and complex problem which cannot be resolved by quick and easy solutions. According to the U.S. Department of State, the overall problem of illegal narcotics is essentially made up of three separate problems: demand, supply, and illegal traffic. This translates into drug addiction, low income farming, and governmental administration problems. In short, the drug addict creates the demand. The supply generally comes from underdeveloped countries where small low income farmers using primitive farming practices become dependent on their lucrative opium crop as a major source of income. Illegal traffic arises when the government administration — particularly law enforcement—is outdated and inefficient and is too weak to control the problem.

In an attempt to combat the overall problem of illegal narcotics, a number of actions have been proposed which would require the suspension of U.S. economic and military assistance to countries which have not succeeded in preventing narcotic drugs from entering the United States unlawfully. However, upon close examination, I think it is clear that these measures would not help to eliminate the problems of addiction, low income farming and inefficient governmental administration. In fact, in many cases they would no doubt serve to hinder programs which have been designed to assist in improving governmental administration and modernizing agriculture. In addition, such measures would not affect those countries which are also involved in the drug problem, but receive no U.S. economic or military assistance.

Mr. President, rather than threatening the mandatory suspension of U.S. assistance, I believe that we should direct our efforts at developing a more positive and constructive approach whereby aid is directed to those countries which have demonstrated a willingness to cooperate with the United States and the United Nations in attempting to solve the problem of illegal narcotics. In this way we would not cut off assistance to countries which, though trying to cooperate, have been unsuccessful due to a lack of sufficient strength and capacity to exert effective controls. By maintaining friendly bilateral relations with those countries most directly involved in fighting the illegal production and trafficking of narcotics; I believe the United States will assist in creating an atmosphere in which cooperative efforts can be developed at the international level to help resolve the drug problem. Clearly, this is an international problem which will require international action to resolve.

In support of this expanded international effort, today I am submitting a concurrent resolution which expresses congressional support for strengthening the existing U.N. machinery to curb illegal production and illegal international traffic in narcotics and dangerous drugs.

In summary, the four-point resolution recommends that the President take the following steps:

One. The President should direct all U.S. representatives to international organizations to support the development, under U.N. auspices, of an effective multinational program aimed at the eradication of illicit trading of narcotics and dangerous drugs.

Second. The President should instruct our Representative to the United Nations to urge that body to amend the 1961 Single Convention on Narcotic Drugs in order to empower the U.N. to collect, investigate, and publish information relating to illegal traffic in narcotics.

Third. The President should direct the U.S. delegation to the U.N. Conference on Psychotropics, currently meeting in Vienna, to call for the preparation of a treaty providing international controls over synthetic and semisynthetic drugs—LSD, amphetamines, and barbiturates.

Fourth. The President should give favorable consideration, in allocating foreign aid to those countries which cooperate with the U.S. Government and the U.N. in efforts to suppress illicit international production of and traffic in narcotics.

Mr. President, I am hopeful that this concurrent resolution will receive prompt and favorable action by the Senate Foreign Relations Committee. I have been informed that this approach has already gained considerable support in the House of Representatives. The administration has indicated that it would be most useful during the course of discussions on the drug problem within the United Nations and with individual governments.

In conclusion, Mr. President, I believe that this resolution will demonstrate the concern of Congress, and through it, the desire of the American people to find a solution to the problem of illegal narcotics.

The PRESIDING OFFICER (Mr. CHILES). The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 8), which reads as follows, was referred to the Committee on Foreign Relations:

S. CON. RES. 8

Whereas the elimination of illegal traffic in narcotics is deemed to be a high priority objective of the foreign policy of the United States to be pursued through United States participation in the United Nations Organization and in related international agencies; and

Whereas the Congress has approved an initial United States contribution of $2 million to the Special United Nations Fund to expand United Nations efforts in the field of narcotics: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) The President, in carrying out his responsibilities with respect to United States participation in international organizations and programs, should direct United States representatives to such organizations and programs to support the development, under United Nations auspices, of effective multilateral undertakings aimed at the eradication of illegal production and illegal international traffic of narcotics and dangerous drugs.

(2) The President should direct the permanent United States Representative to the United Nations to urge that Organization to give prompt consideration to strengthening, by amendment, the 1961 Single Convention on Narcotic Drugs. Such an amendment should empower the United Nations to collect, investigate, and publish information relating to illegal traffic of narcotics, and should be submitted promptly to member States of the United Nations for ratification.

(3) The President should further direct the United States Delegation to the United Nations Conference on Psychotropics, convened in Vienna in January 1971, to exert every effort in support of the preparation of a draft treaty on control of synthetic and semi-synthetic drugs, known as psychotropics, which treaty should be submitted as early as possible to the member States of the United Nations for ratification in accordance with their respective constitutional provisions.

(4) Prior to furnishing development and technical assistance to a country under titles I and II of chapter 2 of part I of the Foreign Assistance Act of 1961, the President should consider the contribution, if any, that country is making toward the achievement of the objectives of this concurrent resolution in determining if, as provided in sections 201 (d) (7) and 211 (a) (7) of that Act, such country is making progress toward achieving respect for the rule of law. In particular, the President should give favorable consideration to that country if the country is cooperating with the Government of the United States and with the United Nations, its agencies and programs, in carrying out measures aimed at the suppression of illegal international traffic in narcotics.

SENATE RESOLUTION 51—SUBMISSION OF A RESOLUTION TO PROVIDE ADDITIONAL FUNDS FOR PAYMENT OF EMPLOYEES OF CERTAIN SENATE COMMITTEES

Mr. MANSFIELD (for himself and Mr. SCOTT) submitted a resolution (S. Res. 51) to provide additional funds for payment of employees of certain Senate Committees, which was considered and agreed to.

(The remarks of Mr. MANSFIELD when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 45

At the request of the Senator from West Virginia (Mr. BYRD), on behalf of the Senator from West Virginia (Mr. RANDOLPH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Oklahoma (Mr. HARRIS), the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of Senate Resolution 45 to authorize the Committee on Interior and Insular Affairs to make a study of national fuels and energy policy.

NOTICE OF HEARINGS TO CONSIDER THE WORK OF THE U.S. BUREAU OF PRISONS

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries I wish to announce hearings for the consideration of the work of the U.S. Bureau of Prisons. The hearings will be held March 2 and 3, 1971 at 10 a.m. each morning in the Judiciary Committee hearing room which is room 2226, New Senate Office Building.

In preparing for these hearings I am reminded of a speech which James V. Bennett, a pioneer correctional leader, made in 1939, about the paradox of what the public expects from prisons and correctional programs:

> On the one hand prisons are expected to punish, and on the other hand they are supposed to reform. They must discipline rigorously at the same time they teach self-reliance. They are built to be operated like vast impersonal machines, yet they are expected to fit men to live normal community lives. They operate in accordance with a fixed autocratic routine, yet they are expected to develop individual initiative. They force a man to be idle despite the fact that one of their primary objectives is to teach men how to earn an honest living. They refuse the prisoner any voice in his own governance, yet they expect him to become a thinking citizen in a democratic society.

Mr. Bennett, in his wisdom, has hit upon a crucial point. Society expects our correctional system to punish. But this same system is expected to return 99 percent of its inmates to society as law-abiding citizens.

Operating a correctional system is obviously not an easy job. But Mr. Bennett, over his years as Director of the U.S. Bureau of Prisons, shared with members of the Judiciary Committee and others, the dream that the Federal correctional system would be a model which State and local systems could follow in order to attempt to achieve the goal which all society agrees upon—the reduction of crime as a factor in our society.

These hearings which I am today announcing are for the purpose of reviewing the work of the Bureau of Prisons and their plans for the future, with particular emphasis on the Bureau's role as a model. Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on National Penitentiaries, room 6306, New Senate Office Building.

NOTICE OF HEARING ON POUNDAGE QUOTAS FOR BURLEY TOBACCO

Mr. ALLEN. Mr. President, on behalf of the Senator from Georgia (Mr. TALMADGE) I ask unanimous consent to have printed in the RECORD a notice of a hearing.

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

ANNOUNCEMENT BY SENATOR TALMADGE

Mr. President, I wish to announce that the Subcommittee on Agricultural Production, Marketing and Stabilization of Prices of the Committee on Agriculture and Forestry will hold a hearing on S. 789, to authorize poundage quotas for burley tobacco, on Tuesday, March 2. The hearing will be in Room 324, Old Senate Office Building, beginning at 10:00 a.m.

ADDITIONAL STATEMENTS

COURTROOM DISRUPTIONS

Mr. HOLLINGS. Mr. President, during the past few years, one of the greatest threats to our judicial system has been evidenced through courtroom disruptions which have undermined not only confidence in our legal system, but a proper working of our legal processes. The search for truth and justice through a fair trial is one of the most cherished possessions of a free society, and it must be preserved if we are to continue to protect the rights of our citizenry. In the January–February issue of Trial magazine the Honorable Bruce Littlejohn, associate justice, Supreme Court of South Carolina, authored an article entitled "Legal Vandalism" which explores this subject. I commend it to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

LEGAL VANDALISM

A problem giving the bench and bar more concern than any other today is *courtroom disruptions*. The legal vandal—one who intentionally disrupts courtroom proceedings—doesn't want to do anything constructive or creative, his desire is to tear something up and waste it.

As a trial judge I have often thought that a vandal is worse than a thief. A thief reasons: "I want something without working for it." A vandal, in effect, says: "I don't want it for myself; I want to destroy it so that no one else can use it."

It is less difficult for me to understand the reasoning of a thief than the reasoning of a vandal.

The most egregious case of disruption was the recent Chicago Seven trial, presided over by Judge Hoffman. The malady has spread from New York to California, in varying degrees.

These happenings inspired Chief Justice Warren Burger to say at the American Bar Association convention in St. Louis, Missouri: "The outrageous episodes we have heard about in our courts are undermining the confidence of the entire system."

Only hours after the Chief Justice spoke, the ultimate in courtroom disruptions took place in California: The presiding judge was shot and killed after a man slipped a gun into the courtroom, seeking to free the defendant. He attempted to escape and touched off a gun battle that killed the judge, the intruder, the defendant, and a witness.

It has been my basic thinking that every man who assaults a police officer in the line of duty should serve time. I used to say facetiously, but perhaps with more meaning than was appreciated at the time, that if assaults against police officers were tolerated the judges and the lawyers would be assaulted next.

Disruptions of courtroom proceedings cannot be tolerated in any degree. Such is absolutely incompatible with a fair trial, and that is the only trial our system recognizes.

Substantive law may be changed from time to time; common law rules of procedure may be altered as the situation demands. Orderly changes can and will be brought about and the court system will continue to function.

But if the bench and bar ever waiver on the proposition that the trial judge must be in absolute control of his court, and on the proposition that order must prevail, our court system will be near an end. There can be no rights asserted or protected unless the judge is in complete command.

Only through fair trial can freedoms be preserved. Even as freedom of speech does not include the right of a patron at a theater to yell "fire" when there is none, freedom of speech does not include the right of a litigant or a spectator in court to speak with an unbridled tongue.

Plaintiffs' counsel has more to gain by an orderly trial than any other group. They know that a disorderly trial is not a fair trial, and that an unfair trial cannot stand on appeal. Normally, the judge has the assistance of all attorneys, and this is especially true of plaintiffs' attorneys.

A good attorney knows that it is to his interest to control his client and help the judge conduct an orderly trial. Every now and then, however, a lawyer creates confusion, very well content to disrupt the trial, or permit his client to do so. Fortunately this group is very small.

If a lawyer has a client he cannot control in the courtroom he should ask to be relieved. Granted, the judge may not always be able to grant the request because to relieve an attorney in the middle would normally bring a mistrial.

But, an attorney is never justified in attempting to bring about reform by unruly conduct in the courtroom. If an attorney's objective is other than fulfilling his duty to his client, he is obliged to withdraw.

When order in the court is gone, the court itself is gone. When the court is gone, the government is gone. When the government is gone, civilization is gone. Then man's rights are protected only by might.

Recently the U.S. Supreme Court, in the case of *Illinois v. Allen*, took a firm stand on the question of courtroom disruption. That case was of much comfort to judges who have to deal with similar problems.

In essence, the court said that a defendant should be given a trial as fair as he will permit the court to give. It said that in a proper case a defendant could be held in contempt or removed from the courtroom, or gagged. It held that a defendant who could not behave himself in court does, by improper conduct, waive his right to be present and does waive his constitutional right to confront those witnesses testifying against him.

The impact of the *Allen* case is to tell the trial judges to do whatever is necessary to control the courtroom.

In research I find considerable law to the same effect. There may not be, however, sufficient law in the books to cover every situation which may arise. In such case it will become the duty of the judge to use hard common sense and make some new common law rules. After all, every rule of common law has come into being because some judge somewhere, at some time, saw a need and had courage to do what he believed right to assure a fair trial.

The heart of the judicial process is in the trial courtroom. The trial judge must possess, and should exercise, all power necessary to prevent frustration of the purposes of the trial and to direct the proceedings to an impartial result.

Any lawyer who fails to take a firm stand against courtroom disruptions is doing himself and the judicial system a disservice. We work constantly at the chore of improving the administration of justice; it is an endless task. Under our system reform often-times comes slow, but we believe we get the best result in the last analysis. The time and effort devoted pay big dividends.

The reforms we need should be directed by the broad experiences which come out of the trial of cases and administration of justice. We must never leave reform to those who would pursue it by disrupting the court and defying constitutional authority.

THE FEDERAL CROP INSURANCE CORPORATION AND MONTANA

Mr. MANSFIELD. Mr. President, from time to time in the past several months I have heard rumors that the Department of Agriculture is about to enter into a vast reorganization of the Federal Crop Insurance Corporation. This concerns me a great deal because the Federal Crop Insurance Corporation's program has been most successful in Montana. In fact, we have an enviable record, and I would not like to see any action taken to alter the program and the services it is providing to the State. I believe that recent audits of the program indicate a high degree of efficiency in the State office and that these same recommendations extend to the field supervisors and program management.

The program in my State has been extremely sound over many years. A survey of premiums and indemnities over the period 1948–70 indicates that in Montana the premiums were over the indemnities by $18,895,139. This is a very fine record which has not been achieved in many other areas. My files indicate that the ratio of administrative costs to premiums are very good. In fact, the national ratio is 31.5 percent, while the Montana ratio is only 16.5 percent. I understand that the cost per contract and crop is slightly higher than the national figure, but this is due to the large farms and units we have in a State like Montana. There are fewer farms, but each is considerably larger than the average. Cost of loss adjustment work in Montana for inspections is $18.76, compared to the national figure of $22.69. Montana is near the top of the list of participation by farmers. I am pleased to report that, when active crop insurance States are ranked by 1948–69 premium positions together with loss ratio, Montana is second on the list. The State of North Dakota is the only State to have a better record. Montana has the lowest cancellation rate of all States for the year 1970. This figure is set at 9 percent, compared with the national average of 21.2 percent. In my State, during the years 1960–67, the crop insurance protection program grew by 181 percent.

The Federal Crop Insurance Corporation's program provides valuable assistance to farmers in this great agricultural State and has been an economic stabilizer in the face of spiraling costs and unnatural disasters. I would not like to see a dissipation or unnecessary change in such a valuable program. I believe the program has been generally successful throughout the Nation, and I see no reason to tamper with something that is working.

PRESIDENT'S HEALTH MESSAGE APPLAUDED

Mr. BEALL. Mr. President, I wish to compliment President Nixon for his most significant and comprehensive health message delivered to Congress yesterday, as a member of the Committee on Labor and Public Welfare, I am deeply concerned with this subject. Providing quality medical care to all of the citizens is an important national goal and the President has drawn for Congress a blueprint for moving us toward such a goal.

I am particularly pleased that the President addressed himself to two matters that have been of particular interest to me. While the President's approaches are not identical to mine, the President does give attention and proposes action in response to these problems. I am referring to the catastrophic illness problem and the medical manpower.

Earlier this year I cosponsored with the Senator from Delaware (Mr. BOGGS) S. 191 to establish a program to protect the public against catastrophic illnesses, and I am hopeful Congress will move expeditiously on this matter.

Second, on February 17, I introduced the Family Physicians Scholarship and Fellowship Program Act, S. 790, which is designed to deal with the physician shortage and maldistribution problems. The President responded to this problem by increasing the amount of loan forgiven in present law. My bill, which I still believe is in many ways superior, provides scholarships and fellowships, and also establishes a system of priorities which I believe enhances the probability of accomplishing the goal of placing physicians in areas where the need is the greatest. The President also calls for increased assistance for our medical schools, many of whom are in trouble financially. Incentives are also provided for new approaches by our medical schools as well as an effort to persuade medical schools to focus on the family doctor.

The President's health care message also contains some provisions that would encourage different types of health care organizations and new health care centers in scarcity areas. The President wisely spotlighted and called for a program for the conquest of cancer, which will strike one out of every four Americans living today. The conquest of cancer is an important national goal and one that will relieve tremendous amounts of human suffering and, of course, save large amounts of money for American families.

Two other provisions, which will be of great interest to the country and be very well received, are the proposals enabling the self-employed to secure group insurance by the establishment in each State of special insurance pools. The self-employed today often finds health insurance out of their reach.

I am sure most Members of the Congress received letters from senior citizens outlining the difficulties they are having coping with the rising cost of living. I applaud the President's decision to consolidate the financing of part A and part B of medicare under social security. This means that our senior citizens will not only be relieved of paying the proposed increase of part B which is scheduled to reach $5.60 in July of this year, but they will save a total of $1.3 billion annually and have greater access to preventive ambulatory services.

I am particularly pleased with the President's emphasis on the prevention of illnesses rather than treating sickness after it occurs. In addition, the President wisely has decided to build on the present health care system, which notwithstanding its defects, has provided Americans with a quality of care that in general is unsurpassed any place in the world. The President moves to correct present weaknesses but he would not tear down the good features of our health care structure. The President, as the saying goes, has been careful "of not throwing out the baby with the bathwater." I believe that this message should be exceedingly well received in Congress and in the country. It is probably the most comprehensive and significant Presidential health message ever sent to Congress.

I look forward to working on the actual legislation embodying these major proposals. Although I am sure improvements can be made, the President and the administration have done their part. Congress should now do its part, and if it does the beneficiaries will be the American public.

DEMOCRACY: CASUALTY OF WAR

Mr. MANSFIELD. Mr. President, I have just had the privilege of reading a well-thought-out letter to the editor of the New York Times by Dr. Richard W. Lyman, president of Stanford University, Stanford, Calif.

In his letter, Dr. Lyman presents far more lucidly than I a situation which has been on my mind for some time. With great cogency and with few words, he brings to our attention the reality of events as they are occurring on the campuses as he sees them, interprets them, and understands them.

I, too, have been concerned about the effect of this war and its implications upon the younger citizens of our country. It is my devout hope that the growth of cynicism and doubt can, in some fashion, be ameliorated, and that these younger citizens will participate in the exercise of the franchise, if 18 and above, and in that way make their presence felt, their words heard, their views known, and their feelings understood.

Mr. President, I ask unanimous consent that Dr. Lyman's letter, published in the New York Times of February 11, 1971, be printed in the RECORD. It gives all of us much to think about, not only today, but more important, in the years ahead.

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

DEMOCRACY: CASUALTY OF WAR

TO THE EDITOR: If the war in Southeast Asia could be ended by the anguished cries of university presidents it would no doubt have been over long ago.

Most of us are neither Southeast Asia experts nor skilled global strategists nor (whatever might be wished of us by many of our students and faculty) full-time members of the movement. But we do know something, by hard experience, of what this faraway conflict is costing in terms of democratic values and the capacity for rational discourse on the campuses of this country.

In any war, a democratic polity incurs certain inescapable damage. War by its nature requires secrecy; democracy thrives on full disclosure. War causes people in authority not only to withhold the truth upon occasion; it tempts them to twist and distort it.

Democracy requires that disagreements be thrashed out in argument and resolved by voting. War requires that disagreements be minimized or obscured in the face of the enemy at the gates (no matter how far away those gates may be) and encourages appeals to emotion and to brute force.

It is therefore no cause for surprise that eight years of war abroad have produced a marked deterioration in the political life of our own country. This deterioration is nowhere more marked than on the leading campuses, where the argument that only force counts is heard from young people whose cynicism in this regard is a deadly threat to the future of a democratic polity.

In particular, students today are either disgusted by or themselves infected with the disease of prevarication and contempt for honest dealings. Ever since they became old enough for political consciousness, they have experienced an unending spate of misinformation and false prophecy with regard to Vietnam. The tortured elaborations of Pentagonese have brought palpably closer the notorious era of doublethink foreseen by George Orwell in "1984."

This comes about, not because of a unique villainy on the part of the protagonists in this particular war, but because war itself is antithetical to democratic values.

We have survived previous wars with democracy largely intact. But major involvement in war has often been followed by a political aftermath of reaction and repressiveness from the Alien and Sedition Acts of the 1790.'s through the Mitchell Palmer raids following World War I, to the era of Joe McCarthy after World War II.

The Vietnam war has doubtless been a limited one, for Americans if not for Vietnamese. But its duration now threatens us in deadly fashion.

If the growth of cynicism and doubt continues through another period of years, we will suffer further subtle but ineradicable wounds here at home that will make American democracy in the twentieth century as much a casualty of prolonged warfare as was Athenian democracy in the fifth century B.C.

That is part of the reason why slogans like "Vietnamization" mean so little on the campus today, and why hope is so rare a commodity there.

RICHARD W. LYMAN,
President, Stanford University.
Stanford, Calif., Feb. 11, 1971.

THE PRESIDENT'S HEALTH MESSAGE

Mr. RIBICOFF. Mr. President, to meet the health care crisis in this country, President Nixon has offered a thoughtful, provocative, and striking set of proposals. For the first time, an administration has seriously proposed a program to improve the health care of all Americans whatever their income and wherever they live.

Serious inadequacies exist in the program outlined by the President. It needs improvement and I will have suggestions for making these improvements. But this proposal, as well as the numerous other plans available to us, offers this Congress a unique challenge and opportunity to set the health pattern of this country for the next generation.

Insuring adequate health care for all Americans is another idea "whose time has come." But we must not act precipitatiously, either to gain partisan advantage or out of a genuine desire to have "something" on the books as soon as possible to provide a cure. The problem is too serious for that.

Health, as Ralph Waldo Emerson once wrote, is the first wealth.

By that standard, America is an impoverished nation.

For despite the fact that we spend more money on medical care than any other country in the world—$63 billion and some $300 per person—we have done a poor job of guaranteeing our citizens the basic rights of medical care.

To begin with, there are the poor. An estimated 20 million Americans receive inadequate care or no care at all because they are poor. They live in urban slums where, if they are lucky, there is one doctor for every 10,000 people. Or in rural areas, where, again if they are lucky, they may even have a doctor. But thousands of small towns do not, and their number is increasing as older physicians retire and young men do not take their place.

Then there is the middle class. Whatever else the average American may have, he does not have medical security. His insurance often is inadequate, determined not by what he wants but by such accidental factors as where he works, lives, and how much he earns. He also fears he will not find a doctor when he desperately needs one. And he knows that a serious or prolonged illness will destroy him financially.

Our medical schools are another sign of the Nation's medical impoverishment. At a time when the United States needs more doctors, about 40 percent of its medical schools were on such shaky financial ground last year that they needed financial distress grants from the Government. Their condition has not improved.

Hospitals are in trouble. They have been unable to make much headway controlling costs and some, criticized for their charges, have insisted that they get back only 75 cents for every dollar they spend.

What it all adds up to is that the whole system of organizing, financing and delivering medical care—and not just one part of it—is in serious trouble.

In fact, if America's medical care system were to be given responsibility for the medical equivalent of landing a man on the moon and told to do the job with the tools at hand today, we would have to give serious thought to scrubbing the mission.

It is gratifying, therefore, that President Nixon has recognized the importance of revamping our health care system. And it is fitting that this issue be one of the "six great goals" he outlined in his state of the Union message earlier this year.

Presidential messages traditionally contain general statements of intent and policy which are difficult to interpret without specific details. This is true for President Nixon's health message as well.

For example, will the $50,000 in benefits that employers are required to make available to every member of a worker's family actually protect individuals against catastrophic illness? Many people have been destroyed financially not because they did not have enough insurance, but because they did not have the right kind. They had policies that did not cover drugs, private nurses, expensive therapy and new technology. Hopefully, the President has recognized this fact and his legislation will broaden existing insurance coverage. But we need more information before we can judge the value of the proposal.

Essentially, the President's program builds on the existing private health insurance industry. Some other plans would go so far as to eliminate the involvement of insurance companies in health care financing entirely. But the issue should not be an ideological one of whether or not to rely upon the private or the public sector. The question should be what will result in the best health care system for the consumer.

As much as we might like to believe that the needs of the providers of health care and the needs of the recipients are one and the same, the fact is they are not.

There are advantages to improving our present private health insurance system. It exists now with experienced personnel. Benefits are improving, and the companies are becoming more sensitive to the needs of the consumer.

But that is only one side of the picture. Before we grant private insurance companies the privilege of providing National health insurance, we must have guarantees that they will be fully accountable to the public. We must know how much more, if anything, it will cost the consumer in terms of company profit and overhead to buy his insurance through the private sector. We must establish auditing and reporting requirements. And we must insist upon adequate monitoring of both the cost and the quality of the care provided under private plans.

In short, if private health insurance is to survive, it must change its basic philosophy and act as an advocate on behalf of those in need of medical care and not as a neutral, independent conduit which simply distributes money throughout the system.

For many years, we have had an insurance system for hospitals and doctors. It is time to develop a system that insures the patient as well.

Unfortunately, the President seems to focus more on providing a system that is a plum for the insurance industry instead of a plum for the consumer. A disturbing principle that seems to permeate the message is that consumers of health care need to be more cost-conscious. I cannot think of anyone connected with health care who is more cost-conscious

than the consumer. And nobody has less influence in controlling costs than the consumer. The distinguishing feature of our medical care systems is the extent to which providers make all the fundamental decisions and consumers simply take what is available to them.

In fact, the President appears to be promoting contradictory principles when, on the one hand, he emphasizes health maintenance and preventive care, and, on the other, he urges people to be more cost conscious and to use medical services efficiently. This may lead people to avoid preventive care and seek out doctors only when they are seriously ill and in need of the most expensive medical care.

And what about the poor and the principle of having some of them pay a portion of their medical costs? Isn't this a step backward? The purpose of reforming medical care services and delivery systems should be to remove barriers to obtaining medical care, not to create them.

The most encouraging aspect of the President's program is its emphasis on establishing more prepaid group practice plans as an alternative to the private fee-for-service medical practice. Group practice has been recognized for some time as a more efficient and inexpensive method of meeting the health care needs of the Nation.

The proposed "Health Maintenance Organizations" would consolidate a wide range of health care services into easily accessible organizations of physicians and allied health personnel. Physicians would be enabled to put economies of scale to use in the form of more and better services to a larger number of people. The consumer would be encouraged to utilize medical services by the presence of one-stop health care rather than fragmented specialized services from many different sources.

The President's message builds in incentives to adopt the HMO method of operation. One barrier to this goal may arise in the employer-employee insurance plans. Premiums for group practice plans often are more expensive than traditional ones. I hope that legislation setting standards for employer-employee insurance plans will provide strong incentives for the employer to provide group practice plans at no extra cost to employees.

Until the President submits his legislative proposals, any final judgment about his program will be premature. But it is not too soon to say that quick, patchwork solutions will not work. They will only aggravate existing problems, and the lessons of past Federal legislation prove the point.

To assist me in my consideration of the President's program, I have asked five distinguished experts in the health care field to serve as an advisory group. These men have had broad experience in the study, administration, and delivery of medical care.

They are:

Odin W. Anderson, professor and associate director, Center for Health Administration Studies, University of Chicago.

Douglas Coleman, president, Associated Hospital Service, Blue Cross of New York.

John Layne, M.D., Great Falls Clinic, Great Falls, Mont.

Philip Lee, M.D., chancellor, Medical Center, University of California, former Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs.

Theodore R. Marmor, associate dean for administrative affairs, University of Minnesota.

Our challenge, and that of the President as he prepares his legislative package, is to establish an enduring framework for our health care needs. We may not be able to provide the billions of dollars needed to implement a sound proposal at this time. But we can design a structure that makes adequate health care a right rather than a privilege.

ANNA NUGENT

Mr. MANSFIELD. Mr. President, since the fall of 1952, when I ran for my first term in the U.S. Senate, among my closest associates and supporters I have been proud to include Mrs. Anna Nugent and her late husband, Jim. The Nugents have lived in Miles City, Mont., since early 1900 and have been active participants in the development of their community and the State.

Just recently, a fascinating feature article appeared in the Miles City Star, discussing Anna Nugent's early experience as a child in eastern Montana. In fact, Anna Nugent's experiences include being kidnaped by Indians. The newspaper outlines the many different and varied experiences she and Jim encountered as some of eastern Montana's most active citizens. I wish to take this opportunity to extend Maureen's and my personal regards and good wishes to Anna Nugent during her 86th year and to state that we feel that Montana is a better place to live because of such fine people like Mrs. Nugent.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

[From the Miles City Star, (Mont.)
Jan. 24, 1971]

ANNA NUGENT RECALLS—WHEN JUST A BABY SHE WAS STOLEN BY INDIANS

(By Jean Freese)

Anna Agnes Elgin Nugent, whose experiences in life have ranged from being kidnapped by Indians to attending a presidential inauguration, was born in Miles City 86 years ago today and although she has been a Miles City resident all that time she has managed to do considerable traveling around the country.

Anna was a baby when she made her first trip away from home. She was crawling around on the floor of the home of her parents, Matthew and Susana Elgin, when some Indians dropped in to visit. The Indians wanted food but most of all sugar and Mrs. Elgin had no sugar to give them. So they snatched Anna up off the floor and left.

The men were all away from town for races, Mrs. Nugent says, but fortunately one of them needed a pin to hold his belt and came back to the Elgin house to get it. Her mother explained what had happened but by the time he'd gathered up the other men and they could head out after the Indians they had lost too much time. They didn't find Anna and her captors until the next day and, as a person fascinated by history, the grown-up Anna now must regret that she can't remember the event. But she does know she was returned to her home.

"The men decided they'd stay home the next day because knowing those Indians they figured they'd be back and they were. Just as if nothing had happened. The Indians were pretty unruly. You've got to remember that this was a wilderness in those days," says Anna, who was born in 1885.

Indian troubles were nothing new in the Elgin family. In 1877 when Matt Elgin was a 19-year-old so fresh from Germany he could speak very little English, he had left Miles town with A. J. Maxwell and his family who were looking for a "cattle ranch in the west." There were five men in the party including Maxwell's step-son Jess Pruden, George Darling and a Mr. Boughton, when they were attacked by Indians. They had spotted them in advance and had managed to set up a "fort" using a combination of natural barriers and burlap sacks filled with sand. Young Matt was sent off to try to reach Ft. Keogh and help. The Indians fought for four days but suddenly disappeared.

Matt had met a troop of cavalry at the Yellowstone River and the people involved feel that the Indians had scouts who spotted the cavalry coming and decided the time had come to leave. Matt apparently had trouble persuading the cavalry to come to the rescue and the commanding officer had told him he'd be tried if the story wasn't true. But the Maxwell party had bloody moccasins and loin cloths they'd taken off the two Indians they'd killed and nine they'd wounded to prove they really had been attacked.

Mrs. Nugent knows the details of her father's Indian problems because she is one of those rare people who recognizes that "now" will become "history" and has a dresser full of that history. Among items in her collection is a clipping published in the Montana Standard in 1954 in which May Pruden Savage gave a complete account of the attack on the Maxwell party. The clipping was sent to Mrs. Nugent and she promptly began a correspondence with Mrs. Savage to learn more about her life in this area.

In the dresser are scrapbooks covering such activities as the Sacred Heart Altar Society which Mrs. Nugent founded and served as president for five years, the Rotary Club, of which her husband, James, was president, and the short-lived Rotary Anns to which she belonged, the Montana Motor Transport Assn. and other transport company activities associated with the Nugent Transfer and Storage Co., the Red Cross and the United Spanish War Veterans and auxiliary (in fact she has a big box and 8 or 9 scrapbooks on the USWV). Both the Rotary club here and the State Transport Assn. has used her material to prepare histories and right now the Altar Society has the scrapbook for the same reason.

Rev. E. W. J. Lindesmith, chaplain at Ft. Keogh, officiated at the wedding of Mrs. Nugent's parents and also baptized her and her brother John (who now lives in the same apartment house at 1603 Pearl).

The Elgins had started out as residents of old Miles town but when the cantonment moved to the Ft. Keogh location and the town followed, Elgin took up a preemption—now called a homestead—on what was then an island adjoining Miles City. The area, still referred to as The Island although it no longer is one, is marked on city maps as the Elgin Park addition and runs from Riverside to Edgewood on the south and north and about Ullman to Montana on the west and east.

But they got tired of having to move off the island every year when the floods came and bought the area where Safeway now

stands. Here they built a house and a barn where Elgin kept the horses for his hauling business. The block was "full of trees which Poppa planted." Matthew Elgin was the first taxpayer in Custer county which then covered a good deal more land than it does now. Eventually the family moved to a house on Main Street where the Coffrin studio is now.

Anna started her schooling at the convent which then was in operation on the south side of town. However it burned and she switched to the public schools. Among the contents of The Dresser is a delightful picture of seven little girls (about 8-or-9-years-old) who did a Maypole drill wearing very full white dresses and black slippers with flowers on them. In the group with Anna are Daisy Haynes Lindeberg, Fay and Mabel Alderson, Myrtle Cato Williamson, Edna Moran and Jessie Gilmore.

When she was at the convent, Ella Strong and the Carter girls came in for the week from their ranch homes. The Ulio girls came from Ft. Keogh. There were also Dunnigan and Courtney girls. Many years later, James Ulio, then an adjutant general stationed in Washington, D.C., wrote a message to the girl his daughters had gone to school with to tell her that her son, Frank, had been killed on Wake Island.

After grade and high school in Miles City, Anna went to Montana State University (then Montana State College) where she graduated from the business department in 1903. She came back to Miles City to work for the Lakin Bros. (W. P. and Corwin) Mercantile store for five years.

Oct. 24, 1906, Anna married James W. Nugent who had come to this country with his parents from Templorum, County Kilkenny, Ireland in 1885, the year Anna was born. He had enlisted in the Army in Boston to go to the Spanish American War and became a member of Troop F of the First U.S. Cavalry which later was sent to Ft. Keogh and he also had had detached service at Camp Merritt on the Cheyenne Reservation at Lame Deer.

Jim had worked on ranches in the area after his discharge in 1902 but the year they were married he established Nugent's Transfer and Storage. The two had met at dances which were held, in of all places, the basement of the Carnegie Public Library. Later, Anna remembers, dances were held in the Leighton block above the liquor store.

Jim started out his company with "a beautiful big" flat-bottom wagon and a pair of Clydesdale horses. The company's first moving van, which also was pulled by horses, is still being cared for by their daughter, Mary, on her family ranch near Rosebud.

For a number of years, until 1916, in fact, Mrs. Nugent helped out at the Transfer company. "I don't know what you'd call it but I did all the books and answered the phone." A writeup on her in the 1967 issue of "Outstanding Civic Leaders of America" says she was office manager and bookkeeper. "Frank our son was born right after the first of July and there I was with all those bills to get out." She decided she'd had enough of business and retired.

Anna and Jim were married in the Sacred Heart church which stood where the courthouse Servicenter is now. When the present church was built the old one was kept for a parish hall.

"We really had some banquets in that old place," Anna says. "As young girls we did all the cleaning and kept up the linens in the beginning and later when we had dinners . . . we didn't have any dishes so we'd borrow them from stores like Arnold's. We had to haul in water to wash them before we used them and haul in more to wash them afterwards. And we would serve 300 people."

In about 1914 Dick Stuart built a house for the Nugent family at 519 Washington and Richard R. Clarke, father of Billie, put up the chimneys. At the time they paid their $1 deposit to get the city water hooked up to the house. In 1964 when Jim was gone and Anna moved into her apartment she went to get back her deposit—and got a check from the city for $50, which included her deposit and interest accumulated over the years.

During World War I, along with Mrs. Edith McShane, and Mrs. August Mundt, Mrs. Nugent was busy with the Red Cross. She was chapter chairman and became state commandant of the canteen service. "They didn't have diners on the troop trains then and whenever a train came through we met it and fed everybody on it." Somewhere in her collection she has a picture of her crew. When a later World War came along she was chairman of volunteer service and also production chairman.

The only old records available on the Red Cross are the ones Mrs. Nugent has because the official records had been in storage in a basement downtown and were destroyed.

Because Jim was a member of the United Spanish War Veterans, Anna joined the auxiliary which is how she happened to attend a presidential inauguration.

She served in all offices of the local auxiliary and the department (state) auxiliary and then "went national." In 1952–53 she served as president of the national auxiliary. As part of this position she attended the inauguration of President Eisenhower and on Armistice Day, 1953, placed a wreath on the Tomb of the Unknown Soldier at Arlington for the USWV auxiliary.

There is a scrapbook on these activities, too, but there is an even more unusual remnant of that important year. In a small box is another small box. The second box is a chest made of pine native to Montana, veneered with satinwood from Ceylon and decorated with a floral design inlayed with dark American walnut. Inside the chest is a gavel made from wood in the White House which was erected in Washington in 1814–1816 after the British Army had burned two capitol buildings in the War of 1812. According to the legend on the inner lid of the chest the wood in the gavel is "reported to be 250 years old and is from the joist above the kitchen and under Margaret Truman's bedroom."

On the gavel is a metal plate with the auxiliary symbol and the words "Anna Nugent—1952–53—National President." She received it at the 54th National Encampment of the USWV in Louisville, Ky., Aug. 28, 1954.

Among Mrs. Nugent's records of the USWV is the membership book for the local camp which has had about 300 names and now has only three which are not marked "deceased." Mrs. Nugent is adjutant for the camp and its three surviving members, Clifton McEldery, Dillon; Duncan M. Cooper, Billings, and Clayton Worst, Fairview. Last year she got on a plane in Billings and discovered Cooper was also making a trip. He's 94.

There were 10 children in the Nugent family. One, Michael, died at birth and Lt. Frank T. Nugent, died March 19, 1944. Four of the children, Mrs. J. Ross (Agnes) Calvin, Mrs. Merrill (Helen) Pearcy, William C. and Robert Nugent, all live in Miles City; Mary Nugent Bailey lives on a ranch near Rosebud; Dr. James J., the eldest child, lives in Miami and the other two, Ann Nugent Price and J. Patrick, live in Seattle. There are 11 grandchildren and 11 great-grandchildren.

Mrs. Nugent's only real nickname is Grannie and the only person who calls her that is a grandson, Merrill Pearcy Jr., who may be especially privileged since he and his grandmother share birthdays.

Mrs. Nugent is a member of a number of groups and in addition to the Altar Society organized two others here, the Catholic Daughters of America and the Gold Star Mothers.

"Maybe I did a lot," she smiles now, "but I was happy doing it and found lots of friends. People have been awfully nice all over the country."

At this stage, some people would be pausing to look over the scrapbooks and at 87 Mrs. Nugent has cut down on her activities. In fact, she says she doesn't do much of anything any more. Of course, she is chairman of the hospitalization committee and of the civic committee of the Miles City Woman's Club (which she joined in 1919), goes to meetings of the St. Francis Division of the Altar Society and plays bridge.

"I finally got it in my head I'd better quit," she says, and then mentions that she also is a part of Central Service at the Veterans Administration hospital and also goes to the hospital one night a week just to help run the Stamp Club. She's been a stamp collector for many years and enjoys helping others get started on the same hobby. And if she ever does decide to just stay home she could visit with her brothers, John and Matt, about the old days when they were all growing up in a wilderness town.

MEDICAL PROBLEMS

Mr. SAXBE. Mr. President, I ask unanimous consent to have printed in the RECORD what I regard as two important statements on medical problems from doctors whom I highly regard. The fact that one of the doctors happens to be my son does not, of course, detract in any way from what I believe to be the thoughtfulness and significance of the paper. The other statement is from a woman highly regarded in her field over the years. Dr. Baumgartner is the executive director of the tristate regional medical program and previously was the Health Commissioner for the city of New York.

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

PROBLEMS OF THE DELIVERY OF MEDICAL CARE IN CITIES—POLITICAL ASPECTS

(By W. B. Saxbe, Jr., M.D.)

Many of the present problems of medical care in cities are results of changes in the nature and conditions of cities and city life which relate to changes in composition, political power, and altered attitudes and expectations. My plan is to look at some of these changes through study of their political causes and effects. While political conditions may be used as keys to the understanding of these problems, historical, social, economic, and scientific considerations will be inextricably intertwined.

My major thesis is that our cities are in decline; that their life is characterized by loss and disintegrative change; and that personal medical care and public health have deteriorated in direct proportion to the health of the body politic. I will delineate the general plight before describing the health problems.

First and foremost of the changes in the city has been the change in the sort of people who make it up. Until after the Second World War, Americans had steadily been moving from the country to the city. They had also been moving from the East to the West and from the South to the North. Immigrants in this century generally went to the cities and stayed there.

Many of those coming from country to city and South to North—especially those from the rural South to the urban North—came because the city offered greater economic opportunity. A great many more came because their places of origin offered none. As profitable agriculture came to require

mechanization, and the market rewarded large-scale farming, fewer men were needed in the country. As war took workers from industries just as it asked for greater output, more were needed in the cities.

Each of the successive immigrant groups which came to the city found a home there, mastered or came to terms with its seats of power, and created a distinctive life for itself. To a large extent, the political history of our major cities in the past 100 years has been that of the use of various ethnic groups from disorganization and weakness to organization and power.

But there were also other forces at work which brought great changes to the city; other forces which threw the dynamic equilibrium of city life out of balance. Primary of these was technological advances.

With technology came prosperity, but not for all. Specific effects important to workers were a decrease in the need for unskilled labor and an increase in the proportion of service to manufacturing jobs. Of major importance was the tremendous development of private and—to a lesser extent—public transportation. This revolution obliterated the old geographical limits of the city, but the impact on the size of cities was less than the effect on their internal structure. In many ways, the city was transformed by the automobile *for the automobile;* large areas and sums of money went to appease man's "servant". The ability to go many places rapidly has in part been undercut by the disappearance of many of those places under and behind asphalt and concrete.

The transportation system made possible the flight from the city to the suburbs which has become the pre-dominant direction of movement of the population since the Second World War. The workingman's dream of a decent place for his children, rolling lawns, etc., seems to be answered by the suburb. As a result, many of our large cities have had net losses in population in the past 20 years despite constant growth of their metropolitan areas. In this emigration, there has been proportional underrepresentation of the old, the poor, and the black. These groups have consequently grown in relative size in the inner-city population. As service industries and manufacturers followed the workingmen and white-collar workers out of the city, tax revenues and property values have fallen. This has led to the vicious cycle of low revenues and low services which has been a further stimulus for emigration. Ironically, as progress made good municipal services and good schools both expected and essential, big-city governments found these goals further and further outside their financial scope. Cities such as Boston are faced with the dilemma of whether to drive people out of the city by raising property taxes or drive them out by cutting back on necessary services.

Two general political considerations apply here. The first is that the "bedroom" communities of the suburbs have come to be tax havens whose residents profit from the presence of the city without making appropriate recompensation. The political independence of these communities is becoming more and more unrealistic and unjust.

The second consideration is that there has always been a lag of years between the time that a new group in the city becomes numerically important and the time that it becomes politically so. Because of this, political machines characteristically outlive their original support, and political changes in response to changes in reality are characteristically overdue. State governments show a similar conservatism, and legislatures may represent fossilized survivals from times when the city was numerically subordinate to the country.

Other factors contributing to the decline of the inner city were the increase in number and size of tax-exempt institutions within its boundaries—schools, churches, etc.; the mounting cost of replacing deteriorating buildings and areas in the city; and the progressive inefficiencies of poorly-paid municipal bureaucracies.

As succeeding generations of immigrant origin became "Americanized," ethnic and family ties became attenuated; as the young become immobile and successful in the wider community, they moved away from the inner city, leaving the sick and the old behind. The once meaningful concept of "neighborhood" evaporated, leaving behind only individuals and strangers. The symptoms of social dislocation rapidly appeared as community spirit fell: anomie, mental illness, alcoholism, drug addiction, violence and crime.

The net result of all these changes is that many residential areas of large cities are no longer self-supporting; they are sinks for dollars, producing less in the way of income, sales, and property taxes than they cost for welfare, police, and medical costs. Many cities now face bankruptcy, and only massive State and Federal aid seem to offer any alternative to that fate.

Well-meant but poorly conceived attempts to "save" the cities have further compounded the problem. The facile equation of old buildings with social deterioration has led to inappropriate urban renewal projects which, as in Boston's West End, can destroy a living—if not affluent community, and replace it by sterile apartment buildings. Experience in New York City suggests that a 20 story building can be a slum just as readily as can a block of tenements.

In similar fashion a monstrous welfare system has emerged which appears to have perpetuated rather than arrested or alleviated poverty. The architects and administrators of these programs have increasingly been baffled by the embittered militancy of those they "serve", an attitude they find preverse. There are several important implications for medical care arising from the social and political changes in the city. The first is that inner cities can no longer produce or support M.D.'s. Economic, social, and professional considerations generally dictate that the present day physician will have a specialized practice in the prosperous suburbs rather than a general practice in a deteriorating central city. As a consequence, many poor city-dwellers must use municipal charity hospitals in place of the family doctor. Since people with money and access to political power (and the news media) do not use these facilities, (especially not as out-patients) their deficiencies are never apparent to those who can change them. Because these facilities are provided by the dominent unconcerned to the subordinate powerless, they are inadequate, underfinanced, and superannuated. They give second class medical care.

From a medical standpoint, this care is unsatisfactory because it is uncomprehensive and discontinuous. From the patients' point of view it is unsatisfactory because it also involves inflated prices, long waits, insufficient services, and personal degradation and humiliation.

I will shortly discuss some of the reactions of the community in this situation, but I will first point out some of the hurdles which the medical profession must face in confronting the problem. At the outset, the inner-city medical mess is different from the problems of medical supply in the past for several reasons, and must be dealt with in different ways. The laissez-faire method of getting doctors into communities and traditional one doctor-one patient practice have led to the present state of affairs and would not be expected to cure the problems they have caused. Artificial means to reintroduce solo practice, even with subsidies, are probably foredoomed.

Secondly, it would be proper to view many of the "medical" problems of the inner city as "social" diseases in the largest sense of the word: alcoholism, drug addiction, violence, mental illness, and even such diseases as lead poisoning and malnutrition are the manifestations of social dislocation, poverty, and ignorance. To treat only their medical aspects would be symptomatic rather than curative therapy in a situation where preventive measures would make the most sense.

Health professionals unfamiliar with the political decision-making process have at times in the past made self-righteously unrealistic demands for financial support from city governments, as if they were not one of many claimants on the cities resources (and certainly not the first). Administrators and mayors, often properly perceiving the manifold roots of municipal problems—even in issues of "health", may wisely decline the proposals of the medical profession to cure all of society's ills through medical means.

In general, it has been community rather than professional leaders who have successfully brought the health care question into the political arena. These concerns have typically and appropriately been linked with other community issues, and have enjoyed the same mixed success. The elusive promise of "maximum feasible participation" has confused the matter of consumer involvement in this area as it has in those others which followed in the wake of the Economic Opportunity Act of 1964. "Max feas", matching shaky Federal support to unexamined sociotherapy insensitive to the realities of local political power, yielded unrealistic expectations which have led with few exceptions to frustration and bitterness. However, even this setback has served to further the growing organization and morals of the affected groups, factors to be considered in the future.

The two major problems concerning the delivery of medical care in the cities are (1) the funding of care, and (2) the logistics of such care. Both of these problems, we can be certain, will be settled in the political arena. They will be approached from two different directions; first, as part of the health care system for the whole country, now under intense consideration in Washington; and secondly, as part of the general problem of the inner cities, similarly commanding great interest there. Funding is likely to come, in the next several years, through some form of National Health Insurance; for center-city facilities, this will very possibly involve prepaid care on a capitation basis. The logistics matter may turn out to be harder to settle. As mentioned before, it is unlikely that the solo general practitioner will ever reappear. Some form of comprehensive group practice seems most reasonable both from the doctor's and the patient's point of view, especially if it can be made accessible on a neighborhood basis. There are at present many experiments under way in delivering this kind of care. It also remains to be seen to what extent other health professionals can assume roles traditionally associated with physicians. The kind and amount of community direction in the delivery of services has yet to be settled.

A number of dramatic changes in attitudes and interests in the past several years suggest that deliberation and resolution of these problems are not far off. There has been rapid politicization of the groups in the inner city paralleling the politicization of the young, the poor, the blacks, and consumers in general. Secondly, there has been increasing discontent and impatience with the system per se, heightened by an upswing in participation and muck-raking. A great increase in interest in matters of health is taking place in the public and in the Congress. Within the health professions, there is much more interest in the delivery and the organization of medical care, especially among medical students and younger physicians. I believe all these changes are for the good.

Any changes in the medical problems typical of central cities which result from relief

of underlying social conditions will be long and slow in coming. This is not to say that these changes should not be energetically pursued, but that these general salvage operations will take more time to achieve essential goals in health than we are willing to accept.

For the medical profession, there are several potential pitfalls as these matters are decided. The first will be a failure to identify the goals of their services with the desires of the served. The second will be misunderstanding of the political process by which the future of medical care in the central cities will be determined. The third, basic, and most important will be the difficulties of finding a pragmatic path between the Scylla of a narrow "medical" conception of the problem, and the Charybdis of utopian holistic planning too grand to be practical.

BIBLIOGRAPHY

1. Bremmer, Robert H., *From The Depths*, NYU Press, 1965, New York.

2. Clark, Kenneth B., *Dark Ghetto*, Harper & Row, New York, 1965.

3. Davis, Kingsley, "Urbanization—Changing Patterns of Living", *The Changing American Population*, H.S. Simpson, Ed., Report of the Arden House Conference, New York, 1962.

4. Gams, Herbert J., "The Development of West End", *The American City*, Anselm L. Strauss, ed., Aldine Publishing Co., Chicago, 1968.

5. Geiger, H. Jack, "Of the Poor, by the Poor, and for the Poor; The Mental Health Implications of Social Control of Poverty Programs", *Psychiatric Research Report 21*, pp. 55–65, 1967.

6. Geiger, H. Jack, "The Neighborhood Health Center", *Arch. Env. Health 14*, pp. 912–916, 1967.

7. Kaufman, Herbert, "The New York City Health Centers", Inter-city Case Program #9, Bobbs-Merrill Co., 1959.

8. Kaufman, Herbert, "Administrative Decentralization and Political Power", *Pub. Admin. Rev.*, Jan., 1969, pp. 3–15.

9. Miller, S. M., and Rein, Martin, "Participation, Poverty, and Administration", *Pub. Admin. Rev.*, Jan., 1969, pp. 13–25.

10. Moynihan, D.P., ed., *Our Understanding Poverty*, Basic Books, Inc., New York, 1968.

11. Moynihan, D. P., *Maximum Feasible Misunderstanding*, The Free Press, New York, 1969.

12. Mumford, Lewis, *The City in History*, Harcourt, Brace, & Co., New York, 1961.

MEDICINE AND SOCIETY—NEW ISSUES

(By Leona Baumgartner, M.D.)

In the past thirty years the effectiveness of medicine to diagnose, treat, and prevent disease has grown enormously. To give high quality care to his patient today, the doctor needs the backing of a team of experts in many fields and the output of a vastly sophisticated technology, as well as the "tender loving care" that characterized an earlier day. And the public is now demanding that kind of care as a right, not as a privilege to be enjoyed only by a few.

Health has not had a very high priority in our country in either the governmental or the private sector, but it has certainly become a matter of increasing public and individual concern and debate, particularly within the past five years. The inability to get a doctor, to find an empty bed in a hospital or nursing home, and the ever-increasing costs have resulted in what has become almost a cliche, named the "health crisis". Even President Nixon, widely accused of neglecting health during his administration, has openly admitted that we are facing a "crisis".

Is this term justified? What is the state of health of the people in the United States?

Certainly some people receive as good care as can be secured in the world. But, in poverty ridden areas care is negligible, and the state of health is no better than in some underdeveloped countries. For these persons, and they number in the tens of millions, the crisis is real.

Though measures for determining the state of health of a people are not well developed, it is surprising that among the highly industrialized countries the United States stands 17th in infant mortality rates (1968). We also rank disgracefully far down on the list of life expectancy for both males and females. Death rates for many specific diseases at various ages are much higher here and in recent years have been declining less rapidly in the United States than elsewhere. And our mortality rate is not entirely associated with the higher rates found among non-whites. The infant mortality rates for whites here, for example, in 1967 was higher than the overall rate for citizens of ten other countries.[1, 2]

All this is happening despite the wealth of our resources. We have, for example, more physicians for each 1,000 of the population than England, Wales, and Sweden. We admit more people to hospitals, make more visits to physicians, and spend a larger percent of the Gross National Product on health than they do. But do we get the benefits we should for the money we spend?[3]

Hospitals are often built where they are not needed or built without regard for shifts in population or new highways which change transportation patterns. Patients stay in them longer than their medical needs demand, sometimes because space in nursing homes or mental hospitals is not available or because no relatives are able to take them at home. Clinics operate at the convenience of staff, not their patients. Many physicians are "on the road" much of the day from their suburban homes to their urban hospitals, from one hospital to another, between home calls (if any) and the office. Patients are sent to stay in hospitals for tests that could be done on an outpatient basis; and doctors do tasks those with less training can do as well.

Every hospital feels it must provide the latest, most sophisticated treatments, despite cost or need and without regard to the expected return in terms of diseases prevented, detected or cured on each dollar invested.

Take a New England city of 175,000 with four hospitals. One already has the radiation therapy equipment and staff necessary to treat all the patients with cancer in the entire city and surrounding area. No patients go without treatment when needed. But the other three hospitals are scrambling to find personnel, space, and equipment so they, too, will have similar services. In the United States four-fifths of all cardiac operations in 1961 were done in 99 hospitals; whereas some 800 are staffed and equipped to do them. Certainly all are not necessary, especially since 270 hospitals reported no cases at all that year. The skills of a cardiac team of some 30 persons cannot be kept up unless there are 100 or 200 cases a year.[4] Certainly the case for regionalization of scarce and expensive sources is clear—or at least for better coordination of services.

The crisis is in the system through which health care is delivered to people. To understand it, one must understand the nature of the fragmented system by which civilians get their health care. Though about one-third of the money for it comes via the government, the care is largely provided by the private sector. And, incidentally, this fragmentation is not new. Herodotus was struck, when he visited Egypt a couple of thousand years ago, but the proliferation of specialists: "Every physician is for one disease and not for several", he noted, "and the whole country is full of physicians; those are physicians of the eyes, others of the head, others of the teeth, others of the belly, others of obscure disease."

The government owns or operates few health facilities and employs few physicians, dentists, and nurses, except for the benefit of veterans and members of the Armed Forces. Our medical care system is essentially a private enterprise system run by the hospital trustees, doctors, professional societies, and private companies which make up the medical-industrial complex. It is perhaps easier to understand if contrasted with a business, as Professor John Dunlop, the Harvard economist has pointed out.[5, 6] A business may be said to be based on three elements—the consumers, the entrepreneurs (manufacturers, wholesalers, retailers, etc.), and the institutions, such as banks, tax structures, the banking system, the system of taxation, the interest rate, schedules by which any business must abide.

The health care system can be divided into similar components. First are the patients or consumers. Next, entrepreneurs; physicians with all their super specialties, nurses, social workers, dentists with their sub-divisions, pharmacists, aides and technicians of many kinds, manufacturers of drugs, appliances and equipment with their advertisers, salesmen, chemists, etc. And, finally, the institutional elements—the places where care is given—hospitals, nursing and convalescent homes, doctors offices, neighborhood health centers.

In a business the three elements are constantly interacting. Market surveys tell the producers what the public wants. A retailer adjusts his hours, at least in part, so customers can be served, and he locates the outlets for his goods or secures where customers can shop conveniently. The housewife returns the gadget that doesn't work for a replacement or a refund. Both customer and producer react to the supply of money.

In contrast, there is little interaction in the health system. It has taken years to get clinics, used largely by working people, to open in the evening or on Saturdays. The mechanisms for customer complaints common in the business world are virtually unknown in the health world. The lofty institutions are slow to respond to changes in consumer needs. Hospitals expand but don't plan for patients who could be discharged earlier into simpler, less expensive facilities. They often disregard the building plans of neighboring hospitals, establishing units that are too small to operate efficiently. And even among the entrepreneurs there is far too little interaction. A specialist may take over one part of a patient's anatomy but not let a colleague, who assumed jurisdiction over another part, know his diagnosis or advice.

Both the economic and health care systems are obviously affected by changes in the society in which they operate. However, the former usually reacts more quickly than the latter. One example—the sudden post war rise in the birth rate led to an unprecedented number of infants—and later of teenagers. Clothes, toys, supplies for infants appeared everywhere, even in airports and corner drug stores. I was always amused that manufacturers of infant wear called me, as Commissioner of Health in New York City, each New Year for prediction of the probable change in numbers of births. Obstetricians, pediatricians, and hospitals never did. Teenage departments in stores and magazines for teens appeared long before clinics for adolescents in hospitals.

But enough of these comparisons. My main purpose is to emphasize that the social and economic facts of contemporary American society are very rapidly *forcing* change on the system through which medical care is delivered. I shall discuss five key developments. They are unrelated and overlapping.

1. *The raipd accumulation of scientific*

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knowledge—biomedical and technological is the first.

Experience in World War II produced evidence of the value of research and development. The development of the atom bomb gave an enormous impetus to so called R and D activities—and the launching of sputnik gave another push. Companies which had never had research divisions found them essential. Since the War, federal expenditures for biomedical research rose from $50 million to $1200 million a year. New facts and insights on how the body functions, on how various abnormalities occured, how disease develops, as well as new methods of prevention and new cures, come rolling in like the endless breakers on a vast beach.

Simultaneously, dramatic developments in other scientific-technological fields are available for adaptation in the health field—the transistor, computer, television, isotopes, new fibers and materials, etc. The social and behavioral scientists develop new approaches, better understanding of human and social behavior. Within the past two decades, the health care system has been faced with an unprecedented body of knowledge to adapt and to apply for the benefit of all.

The new knowledge, despite its great value in improving care of patients, serves in one sense to complicate the delivery of services. It led and continues to lead to greater and greater specialization. No one physician, surgeon, nurse can keep up. Thus, the fragmentation of care from the point of view of the patient becomes more frustrating.

2. *Rapidly rising costs.*

A second major force which is precipitating change in the delivery of health care is its rapidly rising cost. In 1929 the total bill for health in the United States accounted for 316 percent of the Gross National Product—in 1969 for 6.7 percent with actual figures rising from $3.6 to 60.3 billion. And if the National Health Insurance system becomes law, as many observers are not predicting, the estimate is that the proportion we spend for health will rise to 8 or 10 percent of GNP—or even more than 8 percent we now spend for defense purposes. Looking at these figures from the point of the individual, this has meant a rise on the average of from $29.64 in 1929 to $296.75 per year in 1969. Costs have been accelerating. Just between 1965 and 1969 our annual per capita expenditure for health rose 47 percent. Hospital costs are now rising by around 15 percent a year. Health has indeed become "Big Business",[7 8 9] both in terms of dollars budgeted and in terms of numbers of persons employed. It is also a rapidly growing business.

A large increase in federal spending for health came after 1963, when Medicaid and Medicare programs were inaugurated in response to the needs of the aged and the poor. Total federal expenditures rose from $3 to $12.7 billion. The new money went largely into paying for care—by doctors, hospitals, nursing homes. Very little, shockingly, was allocated specifically to improving the capacity of the already badly overloaded and fragmented system to cope with the new load. So we have demonstrated that increasing purchasing power by itself is not sufficient—the system simply cannot respond rapidly enough. There must be more concern for reorganizing the system and particularly for enlarging its capacity to give service. We must find more methods to pay for care preferably through a prepayment insurance mechanism and more group practices. At the same time, funds for research cannot be eliminated. New discoveries are important to improving patient care and to controlling costs. The discovery of an effective polio vaccine not only saved lives but millions of dollars as well in respirators and rehabilitation services no longer needed—not to mention the enormous human savings in terms of lifelong disability and dependency prevented. Suggestions that research be abandoned to pay for services are self-defeating. A better balance may be needed, but both are essential for both increasing the capacity of the system to give care.

3. *Shortages of personnel—physicians, dentists, nurses and many kinds of persons allied with them are a third major force pressing on the health system.*

To be sure, part of that problem is maldistribution—with the inner city and rural areas having only a handful of overworked and aging physicians. Blumberg, for example, found physicians working over a 60-hour week, struggling to keep up with the load.[10] Few young doctors are attracted to rural or ghetto areas and will not be until the system is changed. There is maldistribution, too, in the kinds of physicians in practice with the general practitioner absorbing the lion's share of the work load. Twenty-four percent of physicians are so-called general practitioners—yet 64 percent of all visits to physicians are made to the general practitioner. To be sure, internists, and pediatricians can and do give general care to their patients, but their numbers are increasing less rapidly than surgeons of whom there are probably already enough. Many studies indicate that if present trends continue, it will be increasingly difficult, if not impossible, to find a physician in the smaller towns and cities by 1980. In fact, there is evidence that people are already paying fewer visits to doctors.[11]

A few manpower experts have argued that the problem can be solved without more doctors if the system is altered, but the consensus is growing that this is not true. The Carnegie Commission on Higher Education has just issued a report on medical and dental education. It argues for a 50 percent increase in doctors and a 20 percent increase in dentists during the next decade.[12] In any event, the way we use physicians must change.[13]

Wider use of other health personnel, carefully trained assistants to do what the highly trained doctor, dentist, or nurse now do, of aides of various sorts is essential. Already there are an average of ten such persons for each physician[12]—and the ratio has risen steadily. Professional vested interests, licensing laws, increasing amounts paid in compensation cases, and the greater bulk of malpractice suits being filed are road blocks in the use of such people. But the larger numbers of educated young people, the growth of the community colleges, job training programs of all kinds, use of the medical corpsmen trained by the Armed Forces, extending the roles of nurses—all make an increase in the numbers of so-called allied health personnel seem more and more feasible.

4. *Changes in people.*

A fourth factor to be taken into consideration in improving health care are the changes in the way in which the people the system serves are changing. In this country we are growing younger faster than we are becoming older; half of us are now under age twenty-eight. And though the rate of population increase is now slowing down and may slow down even more, larger numbers still must be cared for, including those not now receiving care. There are also changes in the type of diseases people have. Medical science can not cope with an ever-increasing number of man's ills—from congenital defects to worn-out kidneys and hearts—and so the numbers of persons with chronic conditions in need of continuing surveillance is increasing. The dominant killers are still cancer and arteriosclerotic heart disease—but the major load of medical care lies in care of patients with arthritis, diabetes, allergies, chronic pulmonary disease, respiratory disease, psychosomatic and mental illness, care of the well child and a host of other conditions usually requiring the specialized care on a continuing basis—not just care during an episode of acute illness. Of course, such persons may still need expensive, highly sophisticated care in a hospital from time to time.

The people are better educated too. With guidance they can be taught to do much more about their own health—though it may take years for the health professionals to realize the change and accept the patient as potentially a key member of the health team, so to speak.

In still another way, patients and particularly the poor, the underprivileged are demanding to be on the health team. Their demands are rooted in anger and exasperation after years of waiting hours on hard benches in clinics while losing a precious day's pay, in being treated in a manner which is brusque, impersonal, and devoid of human dignity, and in going from one clinic to another. Not long ago a colleague described this scene in a large New York municipal hospital:

"Women with children underfoot and in arms stand waiting because there is no place for them to sit. Mobs mill about like so many lost cattle. Above the scene there is one constant cacophony of sound—sound rising, falling, swooping, circling—that rises to a din that is deafening . . ."[14]

Even the rich have grown weary of being shunted from one specialist to another and of waiting three weeks for an appointment to see any physician. All over the land, there is a feeling that "our health is too important to be left to the doctors"—of grave doubts about whether the professionals really know how to run the railroad. In the inner city, minority groups will no longer accept health services planned only by doctors and experts. They demand a part in making the decisions. This is a new development.

In a society that is becoming more and more depersonalized, the cry for individual care, for the human touch in medical care, as well as the latest and best science has to offer, is loud and clear from rich and poor.

Another facet on the opposite side of the coin is the great expectations people have of modern medicine. It can, it must, it should do everything. We take for granted an unending parade of new miracles, drugs, transplants, cures for all diseases—including social conditions of many kinds even though their causes are still far from being understood. Nothing is too difficult for modern science. This, despite a growing distrust of the scientist.

So the health care system is faced simultaneously with more people, young and old, more chronic disease which demands continuing surveillance, ever greater expectations of what can be done and ever-increasing disenchantment with the ability of the health care system to give high quality care to all.

5. *Changing professional attitudes*

A fifth new force is the changing attitude in some professional societies, in health professional schools, and, above all, among students in these schools. For example, the American Public Health Association, completely reorganized within the past two years, has opened its membership to consumers and is experimenting with giving them a greater voice in the affairs of the Association. An increasing percentage of medical students is interested in personally intervening to change the health care delivery system. They want to learn more than biochemistry and neurosurgery. They want to know about controversial matters and broad social problems, national health insurance, abortion, the environment, drug addiction, genetic manipulation, use of physicians' assistants. They take courses in public administration, computer technology, economics of medical care.

Footnotes at end of article.

They work along with dental and nursing students on their own time in ghetto clinics or in rural poverty areas. A few identify with activist citizen groups and represent points of view of such groups to the administration of the medical school. They demand a larger number of students of minority groups and help recruit them. Dr. Daniel Funkenstein, who has studied students at Harvard Medical School for many years noted a major shift from a scientific and research focus that characterized the 1950's and 1960's. He says of a recent class: Their personal characteristics and career plan can best be described as appropriate to the community era of medicine in which health care would be delivered to all segments of our society without regard to financial means, in which action would be taken on social factors that impede health and breed disease, leading to true preventive medicine, and larger numbers of students from minority groups would be provided with the opportunity of becoming physicians." [15]

And faculties are responding. Changing the curriculum is the name of the game in most medical schools and many dental and nursing schools. The schools are developing an interest in the communities around them. And they are certainly embarked on extensive programs of self-analysis, all of which auger well for the future.

It is perhaps significant to note in passing another complicating factor in the picture—a factor that probably will continue, as it has in the past, to impede change. The physician, like the judge, in taking responsibility for life and death of one individual comes to rely heavily on his own skill. There develops a kind of arrogance, an air that says, "I know what is good for you—I will take care of you". If we are acutely ill, this is very comforting. Perhaps this is why Americans who complain most bitterly about the state of health, affairs like their own personal physicians. But it makes change difficult for the physician. And he sees few patients who are not under his own care so he is unaware, for example, of the care the poor get or of those who get no care. The specialist is often interested in but one of the patient's complaints and loses interest in the patient as a person. The specialist gets paid more, and his brilliant technical skill receives wide acclaim. Being human, the physician resents being considered second class—and so the ambition of most students, until recently, has been to become a specialist. The attitude that doctors know and consumers don't has also been passed on to students, too. Hospitals don't wish to be second class either—and they believe they know what their communities need. Trustees and staffs consider having *all* the latest equipment and full complement and specialists—brain surgeons, transplant and cardiac surgeons—etc.—essential to being first class. Such staff knows, they believe, what the community needs. Do they? And they find change difficult.

Caring well for the 90 percent of man's ills—the more common complaints can make a doctor and hospital first-class too. The community hospital need not do everything if it has a working relationship with a hospital that has what it doesn't have. But changing these practices involves changes in the attitude of both physicians and hospitals.

These forces, the rapid accumulation of new knowledge, the rapidly rising costs, the shortages of health personnel, the differences in the people served, and the changing attitudes of professional groups—along with other forces (urbanization, changing patterns of family life, unionization of health workers, the psychological effects of our increasing complex society, for example) seem to make vast changes in health care inevitable.

What form will change take? There is little agreement—certainly not on any one overall scheme for the nation. This is fortunate, for it provides an opportunity to try different patterns—ones which may well fit the different problems found in different parts of this country.

It seems more probable that changes in the health care system will come bit by bit. Political problems are involved. Politics has been broadly defined as the art of the possible. So it may be with adapting the outdated health care system to today's needs. The vagaries of human nature, the vested interests and actions of many different human beings, the cross currents of our economic and social upheavals are involved. The bargaining will be prolonged.

There is a growing understanding in my opinion, on the importance of several points.

1. Finding better ways to deliver health care must become as prestigious and well supported a pursuit as research in molecular biology. Health services research, as it is being called, demands the attention of the best minds in the nation.

2. We must make much greater use of allied health professionals and new types must be developed.

3. The increasing collaboration of economist, engineer, behavioral scientist, and health worker will bring more automation, but, hopefully, without loss of the tender loving care side of medical practice that means so much to patients.

4. Regionalization of services is imperative. Isolated health facilities must be brought together to make the most effective use of scarce personnel and expensive facilities and equipment. The less sophisticated technologies should be made more accessible to those served—but decentralization and duplication of the more sophisticated must be avoided.

5. We must incorporate much more preventive, ambulatory and home care into our health system.

6. We must lower the economic barriers to quality health care so that good care really will be available to all.

We know, in sum, what must be done. And, difficult as the problems seem, they are not insoluble. If we invested no more energy, money and intellect in finding new ways and means than we now do in perpetuating the old ones—we might all surprise ourselves by achieving, to a very great extent, what must be achieved in the field of health care.

FOOTNOTES

[1] World Health Organization. *World Health Statistical Report* Vol. 23, No. 3, 1970.

[2] *United Nations, Demographic Yearbook 1968*. New York. 1969.

[3] Peterson, Osler L., et al. What is the value of money in medical care? Experiences in England, Wales, Sweden and the U.S.A. *The Lancet*. Vol. 1, No. 7492. pp. 771–776. 1967.

[4] Report of the President. *A national program to conquer heart disease. Cancer and Stroke*. Vol. 2, February, 1965. xii, 644. pp. 55–56. Washington, D.C. Superintendent of Documents. U.S. Government Print. Office.

[5] Dunlop, John, *Some Facets of the Economics of Health Care Delivery*. Delivered at the Plenary Session on "Dimensions of the Problem" at the 80th Annual Meeting of the Association of American Medical Colleges, Cincinnati, Ohio, October 31, 1969. Reprint from Journal of Medical Education. Volume 45, March, 1970. pp. 133–138.

[6] *Public-Private Partnership: Problems and Opportunities*. Presented at the 1969 Health Conference of the New York Academy of Medicine, held April 24 and 25, 1969. Reprint from *Bulletin of the New York Academy of Medicine*, Second Series, Volume 45, No. 11, pp. 1140–1147, November, 1969.

[7] *Total Health Expenditure*. Research and statistics, note #18, November 7, 1–69. Dept. Health, Education and Welfare. Social Security Administration. Office of Research and Statistics. Washington, D.C.

[8] *Sources of increase in selective medical care expenditures, 1929–1968*. Washington, D.C. Department Health, Education and Welfare. Social Security Administration. Office of Research and Statistics. 1970.

[9] *Economic Report of the President*. Supt. of Documents. Government Printing Office, Washington, D.C. Feb., 1970.

[10] Blumberg, M. S. *Medicine*, unpublished paper. University of California. 1969.

[11] *A report on physician manpower in the Tri-State region*. Massachusetts, New Hampshire and Rhode Island. Tri-State Regional Medical Program. Medical Care and Education Foundation, Inc. Boston, Mass. 1970. xiv, 141 pp.

[12] *Higher Education and the Nation's Health*. Carnegie Comm. on Higher Education. xii, 130 pp. October, 1970. McGraw Hill. October, 1970. New York.

[13] *Report of the National Advisory Commission on Health Manpower*. U.S. Government Printing Office. Washington, D.C. Vol. 1, viii, 96 pp. 1967.

[14] Standard, Sam, M.D. New York. Personal Communication.

[15] Funkenstein, Daniel. *Medical Students, Medical Schools and Society in Three Eras*. Proc. Conf. on the Medical Student. Bowman Gray School of Medicine—1969. Charles Thomas, Inc. Springfield. (in press).

FAIR CREDIT BILLING DATE

Mr. PROXMIRE. Mr. President, on Monday, February 8, 1971, I introduced S. 652, the Fair Credit Billing Act. This act would protect consumers against unfair and careless billing practices. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 652

Be it enacted, etc., That this Act may be cited as the "Fair Credit Billing Act".

SEC. 2. Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended—

(1) by adding at the end of subsection (a) a new paragraph as follows:

"(8) The protection provided by section 161 to an obligor under any such account in the event of an erroneous billing.";

(2) by amending subsection (b) (2) to read as follows:

"(2) The amount and date of each extension of credit during the period, the vendors and/or creditors involved, and, if a purchase was involved, a brief identification of the goods or services purchased.";

(3) by adding at the end of subsection (b) new paragraphs as follows:

"(11) The right of the obligor and the obligations of the creditor under section 161 in the event the obligor believes there is an error in the statement of his account and gives written notice thereof to the creditor;

"(12) The address and telephone number to be used as a contact between the obligor and the creditor for the purpose of receiving requests by the obligor to correct mistakes or make adjustments to the obligor's billing statement.".

SEC. 3. The Truth in Lending Act (15 U.S.C. 1601–1655) is amended by adding at the end thereof a new chapter as follows:

"Chapter 4—CREDIT BILLING

"Sec.
"161. Correction of billing errors.
"162. Regulation of credit reports.
"163. Length of billing period.
"164. Credit for partial payments.
"165. Prohibition of minimum charges.
"166. Prohibition of offsets.
"167. Crediting payments on date of receipt.

"168. Crediting excess payments.
"169. Rights of credit card customers.
"170. Use of cash discounts.
"171. Civil penalties.

"§ 161. Correction of billing errors

"(a) If a creditor, having transmitted to an obligor a statement of the obligor's account in connection with an extension of consumer credit, receives a written notice from the obligor in which the obligor—

"(1) directs the attention of the creditor to an amount shown in the statement as owing from the obligor, which the obligor believes to be in error in whole or in part, or seeks additional clarification with respect to such statement.

"(2) indicates the amount (if any) by which the amount shown in the statement is greater or less than the sum believed to be owing to the creditor by the obligor, and

"(3) sets forth the reasons of the obligor for the belief that the bill is in error or requires additional clarification,

the creditor shall—

"(A) not later than ten days after the receipt of the notice, send a written acknowledgement thereof to the obligor, and

"(B) not later than thirty days after the receipt of the notice and prior to taking any action to collect the amount, or any part thereof, believed to be in error—

"(i) make appropriate corrections in the account of the obligor and transmit to the obligor a statement of his account which has been revised so as to show the corrections, or

(ii) send a written explanation to the obligor setting forth the reasons why the creditor believes the account of the obligor was correctly shown in the statement together with copies of documentary evidence of the obligor's indebtedness after having conducted an investigation in response to the obligor's written notice.

"(b) Any creditor, having received a notice from an obligor as provided in subsection (a), who fails to comply with the requirements of that subsection—

"(1) forfeits any right to collect from the obligor the amount shown in any statement of the obligor's account which the obligor believes to be in error and has specified in such notice in the manner prescribed in clause (2) of such subsection, including any finance charge or other charge imposed by the creditor in connection with the amount so specified; and

"(2) if such amount is in fact an error, is liable to the obligor in an amount equal to the sum of—

"(A) the actual damages sustained by the obligor as a result of the failure of the creditor to comply with such section;

"(B) $100 or three times the amount referred to in paragraph (1), whichever is the greater; and

"(C) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

"§ 162. Regulation of credit reports

"(a) After receiving a notice from an obligor as provided in section 161, a creditor may not directly or indirectly threaten the obligor with consequences adverse to his credit rating or credit standing until the creditor has met the requirements of section 161 and allowed the obligor thirty days thereafter to make payment.

"(b) Any creditor who reports adverse credit information concerning a disputed amount allegedly owed by the obligor in connection with a consumer credit transaction to a consumer reporting agency, as defined in section 603(f) of this Act, or to any other third party shall first notify the obligor of the name and address of the parties to whom such information is reported together with a copy of the report.

"(c) A creditor may not report as delinquent the account of an obligor to a consumer reporting agency after receiving a notice from the obligor as provided in section 161 without also reporting that the account is in dispute and furnishing a brief description of the obligor's contention. A creditor shall report any subsequent disposition of any such disputed account to any consumer reporting agency to whom it has previously reported the account as delinquent.

"§ 163. Length of billing period

"Where a creditor operates an open-end credit plan under the terms of which an obligor has the option of avoiding the payment of a finance charge by paying the outstanding balance in full within a specified period of time, a finance charge may not be imposed unless a statement of the outstanding balance upon which the finance charge for that period is based is mailed at least twenty-one days prior to the date by which payment must be made in order to avoid imposition of that finance charge.

"§ 164. Credit for partial payments

"Any creditor who operates an open-end credit plan under which the obligor has the option of avoiding the imposition of a finance charge by paying the opening balance in his account in full within a specified period of time shall compute the finance charge by applying a periodic rate or rates to the amount represented by the opening balance reduced by an amount equal to all payments and other adjustments received and credited to the obligor's account during such period.

"§ 165. Prohibition of minimum charges

"No creditor who operates an open-end credit plan shall impose a minimum finance charge on the periodic billing statement.

"§ 166. Prohibition of offsets

"Notwithstanding any agreement to the contrary, no credit card issuer shall offset a cardholder's indebtedness against funds of the cardholder held on deposit with the card issuer. This section does not annul the right under State law of a card issuer to attach funds of a cardholder held on deposit with the card issuer if that remedy is available to creditors generally.

"§ 167. Crediting payments on date of receipt

"Any creditor who operates an open-end credit plan shall credit payments to an obligor's account based on the date of actual receipt of such payment by the creditor or his agent.

"§ 168. Crediting excess payments

"Whenever an obligor transmits funds to a creditor in excess of the total balance due on an open-end credit account, the creditor shall promptly refund the amount of payment in excess of such balance or promptly credit such excess amount to the obligor's account. If an obligor has an outstanding credit balance at the close of any billing period, the creditor shall disclose, on the periodic billing statement immediately following such period, that the obligor is entitled upon request to a prompt refund of any credit balance. Any creditor receiving such a request shall promptly refund the amount of the credit balance requested by the obligor.

"§1169. Rights of credit customers

"A card issuer who has issued a credit card to a cardholder shall be subject to all claims and defenses arising out of any transaction in which the credit card is used as a method of payment or extension of credit.

"§ 170. Use of cash discounts

"(a) With respect to a credit card which may be used for extensions of credit in sales transactions in which the seller may be a person other than the card issuer, the card issuer may not, by contract or otherwise, prohibit such sellers from offering a discount to a cardholder to induce payment in cash rather than the use of a credit card.

"(b) With respect to any sales transaction, any discount not in excess of 5 per centum offered by the seller for the purpose of inducing the payment of cash at the time of the transaction rather than the use of credit shall not constitute a finance charge as defined under section 106 provided such a discount is offered to all prospective buyers and its availability is disclosed to all prospective buyers clearly and conspicuously in accordance with regulations prescribed by the Board.

"§ 171. Civil penalties

"Any person who fails to comply with any requirement imposed under this chapter (except for section 161) with respect to any consumer is liable to that consumer in an amount equal to the sum of—

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) punitive damages of $100 or such greater amount as the court may allow; and

"(3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court."

SEC. 4. This Act takes effect upon the expiration of one hundred and eighty days after the date of its enactment.

PRESIDENT NIXON'S HEALTH MESSAGE

Mr. DOLE. Mr. President, yesterday, President Nixon sent to Congress a comprehensive health message. This message recognizes the present health care crisis in our Nation, and proposes six broad areas through which the the administration believes present shortcomings can be minimized or eliminated.

President Nixon emphasizes both the necessity of preventive health and a reorganization of the present health system. And, of major importance is his renewed promise that "no American family will be prevented from obtaining basic medical care by inability to pay." In meeting this pledge, President Nixon proposes a health system built upon the strong points of the present health system. And he proposes a system whereby the private sector will have maximum opportunity for participation.

Mr. President, these proposals of President Nixon to solve our Nation's health crises are only one of several that have been advanced in recent days. President Nixon and members of his staff have spent thousands of hours in their consideration. And they have arrived at this approach as being most suitable for meeting our health needs, while still remaining manageable within our Federal resources.

In the near future, legislation deliniating these provisions will be sent to Congress. I hope that early hearings will be held so we can be fully aware of this proposal's ramifications. And so, as we judge its advantages or disadvantages in the light of other proposals, we may engage in open and honest debate.

Mr. President, it is my hope that the 92d Congress will be a landmark session of cooperation and success in the attempt to solve the Nation's health crisis. As recently implied by Secretary Richardson, our goal should be to allow the wealthiest Nation in the world to also be the healthiest.

THE WELFARE MYTHS

Mr. RIBICOFF. Mr. President, the existence of widespread and chronic poverty in the United States and the dismal failure of existing welfare programs are among the most critical domestic problems that we face. The Senate stalemate last session over the President's proposed welfare reform was itself a decision to maintain the present welfare system which is inadequate, inequitable, inhuman, and fiscally burdensome. Millions of Americans will continue to live wasted lives in the midst of the highest level of affluence and abundance ever known to man.

Much of the national debate about poverty and welfare reform has resolved around misconceptions, distortions, and oversimplifications. When those of us in the Congress rely upon myth rather than fact we fail in our duty to inform our constituents and to develop policies and programs which meet the needs of this country.

Certain basic facts are clear. Millions of Americans are virtually excluded from the opportunities and benefits of our economic and social systems. In 1968 there were 25 million impoverished Americans. Two-fifths were children, one-fifth were over 65, and one-third were living in families in which the family head worked throughout the year. Most were poor because they were born to impoverished parents, or never had the opportunity to become nonpoor, or because of some other circumstance over which they had no control.

It should also be clear by now that we will not end poverty in America with a reform of the system simply designed to limit the number of Americans we help. Last session, one of the amendments I submitted to the President's welfare reform proposal would have established a national goal of providing all Americans by 1976 with enough income to sustain a decent standard of life; in other words, a national goal to abolish poverty.

To reach this goal will require new programs and more money than we are now spending on welfare, and will make more Americans eligible for programs such as job training, job placement, medical treatment, child day-care centers, and public assistance.

We are deluding ourselves or attempting to delude the public if we suggest that poverty can be ended without such efforts.

Let us begin the debate this year on welfare reform recognizing the complexity of the issue. Let us conduct the debate not on the basis of myth but on the basis of the best intelligence we have about the problem.

To further this goal, I ask unanimous consent to have printed in the RECORD an article entitled "Welfare Myth, Fact Are Far Apart," written by Nick Katz and published in the Washington Post on February 7, 1971, and an editorial from the Post of February 14 which justly criticizes the conduct and content of last year's debate over welfare reform.

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

WELFARE MYTH, FACT ARE FAR APART

MYTH. They're getting rich on welfare.

FACT. Welfare benefits for AFDC families now average $185 monthly, 43 per cent below the federal poverty line.

MYTH. They all come to the city to get welfare.

FACT. Seventy-two per cent of AFDC families now live in urban metropolitan areas, but the typical rural migrant lives in the city five years before applying for welfare.

MYTH. Most AFDC families contain men who won't work.

FACT. Of nearly 10 million AFDC recipients, only 100,000 (1 per cent) are able-bodied, unemployed men. More than 95 per cent of recipients are women and children.

MYTH. Most AFDC recipients are black.

FACT. 49.6 per cent are white, 46.3 per cent are black, 4.1 are other races.

MYTH. Once on welfare, they never get off.

FACT. The typical AFDC family stays on welfare for slightly less than two years. Sixty per cent of present recipients are receiving welfare for the first time.

MYTH. They cheat.

FACT. Some do. Fraudulent receipt of welfare is detected in less than 1 per cent of all cases, and detectable fraud has not been increasing.

MYTH. They keep having more children to receive more benefits.

FACT. The size of the average AFDC family has declined slightly to a present level of three children.

MYTH. AFDC is a problem because fathers desert and won't support their children.

FACT. Desertion is a major cause of AFDC dependency, but rising family breakups are a national phenomenon. Generally, the rich get divorces and alimony while the poor more often get separation or desertion with no available child support, and therefore go on welfare.

MYTH. More and more welfare children are illegitimate, particularly blacks.

FACT. Out-of-wedlock parental responsibility is the cause of dependency in 27 per cent of AFDC cases, a percentage that is not rising. Nationally, illegitimacy is rising sharply among white women, but declining by 30 to 70 per cent among black women, depending on age.

THE REVENUE SHARING DEBATE

The Family Assistance Plan, which the Nixon administration began to promote in the summer and fall of 1969, represented a departure in government policy toward the poor sufficiently important and imaginative to merit a serious national discussion. Yet, from the beginning and throughout the public argument over the proposal, it has been, for the most part, rhetoric-as-usual. One heard (and read) relatively little about the real issues involved—the practical and/or theoretical desirability of establishing the principle of a guaranteed annual income; the potential effect of doing so on regional economies, on federal, state and local treasuries, and on the recipients themselves. Rather, argument focused on the all-purpose caricature of the poor, the sentimentalized victim of official penury and harassment on the one side, as against the shiftless, conniving welfare profiteer on the other. Which of these generic figures you conjured up depended on whether you were for expanded benefits and looser restrictions or for the reverse.

We bring all this up because 1) we do not think it particularly furthered the cause of anything useful—including that of welfare reform—from anyone's point of view and 2) we observe, with sinking heart and sagging spirit, that something quite similar is getting under way on the subject of revenue sharing. In this instance, the two competing caricatures are two elements of government (federal versus state-local), and it apparently is becoming increasingly difficult for a lot of people to a) make a claim for the one that does not rest on a total derogation of the other, b) encompass the thought that in some respects *both* may be a mess and c) comprehend that they are not always two readily distinguishable, discrete entities, but rather tend to represent an institutional mish-mash of personal, programmatic and financial relationships.

All federal intervention and direction is not bad (or good); all state and local governments are not incompetent (or efficient); in some cases and for some people homegrown government and its attendant bureaucracies are less accessible and responsive than is the federal establishment; in other cases and for other people the reverse may be true. These propositions should be self-evident, and so should the objective of revenue sharing which flows from them. It is not to change great one-way tides or to replace one set of inefficiencies with another or to return hot goods in the form of money and might to the local victims of some federally-inspired embezzlement of power. Rather, the objective is to redistribute the nation's revenue in a rational, equitable and productive way. And the fact is that no one has any but partial and imperfect ideas as to how this can best be done or what—for that matter—the result should look like when it has been done.

Political imperatives, not all of them frivolous or ill-considered, had a lot to do with the debasing of public debate over the welfare proposal. Congressional action and public support were known to depend, in that case, on overcoming a whole set of pieties and opinions on the subject that were strongly held, if weakly reasoned. In consequence, Mr. Nixon spent a great deal of time trying to persuade right-wing opponents of his enlightened, progressive proposal that it was in fact not a guaranteed income plan, but a surefire way of getting a lot of welfare loafers back to work. Like these other notorious troops, the administration may not have frightened the right-wing enemy in this respect, but it did manage to frighten some friends—those who had been relatively hospitable to the plan and who now had become increasingly susceptible to charges, made by the National Welfare Rights Organization and others, that the Family Assistance Plan was some malevolent, repressive scheme against the poor.

All this had mainly to do with the work and work-training provision of the welfare reform which, from the outset, had been oversold in its probable effect both by the administration and by those who were trying to do in the bill from the left. The perils of this approach are plain and so is their relevance to the revenue sharing debate now getting started. For it is possible to acknowledge the political bind Mr. Nixon found himself in so far as promoting his welfare program in Congress was concerned and yet to wonder whether the administration didn't enter, irrevocably, into a mugs game when it sought to appease prejudice and misconception on all sides—as distinct from trying to correct them.

In our view, there is a clear and present danger that the attractive concept of revenue sharing will be disfigured by comparable rhetorical excess and oversimplification and distortion to the point where we are arguing merely about myths and emblems. It seems plain that there is little likelihood of Congressional passage, in its original form, of the President's $5 billion "general" revenue sharing program (one contribution to realism and clarity would be to cease discussing his $11 billion consolidated grant program under the heading of "revenue sharing," which it is not). It also seems plain that the two current preferred alternatives—a federal takeover of welfare expenses and administration and a federal income tax

credit for taxes paid to the states—have a lot of practical problems that would have to be worked out.

To these, we intend to return later; but in the meantime we would observe that, finally, it is also plain that some accommodation between these various techniques with their various prospective results will ultimately have to be arrived at. The likelihood of any of this happening can only be diminished by indulgence in a playful, point-missing dispute.

THE ARCHITECTURAL VISION OF PAOLO SOLERI

Mr. JAVITS. Mr. President, Paolo Soleri's thought-provoking exhibit, "The Architectural Vision of Paolo Soleri," has just completed a showing in Chicago, Ill., at the Museum of Contemporary Art. Last year I had the privilege and the unique pleasure of viewing this exhibit at the Whitney Museum of American Art in New York.

It has long been known that our cities and, in fact, our world, are drastically in need of a fresh new approach to cope with the mounting problems and challenges presented by our sprawling cities, by our everincreasing population, and by our youth who are demanding courageous, daring, and compassionate solutions to our social problems. It is frequently thought that genius goes unrecognized in its own lifetime, but the response of Mr. Soleri to these challenges is so bold and so provocative that he may well be judged by history as an architectural and philosophical genius, and at the very least he will have created an awesome and inspiring dream.

Mr. President, for the information of others who are concerned with these vital problems, I ask unanimous consent to have printed in the RECORD several reviews of Mr. Soleri's exhibit which include thoughtful insights into his philosophy.

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

PROPHET IN THE DESERT

(By Ada Louise Huxtable)

WASHINGTON.—This is an age that has only recently ceased to discredit its intellectuals, and still distrusts ideas. It is a society that has enshrined pragmatism and subjects every thought and action to the decisive test question, "Is it practical?"

Based on whether or not it is practical, we have built our world. One practical decision after the other has led to the brink of cosmic disaster. And there we sit, in pollution and chaos, courting the end of the earth. Just how practical can you get?

Take another hard look at that world that is causing so much concern today before you write off Paolo Soleri, visionary extraordinary, philosopher, artist, architect and seeker of "plumbing systems for cities." If you think we've done well, dismiss him. Just say he makes "pretty pictures." He does. His remarkable, hundred-foot-long scrolls of "urban continums" are some of the most spectraculary sensitive and superbly visionary drawings that any century has known. (Ledoux and Boullée, move over.)

But if you believe that the human spirit deserves and is capable of better than it has gotten environmentally, go to the Corcoran Gallery in Washington before April 6. If you believe in the human spirit at all, go to the Corcoran. You will meet a lot of other people who do, attending the first and only retrospective exhibition of Soleri's work, a sleeper of a show in this good, gray, bankers' gallery. "The Architectural Vision of Paolo Soleri" is an important and beautiful show. Grants from the United States Department of Housing and Urban Development, the Prudential Insurance Company, and assistance from the Corcoran have made it possible. The Soleri scrolls stretch along classical walls, and models in river silt or plastic expound the esthetic eloquence of his ideas. Nothing shown has been built. It is perhaps another sign of the times that this exhibition of ideas is being extremely well attended.

For the past 12 years Soleri has lived and worked in the Arizona desert with a group of students, in a kind of "urban research" project, something done with far more fanfare and infinitely less intellectual majesty in "think tanks," where everything must be computerized for credibility. A small, wiry man in his 50's, Soleri carries extraordinary tensions of intellectual and esthetic awareness in a slender, responsive body and an ascetic, poet's face.

It is customary, of course, to throw our geniuses away. At the best, they offer no immediate solutions; at the worst, they make us uncomfortable. How they enrich human history and consciousness is something the future usually finds out.

In Soleri's book just published by M.I.T., "The City in the Image of Man," his philosophical and environmental perceptions offer a sudden, stunning pertinence for today. He does not need the current bandwagon of despair He has been preaching environment and ecology for a long time. But his ecology deals with both the natural and man-made world, in a very special, mutual relationship. By his definition, architecture and ecology are two parts of the same thing, inseparable in their effect on man. He calls it "arcology."

The concept of arcology grows out of an impressive process of intellectual analysis. Nature, Soleri points out "is a constant coordination of disparate things into congruous patterns." Man himself is a perfect organism, "a marvel in complexity, compactness and congruence—a miniaturized universe," with, in addition, the power of reason. But the step beyond man, society, is still an imperfect organism, performing badly.

Technology, he continues, moves constantly toward miniaturization, the kind of complexity and compactness that exists in nature. The city, he says, must also move toward "miniaturization"— compact, multilayered and multidimensional, rather than wastefully scattered and sprawled. He advocates centralization far beyond conventional planners' nightmares of density. Hundreds of thousands of people would live in intense, orderly concentration in a few square miles, accommodated in an extremely complex and compact urban mechanism, leaving the surrounding natural land accessible to all.

Unlike the English Archigram group's "Plug-In City," meant for total expendability, Soleri's housing and facilities would plug into a permanent basic structure. The image is the exact opposite of Doxiadis's "ecumenapolis," the oozing urbanism relentlessly covering continents, held up by the Greek planner as the world of the future. This terrible destruction of the land should not be the future, says Soleri. Such computerized predictions are merely projections of the patterns and errors of the present and the past.

And so Soleri presents his "arcologies"—those "plumbing systems" for society—stratified containers for urban life. They are, he reminds us, his own peculiar "idiosyncratic" visions; only diagrams to express his theories. They range from the organic to the Euclidian, with wonderful names to match: Novanoah, Babel Canyon, Hexahedron. "What you see is a phantom," he says, "the beginning of a process."

These clustered mushrooms and snorkeled megastructures are not to be taken literally, and that is where the public usually loses him. The professional dismisses them as nonarchitecture. The lay observer sees them as pictures of cities, not as abstract schematics, and has one of two reactions. He either bolts in horror or he falls in love with the vision. Because Soleri's drawings and models, aside from their value as three-dimensional illustrations of his theories, are a strongly seductive kind of art. One can take them that way, if no other, and read his writings for an equally strong, poetic insight. He has been the prophet in the desert and we have not been listening.

For example: ". . . Man is eminently an environmental animal. If one adds that man is also a social animal, then one sees that environment comes close to being preponderantly the city. The city is the true concern of architecture. . . . Architecture redefined may open a door to the quest of the city for a new life. Architecture is the physical framework for the life of man. . . . The city is a human problem that has to find its answer within ecological awareness. Short of that there is no answer."

"Speculation can be instrumental to the city; it cannot be its aim. As the city cannot be speculative, so it cannot be a handout by 'authority.' The handout never cares. It is indifferent, just another aspect of the speculative exercise. Any care it may have had at its origin has been lost in bureaucratic meanders and their parasitic agents. Care is a first person undertaking. The care of the citizen is the sap of the city. But one can care only for that which one loves. . . ."

This summer, Soleri will begin a labor of love: a 10-acre demonstration of a town he hopes to build called Arcosanti. He has bought 800 acres of land 70 miles from Phoenix for Arcosanti, and must meet a partial payment of about $50,000 by June. He has no money. All that 12 years of work and study have earned are three foundation grants (from the excellent, small, Guggenheim and Graham Foundations, not the giants) totaling $25,000. To support his own Cosanti Foundation, the nonprofit arrangement that includes his school and studio, he makes and sells wind chimes and bells. To build Arcosanti, he now has six shovels, some rakes, a cement mixer, some stout-hearted graduate students and a firm intellectual conviction. Arcosanti is to be a "self-testing" urban environment. If it is a dream, it is the very best kind.

[From the Wall Street Journal, Mar. 11, 1970]

ARCHITECT VIEWS A CROWDED SPACESHIP

(By John V. Conti)

WASHINGTON.—How will we all live in the years to come when there are so very, very many more of us? An exhibition of the work of Paolo Soleri is raising this question, and providing the somewhat startling realization that this architect's vision of giant on-structure cities may well be part of the answer.

These city-structures, Soleri believes, have to be understood and the ideas behind them accepted if the inhabitants of this crowded spaceship, earth, are going to stay alive.

The capital currently is host to the first exhibition of the little-known architect who has spent most of the past two decades in the Arizona desert, along with his family and a handful of apprentices, designing giant one-structure cities, some a mile wide and a mile high, some for more than a million people.

Soleri's ideas are being presented through April 15 at the Corcoran Gallery under the sponsorship of the gallery, the Prudential Insurance Co. of America and the Department of Housing and Urban Development. They're shown in his fanciful drawings, some of which stretch for 50 yards on great rolls of wrapping paper, and in his models—luminous plastic structures big enough to

walk under, and incredibly complex arrangements of wood and cardboard. The show fills most of the exhibition space of the Corcoran, which is a block east of the White House.

Soleri calls his cities "arcologies." A word he devised some years back, it's a combination of architecture and ecology, reflecting his concern that men build in such a way that they don't disrupt the balance of life.

A CRUCIAL CONCERN

It's a crucial concern. According to some estimates, already about 1% of the land in the U.S. is built on or paved over. And the population is expected to grow by about 50% in the next 30 years to 300 million people. Imagine five New York metropolitan areas created whole in this country in the next 30 years, and some urgency might be applied to the concern. One of Soleri's darkest thoughts is that the entire U.S., with only a few unfilled spaces, will be covered by vast megalopolises.

What's worse, he says, the megalopis, however we build them, won't work. A megalopolis demands, he says, a complexity and an amount of physical and mental integration of people that it doesn't have the physical structure to support. It fragments and diffuses the time and energy of its inhabitants, he says. He regards as merely "sedatives" our attempts—such as mass transit and urban renewal—to make the megalopolis work.

Instead of these flat, two-dimentional megalopolises, sprawling endlessly, consuming the land, scattering the energies of their populations, Soleri proposes that we build vertically, compressing great numbers of persons and places into single giant structures.

Pictured here is an arcology called "Hexahedron." As one of the smaller arcologies it would be about 3,500 feet high (a scale drawing of the Empire State Building is on the left) and cover 140 acres. It would hold all the homes, offices, factories and stores and public facilities of a city of 170,000 people, about the size of present-day Youngstown, Ohio, a city that, as Soleri would view it, now squanders itself over 22,400 acres.

Homes would make up the outer walls of the pyramids. Offices, shops and public places would span various levels of the interior, much of which would be left open to sunlight and air. Highly automated and pollution-free factories would be buried beneath the structure. Transit would be by foot, on elevators and on moving walkways, with every part of the city, Soleri says, accessible in minutes from any other part.

Between the arcologies (which take many forms other than the one shown here) the countryside would be reserved for farming, recreation and conservation—free to function, Soleri says, as the "fantastic, disciplined machine" that the earth's ecological system is.

Soleri readily acknowledges that much new technology would have to develop before men could build anything quite like the structure pictured here. And construction alone on the scale he envisions (let alone living in an arcology) would require an amount of social and economic reorientation that most of us probably can't even imagine yet.

Still, Soleri quietly insists that these are real problems and he doesn't counsel hesitation: "I'm trying to suggest that some power structure should think about and get busy on it," he says of his work.

Soleri, of course, does not see these amazingly compact structures as inhospitable or inhumane. He believes increasing interdependence and increasing community are a natural part of our future and that men will therefore find it not only possible but desirable and necesary to live in such densely populated structures.

Beyond noting the evident beauty of Soleri's drawings and models at the Corcoran and the provocativeness of his ideas, it's hard to do more than guess at what the value of his labors may be. Architect Buckminster Fuller, who calls Soleri "one of the greatest of the dreaming strategists," thinks "he's liable to bring about an urban building extremely satisfactory to society."

There have been architectural dreamers before—Tony Garnier and Antonio Sant'elia are two—whose visions of "Cities of the Future" in the early 1900s anticipated and helped shape the cities we live in now.

Soleri may well be giving us, as they did for their time, a glimpse of what's ahead. He may also be finding forms for the kinds of increasingly complex structures we seem likely to build soon—though probably not so soon on the mega-scale Soleri proposes.

Soleri has already had some influence on avant-grade architects in Japan, where until recently his work received its widest publication (they're a bit more crowded there than we are here.) And it's worth noting that the John Hancock Center in Chicago is touted by its builders as our first large building built so that a man could live, work and shop within it.

Soleri, now 50 years old, is dark and wiry, of medium height, an intensely serious and seemingly gentle man. He came to the U.S. from his native Italy in 1947 as an apprentice to Frank Lloyd Wright, and he eventually settled in Paradise Valley, outside of Phoenix.

As an architect he has built only about a dozen buildings—all small and all but four of them for himself. He has supported his wife (the daughter of a prominent Pittsburgh family) and two daughters partly by making sets of ceramic and bronze bells that ring in the wind. Craft and gift shops, such as Georg Jensen's in New York, sell the bells in about 15 cities.

EXTENDING HIS REPUTATION

Until recently Soleri's work has been almost unknown outside his profession. The Corcoran exhibition and the publication last fall by the M.I.T. Press of his first book of drawings, "Arcology: The City in the Image of Man," have begun to change that.

He seems likely to attract further interest when he begins this summer to build a micro-arcology, a 150-foot high structure for 1,500 or more people called "Arcosanti." With the help of a gathering of students and apprentices he hopes to see a part of it rise this summer on a mesa near the Aqua Fria River 70 miles north of Phoenix. To Soleri it's urgent that just such experimentation with his arcological ideas begin.

While Soleri may be dreaming, he's been dreaming in detail. The arcologies are not loosely conceived. His ideas bear study and may well bear application, whether that application may be needed now or 10, 30 or 100 years from now.

POWERS OF THE PRESIDENT

Mr. DOLE. Mr. President, in the course of discussing the war powers of the President and Congress, several Senators, including myself, made the point that, unlike his critics, the President alone has the responsibility for the ultimate success or failure of his policies.

This same point was recently brought out in an editorial by Clyde M. Reed, of the Parsons, Kans., Sun. Mr. Reed has gained a longstanding and well-deserved reputation in his community and in his State as a knowledgeable and sensible observer of people and events. His evaluation of President Nixon's current situation and the expectations which may justifiably be held by the country and any President is worthwhile and stimulating. I ask unanimous consent that the editorial of February 8, 1971, be printed in the RECORD.

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

ALL THE RISKS

Richard M. Nixon is engaged in what is doubtlessly the most difficult task faced by a modern American President.

He is extricating the nation from a 10-year war in an alien area under hostile circumstances, undoing a conflict and commitment which are not of his doing, and performing that delicate task with order, not panic.

For all of that, briefly stated, the least to be extended in return is an absence of heckling from the galleries, which is generally accorded him, and an exhibition of patience, if not understanding, from senatorial critics nestling comfortably in velvet-lined loge seats, which is not.

Should the chief executive zig when others think he should zag, including the lordly judges who solemnly declare they've seen this all before, there's a compensating thought.

He, not they, is assuming all the risks. He, not they, has set a timetable for his performance and is bound to carry it out. His political future, pride and reputation are on the line, not theirs.

So when Sen. J. William Fulbright speaks in gravely tones about the United States being plunged deeper into Indochina by actions with which he does not agree because he said the same thing in the Johnson-McNamara days and was right, let him not be so misguided by habit as to overlook one simple, basic fact.

Then the war and American participation were constantly accelerated behind a cloak of secrecy embroidered by roseate forecasts from on high. The demonstrable truth now is that President Nixon has reduced American forces in Asia drastically, cut casualties which had mounted with terrible regularity and is irrevocably committed to continue those moves.

What more do the President's critics want if they actually are as realistic as they demand, with calculated vagueness, that he be?

Mr. Nixon deserves, in short, an opportunity to carry out his proclaimed objectives without nagging distractions. He has to be right. He is without the luxury which margin for error provides chronic critics. Certainly that is not too much for the country to supply him or for him to reasonably expect of it.

THE WAR IN VIETNAM HAS BEEN WON

Mr. HART. Mr. President, an item to which the Washington Post of February 16 injudiciously devoted only a couple of paragraphs notes that Maj. Gen. George S. Eckhardt, commandant of the Army War College, has declared that "the Vietnam war has been won."

Why in the world should that news be way back on page 10? It is clearly an announcement of the greatest moment and we should waste no time in acting upon it.

The general is a qualified scholar of war. I am ready to accept him as an authority and I trust he will be likewise so accepted by the distinguished senior Senator from Vermont (Mr. AIKEN), who suggested that the administration do last year what the general did yesterday—declare victory.

It is my suggestion that we now immediately set about organizing a victory parade up Pennsylvania Avenue, and I would nominate General Eckhardt as the grand marshal.

The parade should be several weeks distant because it would clearly be unfair to have a national victory celebration without the participation of every surviving American who helped effect that victory. Also, I realize that transportation problems would preclude getting everyone back from Indochina within days. As each line passes in review, I pray we will see those who, killed or maimed, are present in spirit only.

General Eckhardt further notes that our victory in Indochina has prevented the capitulation to communism of Indonesia, the Philippines, Malaysia, Australia, and New Zealand.

A victory parade in Washington, perhaps followed by a joint session of Congress, could give all these nations an appropriate forum in which to deliver their thanks. Certainly, they will all be fascinated to read that they were in the path of North Vietnam's march to Asian dominance.

Is this not the time, then, to declare the traditional victory holiday, with school classes dismissed and church bells rung in unison at noon?

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

LA JOLLA, CALIF., February 17.—Maj. Gen. George S. Eckhardt, commandant of the Army War College, says the United States already has won a major strategic victory in Vietnam.

"The Vietnam war has been won," he said Tuesday in a speech. "Had it not, we would have lost Indonesia and Thailand and probably, I think, the Philippines, Malaysia, Australia, and New Zealand."

THE URBAN HOUSING EMERGENCY

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD the text of a vital bill which will enable us to meet better the urban housing emergency.

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

S. 609

A bill to assist the States and their localities in utilizing land resources more effectively and in providing housing to meet present and future needs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Urban Land Improvement and Housing Assistance Act of 1971".

DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "Secretary" means the Secretary of Housing and Urban Development.

(2) The term "locality" means any State, or any county, municipality, or other political subdivision of a State.

(3) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States.

ADMINISTRATIVE PROVISIONS

SEC. 3. (a) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Secretary shall have (in addition to any authority otherwise vested in him) the functions, powers, and duties set forth in section 402, except subsection (c)(2), of the Housing Act of 1950.

(b) The Secretary shall include in his annual report to the Congress a comprehensive and detailed review of his operations under this Act.

TITLE I—GRANTS TO ENCOURAGE IMPROVED LAND UTILIZATION AND EXPANDED HOUSING PROGRAMS

SUPPLEMENTARY GRANTS TO LOCALITIES

SEC. 101. (a) The Secretary is authorized to make grants to any locality for not to exceed 50 per centum of the aggregate amount of local contributions otherwise required to be made by such locality to all projects or activities assisted by Federal or State grant-in-aid programs which are carried out in connection with or related to a substantially improved program of land utilization and expanded housing assistance for persons of low or moderate income, subject to the following limitations:

(1) No such grant shall be made for the general administration of local governments.

(2) No such grant shall be made with respect to any project or activity carried out in connection with an approved comprehensive city demonstration program and for which assistance is available under section 105 of the Demonstration Cities and Metropolitan Development Act of 1966.

For purposes of this section, "a substantially improved program of land utilization and expanded housing assistance for persons of low or moderate income by a locality" (hereinafter referred to as the "program") may include (A) a restructuring of the real estate tax laws of the locality by granting tax abatements for low- and moderate-income housing, and by assessing and taxing real property so as to provide incentives for the improvement of property to increase the supply of housing; (B) the adoption of zoning ordinances which will effectively afford an opportunity for persons of all income levels to have decent, safe, and sanitary housing; (C) the adoption and enforcement of building codes conformable to nationally accepted standards and approved by the Secretary; or (D) the establishment of a program of research and demonstration for the development of new construction systems and materials for low cost housing.

(b) In the case of any locality the program of which includes a restructuring of local real estate tax laws in the manner described in clause (A) of subsection (a), the Secretary is authorized to make annual grants to the locality of sums equal to 50 per centum of the amount by which the real estate taxes received or receivable by the locality were reduced in any taxable year as a result of the implementation of that part of such program which involves the granting of tax abatements. Grants under this subsection to any locality shall be in addition to any grants as to which the locality is eligible under subsection (a). No grants shall be made under this subsection with respect to any such program unless—

(1) the tax abatements provided by the program apply only to real estate utilized solely for low- and moderate-income housing and such related facilities as may be necessary or desirable to serve the occupants;

(2) such abatements are provided only for so long as the real estate is used for such housing and related facilities;

(3) under the program there is an abatement of at least 90 per centum of the real estate taxes otherwise payable with respect to such housing and related facilities; and

(4) the benefits under the program are available to all persons, in accordance with such reasonable regulations as the locality may prescribe, who own or otherwise provide such housing and related facilities, and who are subject to real estate taxes imposed by the locality.

DENIAL OF CERTAIN BENEFITS

SEC. 102. Effective upon the expiration of six months after the date of enactment of this Act, no grant shall be made (except pursuant to a commitment made prior to such date) to any locality, or instrumentality thereof, under any programs administered by the Department of Housing and Urban Development, unless there exists under the zoning ordinances or other land use regulations in effect in, and as administered by, such locality a reasonable opportunity, as determined by the Secretary, for carrying out in such locality a program of publicly assisted housing for persons of low and moderate income.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 103. (a) There are authorized to be appropriated for grants under this title not to exceed $10,000,000 for the fiscal year ending June 30, 1971, not to exceed $50,000,000 for the fiscal year ending June 30, 1972, and not to exceed $100,000,000 for any fiscal year thereafter. Any amounts appropriated under this section shall remain available until expended, and any amounts authorized for any fiscal year but not appropriated may be appropriated for any succeeding fiscal year.

(b) The Secretary is authorized, notwithstanding the provisions of section 3648 of the Revised Statutes, to make advance or progress payments on account of any grant made under this title.

TITLE II—MISCELLANEOUS

LOCATION OF FEDERAL OFFICES

SEC. 201. The President shall report to the Congress not later than January 1, 1972, setting forth recommendations with respect to the establishment of a national policy on the location of new Federal buildings and the leasing by the Government of space in privately owned structures for Federal purposes giving due consideration to social and community priorities, including the effect of such Government activities on patterns of urban growth and the stability or renewal of urban areas.

USE OF FEDERAL LANDS

SEC. 202. The Secretary shall, after consultation with the Secretary of Defense, report to the Congress not later than January 1, 1972, on the status of appropriate Federal military installations which are located in or near metropolitan areas and indicate whether (1) such installations are currently being utilized for national defense purposes, and (2) any installations which are no longer necessary for national defense purposes may appropriately be sold or otherwise transferred for use as housing and related educational, community, or industrial purposes for persons of low and moderate income.

MULTIUSE DEVELOPMENT

SEC. 203. The Secretary shall consult with all agencies of the Government which construct or assist in the construction of facilities in urban areas to determine the feasibility of the multidevelopment and use of such facilities for housing and related facilities for persons of low and moderate income. Whenever the Secretary determines, after such consultation, that such multidevelopment and use is feasible in the case of any such facilities, he shall notify the agency concerned and such agency shall cause the project site to be developed, by the provision of air rights, land in the right-of-way, or otherwise as may be appropriate, so as to provide housing and related facilities for persons of low and moderate income. Land and interests in land, including air rights sites, so developed for such purpose may be

transferred by sale, lease, or otherwise by such agency to any State or local public agency, or any private nonprofit, limited dividend, or cooperative entity which agrees to develop and use the same only for such housing and related facilities. Any such transfer shall be made subject to a reversionary interest in the Government in the event the property or rights transferred are ever put to a use other than that for which the transfer was made.

PRISONERS OF WAR IN NORTH VIETNAM—RESOLUTION BY VIRGINIA GENERAL ASSEMBLY

Mr. SPONG. Mr. President, the General Assembly of Virginia has adopted a resolution expressing its grave concern for the health, welfare, and safety of American servicemen imprisoned in North Vietnam. The plight of our men who are prisoners in Southeast Asia is one of the most difficult and distressing problems this country has to face.

I ask unanimous consent that the resolution of the general assembly be printed in the RECORD, so that the position of Virginia legislators may be brought to the attention of the Members of Congress.

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

HOUSE JOINT RESOLUTION No. 12

Joint resolution Condemning the treatment of American prisoners of war in certain countries

Whereas, the Government of North Vietnam, the National Liberation Front of South Vietnam and the Pathet Lao have consistently refused to release the names of prisoners of war, have declined to release immediately sick and wounded prisoners, have refused to permit impartial inspection of their prisoner of war camps, have not guaranteed the proper treatment of all prisoners and have not permitted a regular flow of mail between prisoners and their families; and

Whereas, all of such actions are in violation of the Geneva Convention and offend all sense of human decency; and

Whereas, several hundred American servicemen are believed to be prisoners of war in North Vietnamese, Viet Cong and Pathet Lao prison camps and some of these men have wives and children in Virginia; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the General Assembly of Virginia register its condemnation of the government of North Vietnam, the National Liberation Front of South Vietnam and the Pathet Lao for their failure to comply with the provisions of the Geneva Convention and for their inhumane treatment of American prisoners of war; that it express its grave concern for the health, safety and welfare of American servicemen imprisoned in North Vietnam, and that it urge such governments to be mindful of the nature of such conduct and to comply with the provisions of the Geneva Convention in the name of humanity.

Be it also resolved that a copy of this resolution be sent to the Secretary of State of the United States; to Senator Harry F. Byrd, Jr., and William B. Spong, Jr., of Virginia; to the members of the United States House of Representatives from Virginia; to the Office of the President of the Democratic Republic of Viet Nam, Hanoi; to Xuan Thuy, Viet Nam Delegation, Paris; to Madame Nguyen Thi Binh, Delegate from the National Liberation Front of South Vietnam, Paris; to H. S. Nguyen Van Hieu, Ambassador of the Provisional Revolutionary Government of the National Liberation Front, Phnom Penh, Cambodia; and to M. Sot Petras, Representative of the Pathet Lao, Vientienne, Laos.

EVENTS AND TRENDS DURING THE NIXON ADMINISTRATION

Mr. DOLE. Mr. President, it is increasingly difficult in our growing and complex society to accurately observe and understand many of today's important events, especially when these matters extend over a seemingly long period of time.

A popular substitute for real knowledge of a situation is to seize on the most current episode of a continuing story, apply one's own interpretation and then report the desired results. This practice contributes to the general confusion in an already difficult to understand world.

Therefore, whenever something is reported that clears the haze from the hard truth, it is, I think worthy of attention.

An article by James Reston, published today in the New York Times, does shed light on the truth. The article is a brief review of certain events and trends during the Nixon administration. It deals with the attempts and accomplishments of this administration and also dispels some of the unfounded criticisms of those opposing the President and his policies.

Mr. Reston is "on target" and his message is clear. I believe that the article is an example of the type of service the fourth estate can provide.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

WHAT OF THE DEMOCRATS?

(By James Reston)

WASHINGTON.—When President Nixon came into the White House he said, "We were elected to initiate an era of change. We intend to begin a decade of government reform such as this nation has not witnessed in half a century. . . . That is the watchword of this Administration: reform."

His new health program for the nation, sent to Congress this week, is only the latest evidence that he has kept his word. For more than a year now he has sent to Capitol Hill one innovative policy after another: on welfare reform, revenue-sharing reform, government reform, postal reform, manpower reform, Social Security reform, reform of the grant-in-aid system, and many others.

It is not necessary to agree with his proposals in order to concede that, taken together, they add up to a serious and impressive effort to transform the domestic laws of the nation, all the more remarkable coming from a Conservative Administration, and that they deserve a more serious and coherent response than they have got so far from the Democratic party and the Democratic majority in the Federal Congress.

What is the Democratic party's alternative? This we would like to know. There are alternatives from Democrats—a Kennedy alternative on health policy, the beginnings of a Wilbur Mills alternative to revenue sharing, a Muskie alternative to Vietnam policy—pick a date and get out—but as often as not the Democratic alternatives contradict one another, and the party as a whole seems to be settling for the old political rule that it is the business of the opposition party merely to oppose.

A party out of office, of course, always operates at a disadvantage. It lacks the authority and resources of the Presidency. It is usually leaderless and broke. Its power is dispersed among the committee chairmen, the rival candidates for Presidential nomination, the Governors, and the National Committee, the latter now meeting in Washington.

In the present case, the titular head of the Democratic party is Hubert Humphrey of Minnesota, a new boy in the back row of the Senate. When the National Committee meets, it usually concentrates on the party deficit and President Nixon, both of which they find disagreeable. But so far, about all they have been able to agree about is that they should not tear each other apart in public, which, come to think of it, is quite an achievement for Democrats.

Nevertheless, hard as it is to get an opposition party to agree on what it stands for, it would be reassuring to think that they got together once in a while and at least tried to define the broad outlines of a program for the future.

It is perfectly clear that many of the old Democratic programs of the fifties and sixties are no longer relevant to the problems of today, let alone tomorrow. In 1960 there were only 44 grant-in-aid programs for the states; now there are over 430; and even the Democratic Governors are bewildered by their complexity and inefficiency.

In the short time since President Nixon first came forward with his welfare reform bill, over 2 million people have been added to the welfare rolls, at an additional cost of $1.5 billion a year.

President Nixon has at least seen that this is dangerous nonsense and put forward a bold, if controversial, alternative that deserves to be voted up or down. As things now stand, the Democrats are demanding, and quite right too, that the scandal of campaign expenditure be corrected, but they cannot agree on how this should be done; and beyond that, they have not even managed to agree on how to pick their spokesmen if they do get free time on television.

The last time the Democrats were out of power, they at least recognized the problem and organized a kind of brain-trust outside the Congress to question their old assumptions and write position papers on the main subjects coming up for decision. It wasn't much, and Lyndon Johnson and Sam Rayburn resented the experiment, but it started the process of revision and even of thought within the party.

What the Democrats are doing now is merely sniping at the President's programs and often saying some damn silly things in the process. Here is George McGovern, for example, normally a sensible man, proclaiming that Mr. Nixon is "flirting with World War III in Asia." And Ed Muskie calling in Pittsburgh the other night for a "new coalition" cutting across lines of race, geography and economics.

But to do what? In support of what programs? President Nixon has been singularly successful in ignoring old Republican taboos and prejudices, and if you want to be cynical about it, he may be putting up programs he knows the Democrats will probably knock down; but at least he has a program on the home front, which is more than you can say for the Democrats.

GENOCIDE CONVENTION CONSORTIUM WITH AMERICAN LEGAL SYSTEM

Mr. PROXMIRE. Mr. President, from a legal point of view, international conventions such as the Genocide Convention for the control of criminal acts are not unusual. There are a number of them already in existence; the United States

is a party to collective action involving the crimes of circulation of obscene literature, traffic in women and children, slave trade, traffic in opium and piracy.

Because of the prominent role played by members of the U.S. delegation in drafting the Genocide Convention, it is couched in terms of familiar Anglo-American legal theory and embraces traditional American common law concepts.

For example, the convention preserves the principle of territorial jurisdiction over criminal acts, although an earlier draft would have made genocide punishable as in piracy, where the criminal is apprehended, irrespective of the place where the offense has been committed. Conspiracy, attempt and complicity, all punishable under article III, are common law crimes familiar to American lawyers. Furthermore, the convention's definition of genocide presents the American approach to the concept of a criminal act. To constitute genocide, the act in question must be coupled with a specific intent to destroy a national, ethnic, racial, or religious group. It was the United States that insisted that intent must be proved, for any act to be considered genocide.

Many of the opponents of the Genocide Convention have argued that this country would be peculiarly vulnerable in adhering to the Genocide Convention since its provisions might become the law of the land before being implemented in other countries.

But the convention has been ratified by 75 nations of the world and its terms have already come into force. Far from being in advance of other states in acting on the convention, our country has inexcusably fallen behind government after government that has not only ratified the convention but has long since adopted the necessary enabling laws.

It should be noted that the Genocide Convention is not unique but stands in the same position as any convention ever undertaken by the United States. Up to the present time, no difficulties have ever been encountered because of our constitutional provision that international provisions become effective upon ratification. Finally, the Genocide Convention, by its own provision is not self-executing. Article V provides "the contracting parties undertake in accordance with their respective constitutions to enact legislation to give effect to the provisions of the present convention." Thus, specific legislation in addition to ratification is necessary to put the convention into effect.

I urgently hope that this body will judge the Genocide Convention on its merits. We have heard the same arguments voiced against similar conventions which we are party to. More importantly, there are pressing reasons for the United States to ratify this convention. We can implement law which is part of a much needed body of world law. We can assert our moral leadership in the world. And we can demonstrate that just as a bill of rights was so effective in this country, a universal bill of rights, enforced through an international body of law, can also be effective.

I urge the Senate to adopt the Convention on Genocide without further delay.

DR. CARLSON: AN OUTSTANDING MEMBER OF THE COAL MINE SAFETY RESEARCH ADVISORY COMMITTEE

Mr. HANSEN. Mr. President, the president of the University of Wyoming, Dr. William D. Carlson, recently was appointed to the Secretary of the Interior's Advisory Committee on Coal Mine Safety Research, for a 1-year term.

Dr. Carlson is uniquely qualified to serve as a member of this advisory committee. His background includes special training and extensive experience in the fields of biological research, with emphasis on the problem of radiation and its effect on miners.

The University of Wyoming, which he heads, has in recent years played an increasingly prominent role in the area of research and scientific investigations involving natural resource development. Dr. Carlson will be a valuable asset to this committee, as he will be able to contribute, not only from his own experiences, but through those experiences of the university's personnel involved in the continuing research at Laramie.

Coal production is increasing in Wyoming, and some 16 coal mines currently are active in the State. The university is in the vanguard as a participant in studies leading to new uses for coal, such as coal hydrogenation research.

In 1969, some 450 miners in Wyoming produced more than 4.6 million tons of coal. This is the most recent year for which the production figures currently are available, but production is believed up through use of the unit train concept, which is being employed to move Wyoming's coal to markets in the industrial midwest.

Through 1968, recorded coal production within Wyoming amounted to more than 400 million tons. The high point of production was 10 million tons in 1945, with a decline to less than 2 million tons in 1963, but the trend currently is upward.

The growing use of coal as fuel for large-capacity electric power generators will require more than 40 million tons annual production by 1980, and about 160 million tons by the year 2000, according to projections published by the Wyoming Department of Economic Planning and Development.

Wyoming coal, because of its low sulfur content, is felt to be ideal for adaptation to the development of the magnetohydrodynamics process of energy production. This process, through use of the sort of coal Wyoming has, will produce power with relatively little air pollution, which is an undesirable byproduct in a number of energy production fields.

With Wyoming's bright future in coal production, it is important that a man of Dr. Carlson's capabilities lend his experience and abilities as an administrator to the advisory committee.

Dr. Carlson is a native of Colorado and earned his doctorate in veterinary medicine at Colorado State University in 1952. He was awarded a master of science degree at the same university in 1956, and in 1958 received a Ph. D. in radiology from the University of Colorado.

He has been a consultant to the U.S. Public Health Service since 1962. He also is a senior veterinarian and a U.S. Public Health Service reserve officer.

Dr. Carlson has served on the National Advisory Council on Health Research Facilities of the National Institutes of Health since 1969. He has been a consultant on Veterans' Administration medical facilities since 1968, and is a consultant to the American Institute on Biological Sciences.

When Dr. Carlson was chairman of the Department of Radiology and Radiation Biology at Colorado State University, his department was granted one of the first radiological health training grants awarded by the U.S. Public Health Service. Dr. Carlson was project director, and when he left CSU in 1968 to become president of the University of Wyoming, the Colorado school had one of the largest radiological health training programs in the Nation.

Among the research programs with which the department of radiology and radiation biology concerned itself, was dealing with radon gas in uranium mines. This involved measuring levels within the mines, as well as using the whole body counter in measuring levels of radiation retained in the living bodies of miners.

Dr. Carlson's broad background in the medical and radiological field is a definite asset to the health advisory committee. He will serve our country well.

OIL SHALE RESEARCH PAPER POINTS THE WAY TO ENLIGHTENED DEVELOPMENT OF RESOURCE

Mr. PROXMIRE. Mr. President, the Northern Environmental Council recently sent to me a policy research paper on the development of this Nation's $300 billion-plus oil shale reserve. Most of this oil shale is located on Federal lands. It has been the subject of intense study over the past few years as attempts have been made to formulate a policy leading to its development.

In late 1967 I introduced legislation providing for a long-range development of the resource through research, a multiple land-use plan, clearance of disputes clouding title to much of the land, a Federal pilot project for oil shale production, the creation of environmental safeguards and, ultimately, full production through leasing or some alternate approach with substantial returns to the American taxpayer. Unfortunately my proposal received very scant consideration.

The Northern Environmental Council's paper concludes with seven recommendations that make a great deal of sense to me. Some of the recommendations are very similar to the proposals set forth in my earlier legislation. Others arise from the possibility that the Federal Government may take certain steps that could irretrievably compromise the public's interest in this precious shale resource.

For example, the Federal Government is apparently giving consideration to the granting of sodium leases in the heart of the richest oil shale land in the country. The previous administration refused to take this step without a hearing, to determine what the impact of such a venture would be on the value of the oil

shale deposits, and to explore the legal validity of the claims.

It is also possible that the Federal Government will allow the State of Utah to select 121,000 acres in the heart of the Federal oil shale land. This land would probably be of great value if it were to be commercially developed.

Since the people of the United States own this land, and since the land is of great value, any decision to place it in private or State hands should receive the utmost scrutiny through the hearing process and, hopefully, in the press. Thus the environmental council's research paper recommends against these proposed giveaways. After all, we have a very inexact idea of the impact of such a move on the overall development of the resource.

I could discuss the other findings and recommendations in great detail. However, rather than take the time of Senators, I will place this valuable document in the CONGRESSIONAL RECORD so that they will have an opportunity to read it. I ask unanimous consent that the policy research paper prepared by the Northern Environmental Council on oil shale be printed in the RECORD.

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

OIL SHALE POLICY IN THE PUBLIC INTERESTS

INTRODUCTION

Oil shale is North America's largest, richest still untapped energy resource. The richest body—The Piceance Basin—located in northwestern Colorado and lower grade deposits which occur in adjacent Utah and Wyoming areas are still largely owned by the U.S. Government. Except for limited governmental experimental work (main efforts halted in the 1950's through the work of oil company lobbyists) and limited experimental work by several oil companies on privately-owned oil shale lands, oil shale has not been developed. Since 1930, Federal oil shale lands have been "withdrawn" from leasing.

With the threatening shortages of other energy sources, this 300-plus Billion-dollar federal asset (equal to the national debt) is being sought after with increasing intensity by those who would convert this public resource to private gain. The basic issues are: when to develop? what kind of development? how to achieve the greatest public benefit with least environmental damage? and finally how to prevent a "land-grab, giveaway" scandal?

The recent report of the Public Land Law Review Commission proposed experimental commercial developed policies which would be premature and would not protect the public interest. Alternative policies are available but have not been clearly presented for the Congress to choose from. Therefore the Northern Environmental Council has consulted with several oil shale engineers and policy specialists in both government and private industry to propose this policy Research Paper. It frankly presents a position which favors the public (who, in the final analysis, owns this resource). Yet the policies suggested here would make oil shale available to industry and the consumer under rules and regulations encouraging private enterprise.

This policy paper presents an alternative set of proposals to those of the recently completed Public Land Law Review Commission. The PLLRC recommendations could lead to another "Teapot Dome" oil scandal since they would benefit a few large oil companies—not the public at large.

FACTUAL BACKGROUND

The Public Land Law Review Commission made two recommendations specifically concerned with oil shale which can be summarized as follows:

1. Provide a means for acquiring unpatented oil shale claims to allow for development (See recommendations (51))

2. Make some lands available for development (See recommendations 52)

As is typical in the PLLRC report [1] little or no analysis or factual material was provided, nor were many details provided. Therefore, to some extent, before one can make a judgment on these recommendations, a specific proposal is almost essential. Nevertheless, there are certain problems concerning oil shale which indicate that both these recommendations and leasing proposals by the Department of the Interior may be premature.

First, one should get some idea of what we are dealing with. Oil shale is a huge resource. Most solid mineral deposits being exploited cover at most one or two square miles. Oil shale covers thousands of square miles. The Piceance Creek deposit (the richest deposit) covers a roughly elliptical area about 30 miles by 25 miles and varies in thickness from 100 feet at the edge to over 2000 feet in the center of the deposit. Depending on cut-off grade used, estimates of reserves vary from 80 billion to 8 trillion barrels of shale oil in place.[2] In some places, each square mile overlies shale containing almost 2 billion barrels of shale oil in place.[3] Oil shale contains many times the total amount of petroleum we have used in the past or contained in known domestic reserves.

In addition to the shale oil locked in the solid oil shale, there are huge quantities of sodium and aluminum minerals. Up to 800 feet of the 2000 feet contains dawsonite (potentially valuable for alumina and soda ash) and nahcolite, a sodium mineral. Up to one *billion* tons of potential alumina ore underlies some square miles. Present bauxite imports are about 10 million tons per year.

Thus, small surface areas may involve staggering resources and, potentially at least, staggering values. One estimate of the potential in-place values involved in two 75-foot-thick mining levels covering 5000 acres was $4 billion in alumina and $3 billion in shale oil. This did not include any value for alumina, sodium, and oil shale in an additional 550 feet of saline zone and an additional 800 feet of oil shale alone.

Depending on method of extraction, the environmental problems could be equally staggering. Any type of mining and retorting would involve disposal of huge amounts of spent shale (residue after retorting). In addition, open pit mining would involve large amounts of overburden requiring disposal. *In situ* (in place) retorting would seem to eliminate some of these problems but is still experimental and might recover only a small part of the mineral values. Potential air and water pollution problems have only been scratched.

BASIC CONSIDERATIONS TO BE MET PRIOR TO DEVELOPMENT

Since at least 75% of these resources are on public lands, the requirement for responsible public action is unusually urgent. Because of these unique features, we should not automatically reject unusual or unique approaches. The following seem to be some of the facets of public policy which demand urgent consideration before development takes place:

1. Should oil shale development be used for other social goals? One author of a recent study on oil shale (Chris Wells, *The Elusive Bonanza*, 1970, Dutton & Co.) believes the oil companies are deliberately preventing the development of oil shale because it would have a depressing effect on petroleum price. Others have suggested development by a TVA-type Government Corporation or a COMSAT-type corporation because such "natural monopolies" as oil shale should be developed for the public good.[4] Senator William Proxmire a couple of years ago introduced a bill providing for development of a comprehensive oil shale program including Government demonstration plants. Given the huge resource involved, the huge, long-term investment required, the need to control development for conservation and environmental purposes (including conservation of mineral resources), the need to control monopoly in the energy industry, and the need to provide at least a yardstick on consumer prices for fuels, development of oil shale by the Federal Government deserves *serious* consideration. Reclamation of mined lands should be included in pre-planning prior to leasing or operating, and costs should be included as a part of the total production cost. In any case, full public discussion of *all* the alternatives should be made.

2. In view of the recent energy "crisis" (which is due more to poor planning than to lack of resources), there seems to be a concern developing as to the need for a National Energy Policy.[5] Accelerating use of energy resources reinforces this need. Where oil shale and other resources, particularly those controlled by the Federal Government, fits into the picture needs to be considered. Perhaps a National Energy Administration which would integrate Federal hydro-electric energy and production from huge federally-owned coal, oil shale, and conventional petroleum and natural gas (both onshore and off-shore) deposits should be considered. A national energy policy seems like a first priority item before oil shale should be developed.

It should be emphasized that there is no emergency requiring a crash program of oil shale development or premature leasing of the resource. Sufficient resources of other energy minerals are readily available for the foreseeable future. The longer term may require oil shale development. Also sufficient reserves of good quality oil shale are already owned by private concerns so that industry could start an oil shale industry if it really desired to do so. Hence, a policy of deliberate consideration of potential problems seems indicated.

3. Another high priority problem is the need for comprehensive resource planning for oil shale development. Past efforts and present plans for leasing have not fully considered all resources in the area and possible environmental effects of oil shale development. In addition to full consideration of all surface resources, including serving as winter range for the largest migrating deer herd in North America, planning is essential for conservation of the mineral resource. We cannot allow the "normal" haphazard, unplanned leasing with the lessees possibly "highgrading" the deposit. For example, the logical development of the whole Piceance Creek deposit should be planned in advance to minimize environmental problems and conflicts with surface resources and to maximize recovery of the mineral resources. The Bureau of Land Management's planning system is capable of developing such methodology which considers not only resource needs and environmental problems but the views of the public, local and State Governments and other Federal agencies. However, additional inputs of funds and manpower are needed to develop plans, in time, prior to development of leasing programs.

4. If oil shale is to be developed, further alienation of the resource must be stopped and clouded titles cleared. We understand there are two proposals which constitute what we consider to be "give aways" of the oil shale resource:

a. In Utah, the State proposed that it

Footnotes at end of article.

be allowed to select some 121,000 acres in the heart of best oil shale in Utah. The values of these oil shale lands are highly disparate from that of the so-called mineral lands the State lost earlier. The State should not be allowed to select the heart of the publicly-owned shale lands in Utah most likely of value for commercial development—particularly where tremendous disparities in value are involved.

b. It is reported that sodium leases (overlying oil shales) are about to be issued covering about 10,000 acres in the heart of the richest oil shale in Colorado. The previous administration refused to issue these leases and called for a hearing to determine the facts.[6] This administration has determined that the leases should issue without a hearing. Under the same reasoning an additional 10,000 acres of leases will undoubtedly be issued. This 20,000 acres covers the thickest part of the rich oil shale where it is up to 2,000 feet thick and contains the saline zone of up to 800 feet thick. There are serious legal and factual questions as to the validity of these lease applications. Approval of these leases will give the lessees rights to mine sodium and sodium-aluminum minerals that are intimately intermixed with the oil shale and the right to waste lower grade oil shale. While presumably they would not get rights to the rich oil shale or shale oil, the oil shale will inevitably be destroyed or at least affected by the recovery of the sodium minerals. Also, the value of the oil shale lying above and below the saline zone would probably be lowered by the extraction of the sodium minerals (and possibly the oil shale) from the saline zone. The need for comprehensive planned development of the whole Piceance Creek deposit is evident.

While the determination of the validity of the unpatented mining claims covering oil shale is progressing, this work could be accelerated by funding this project at the level originally requested.

5. Another important aspect is acceleration of Federal research on oil shale. Some of the more obvious areas for accelerated research are:

a. *In-Situ* (in-place) retorting. This method has obvious environmental advantages. Whether the technical problems can be overcome or whether mineral conservation questions can be answered needs to be determined.

b. Development of plans for maximum recovery of the Piceance Creek deposit within the constraints imposed by environmental or other resource needs. This will involve consideration of new concepts for mining or extraction on a scale never before contemplated. Logical development of the deposit would probably involve hundreds of years. Naturally, plans should assure that development would take place with little or no pollution and that the lands should be rehabilitated to useful productivity and be esthetically pleasing in full compliance with the National Environmental Policy Act and the State mining reclamation law.

c. Environmental research concerning possible oil shale development is, of course, vital. Potential pollution problems need to be considered. Revegetation studies of spent shale and overburden need to be made. There is no excuse for not making the studies needed to assure development with little or no long-term adverse environment impact.

6. If, after full public discussion and consideration of the alternatives, the public through its representatives decides leasing is the appropriate means of disposal, a number of questions need to be considered:

a. What are appropriate terms—of royalty, rental, bonuses, terms of lease, etc.?

b. How should revenues be used? Presently 52½% goes to the Reclamation Fund, 37½% to the State and 10% to the Treasury.

c. What public goals should be considered in leasing?

While the above list of policy problems is not comprehensive, we believe they include the essential areas of concern. We have a tremendous opportunity in oil shale to avoid the environmental and social problems common with natural resource exploitations as exemplified by Appalachia. There is no emergency requiring immediate development or crash programs. There is no excuse for not undertaking a well thought-out program of research, planning and public discussion so that development without environmental degradation can proceed when needs and economics dictate.

CONCLUDING RECOMMENDATIONS

1. No granting of mining claims above oil shale.

2. Postponement of oil shale leasing until an in-situ (underground) method of recovery is developed by *government* research to protect environment from strip mining (watershed damage) and air pollution.

3. Federal leadership in defining an Emergency Resource Policy and Program.

4. Withholding of state selections (Utah) from oil shale resource areas.

5. Rejection of sodium leases in the Piceance Creek Basin by Department of Interior.

6. Economic research to determine proper royalty terms for oil shale leasing and surface rehabilitation.

7. Amendment by Congress of the Mineral Leasing Act of 1920 to allocate 90% of oil shale revenue to federal treasury and 10% to states (with a portion of the federal revenue to the Land and Water Conservation Fund).

SOURCE OF STUDY

This Policy Research Paper was prepared for the Council by a task group of consultants from industry, government, and universities who have strong backgrounds in oil shale problems and policy. Because of their connections and the sensitivity of the issue they have asked to remain unnamed. The Northern Enivornmental Council stands behind the information presented in this Policy Paper.

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This Policy Research Paper was prepared by the NOREC Land Use Planning subcommittee on Soil Conservation, chaired by Martin Hanson of the Wisconsin Resources Conservation Council.

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The Northern Environmental Council is composed of conservation and citizen groups joined into a common effort to prevent environmental deterioration of the northwoods, lakes, and prairie lands of Northern Wisconsin, Minnesota, Michigan's Upper Peninsula, North Dakota, and Indiana.

OFFICERS OF THE COUNCIL

Prof. Paul Lukens, Chairman, Biologist, Wisconsin State U., Superior.

Daniel Engstrom, Vice-Chairman, S.E.D., U. of Minnesota, Duluth, Minn.

Herbert Bergson, Secretary, Pres., Save Lake Superior Association.

James Buchanan, Treasurer, Audubon Society, Duluth.

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Officers of Council: Marvin Hanson, Milton Pelletier, Dr. Dale Olsen, Arnold Overby, Dr. Charles Carsen.

CONSULTANTS

Sigurd Olson, Ecologist, Ely, Minnesota.
Charles Stoddard, Minong, Wisconsin.

MEMBER ORGANIZATIONS OF THIS COUNCIL

Brule River Sportsmen, Inc.
Citizens Committee for the Voyageurs National Park.
Citizens to Save Superior Shoreline.
Conservation Committee of the Duluth Central Labor Body AFL–CIO.
Dakota Environmental Council.
Douglas County Fish and Game League.
Duluth Bird Club.
Duluth-Superior Sane.
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Save Lake Superior Association.
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Superior Junior Woman's Club.
United Northern Sportsmen.
University of Wisconsin Forestry Club.
Wilderness Society.
Wilderness Watch, Inc.
Wisconsin Bowhunters Association.
Wisconsin Resource Conservation Council.

FOOTNOTES

[1] *One Third of the Nation's Land.* Report of the Public Land Law Review Commission, 1970, GPO.

[2] *Organic-Rich Shale of the U.S. and World Land Areas.* Circular 523, U.S. Geological Survey, 1966, GPO.

[3] *Oil Yield in Sections of Green River Oil Shale in Colorado.* Report of Investigation 7051, U.S. Bureau of Mines, 1967.

[4] Statement by Dr. Morris Garnsey, Dept. of Economics, Univ. of Colo., before the Subcommittee on Antitrust and Monopoly, Senate Committee on the Judiciary, April 18, 1967.

[5] S. 4092, 91st Congress introduced by Sen. Randolph and 62 other Senators. See also several related bills and the discussions thereon in the *Congressional Record.*

[6] *Wolf Joint Venture et al.* 75 Interior Decisions 137 (May 2, 1968).

ANNIVERSARY OF LITHUANIAN AND ESTONIAN INDEPENDENCE

Mr. CASE. Mr. President, at this time of the year, we are reminded of the proud history of the peoples of the Baltic States. It is now 53 years since the Republics of Lithuania and Estonia proclaimed their independence, but these once free people lost this independence more than 30 years ago. All Americans are saddened by this tragedy for the Baltic States, and all Americans understand the deep feelings of those whose sense of nationhood remains strong. The thoughts and aspirations of the Baltic people are expressed in resolutions that have been sent to me from my own State of New Jersey.

I ask unanimous consent that the resolutions of the Lithuanian Council of New Jersey, the Lithuanian-American Council of Linden, N.J., and the Knights of Lithuania of Newark, N.J., be printed in the RECORD, and I ask that there also be printed House Concurrent Resolution 416 which was agreed to unanimously in the 89th Congress and which supports self-determination for the Baltic States.

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

RESOLUTION

On the occasion of the 53rd Anniversary of the Restoration of Lithuania's independence, we the representatives of the Lithuanian ethnic community of New Jersey, assembled here on February 13, 1971, in Newark, New Jersey to:

Commemorate Lithuania's Declaration of Independence proclaimed on February 16th, 1918, in Vilnius, whereby a sovereign Lithuanian State, having antecedents in the Lithuanian Kingdom established in 1251, was restored;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievements of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign functions as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940, during the course of which national traditions and values were trammeled, the personal freedoms of the people were suppressed and hundreds of thousands of people were liquidated by the Soviet genocidal practices;

And to emphasize once again our confidence that, regardless of what methods the Soviet oppressors devise, they will, in the end, be unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights. These hopes were made most evident in the recent successful hijacking of a Soviet aircraft to Turkey by Pranas and Algirdas Brazinskas, as well as in Simas Kudirka's heroic attempt at defection,

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members of the Lithuanian ethnic community of New Jersey,

Demand that Soviet Russia immediately withdraw its armed forces, administrative apparatus, and the imported Communist "colons" from Lithuania, thus permitting the Lithuanian nation to freely exercise sovereign rights to self-determination.

We call upon our Senators and Representatives to make use of every opportunity to urge that President Nixon once again publicly reiterates the longstanding United States position of non-recognition of the incorporation of the Baltic States of Estonia, Latvia, and Lithuania into the Soviet Union and to raise this issue in the United Nations and at various international ocnferences.

Dated at Newark, New Jersey, Feb. 13, 1971.

LITHUANIAN COUNCIL OF NEW JERSEY,
VALENTINAS MELINIS, ***President.***
ALBIN S. TRECIOKAS, *Secretary.*

RESOLUTION

Unanimously adopted at a mass meeting of Americans of Lithuanian origin or descent and their friends, living in Linden, New Jersey, sponsored by the Lithuanian-American Council of the USA, Inc., Linden Division, held on Sunday, January 31, 1971, at 4 p.m. at the Lithuanian Liberty Park Hall in Linden, New Jersey, in commemorating the 720th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251 and the 53rd anniversary of the establishment of the Republic of Lithuania on February 16, 1918.

Whereas the Communist regime did not come to power in Lithuania by legal or democratic process; and

Whereas the Soviet Union took over Lithuania by force of arms in June of 1940; and

Whereas the Lithuanian people are strongly opposed to foreign domination and are determined to restore their freedom and sovereignty which they rightly and deservedly enjoyed for more than seven centuries in the past; and

Whereas the Soviets have deported or killed over twenty-five percent of the Lithuanian population since June 15, 1940; and

Whereas the Government of the United States maintains diplomatic relations with the government of the free Republic of Lithuania and consistently has refused to recognize the seizure of Lithuania and forced incorporation of this freedom-loving country into the Soviet Union; and

Whereas the Committee of the House of Representatives, created by House Resolution 346 of the Eighty-third Congress to investigate the incorporation of the Baltic States into the Soviet Union, found that the incorporation of Lithuania, Latvia, and Estonia was contrary to established principles of international law; and

Whereas the House of Representatives and the United States Senate (of the 89th Congress) unanimously passed *House Concurrent Resolution 416* urging the President of the United States to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Lithuania, Latvia, and Estonia, and to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples; now, therefore, be it

Resolved, That we, Americans of Lithuanian origin or descent, reaffirm our adherence to American democratic principles of government and pledge our support to our President and our Congress to achieve lasting peace, freedom and justice in the world; and be it further

Resolved, That the President of the United States carries out the expression of the U.S. Congress contained in *House Concurrent Resolution 416* by bringing up the Baltic States question in the United Nations and demanding the Soviets to withdraw from Lithuania, Latvia, and Estonia; and be it finally

Resolved, That copies of this resolution be forwarded this day to the President of the United States, Secretary of State William P. Rogers, United States Ambassador to the United Nations George Bush, United States Senators from New Jersey, Harrison A. Williams and Clifford P. Case, Members of the U.S. Congress from New Jersey, Florence P. Dwyer and Cornelius E. Gallagher, and Governor of New Jersey, William T. Cahill.

VLADAS TURSA,
President.
ELENA SESTOKAS,
Secretary of Resolution Committee.

RESOLUTION OF KNIGHTS OF LITHUANIA, COUNCIL 29, NEWARK, N.J.

The following Resolution was unanimously adopted by the Knights of Lithuania, Council 29, at a meeting which was held on January 19th, 1971, at the Lithuanian Holy Trinity Church Hall, 207 Adam Street, Newark, N.J.

As February 16th, 1971, marks the 53rd Anniversary of Lithuania's Independence, all Lithuanians throughout the free world will commemorate this occasion.

Whereas, In the thirty years since the Baltic States were invaded, hundreds of thousands of Lithuanians, Estonians and Latvians have been deported to the remotest parts of Russia. In turn, ethnic Russians by the hundreds of thousands have been sent in to colonize and russify the Baltic States with the purpose of diluting and then finally destroying the character of the people and the culture in the area.

Whereas, The Soviet mass deportations, especially those of 1941 and 1945–50, have cost Lithuania about 400,000 inhabitants. A large part of these deportees have perished in the Sovet forced labor camps. Most of these deportees had not been charged with any specific "crime". They were uprooted in an effort to deprive Luithuania of its political and intellectual elite as well as to break the peasantry's resistance to forced collectivization. Large number of Russian settlers have been moved into Lithuania to replace the deportees.

Whereas, The forcible incorporation of Lithuania into the Soviet Union, agreed upon, by Stalin and Hitler in their pact of August 1939, has not been recognized by many Western powers, including the United States. Diplomatic representatives of free Lithuania continue functioning in Washington and other European and Latin American capitals. In the eyes of International Law, Lithuania today is not an organic part of Russia or the Soviet Union, but an occupied country by the Soviets: therefore be it:

Resolved, That we, Americans of Lithuania origin or descent, reaffirm our adherence to American democratic principles of Government and pledge our support to our President and our Congress to achieve lasting peace, freedom and justice in the world, and be it further

Resolved, That copies of this resolution be forwarded to the President of the United States, Secretary of State William P. Rogers, U.S. Ambassador to the United Nations, United States Senators and Congressmen of New Jersey.

KNIGHTS OF LITHUANIA, COUNCIL 29.
KAZYS, SIPAILA, *President.*
HELEN RADICSH, *Secretary.*

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

CARELESS USE OF PESTICIDES

Mr. MONDALE. Mr. President, distinguished scientists the world over have warned with sobering repetition that the earth's delicate ecosystems and man himself have suffered needless harm due to the careless use of pesticides. The earth has been saturated with these chemicals, so much so that DDT residues are found in the flesh of Antarctica pen-

guins hundreds and thousands of miles from where it was applied. Man has defied the laws of nature with his misuse of pesticides. But, sadly, he violates few laws of the country. The Federal Insecticide, Fungicide and Rodenticide Act has not undergone extensive reform since it became law 20 years ago, even though its inadequacies have been pointed out time and again.

The Senator from Wisconsin (Mr. NELSON) last week introduced the National Pesticide Control and Protection Act (S. 660), an excellent bill which would provide the kind of controls that are needed to overcome the environmental abuses wrought by pesticides. In a subsequent editorial, The New York Times gives Senator NELSON'S bill the kind of recognition it deserves. I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the New York Times, Feb. 12, 1971]

THE SILENT DANGERS

Pesticides, atomic radiation, chemicals, mercury and other toxic metals—these are the silent dangers to man and nature. President Nixon's message on the environment makes several progressive recommendations to deal with these toxic substances.

More than a billion pounds of pesticides, including insecticides, herbicides, fungicides, rodenticides and fumigants, are produced every year in this country, about five pounds for each man, woman and child. These are all damaging to human beings or to animals or to the land and water. The suburban housewife who sprays too much insecticide on her rose bushes contributes to the problem, as does the big commercial farmer who hires an airplane to spray his crops. Rain carries these contaminants into lakes and rivers either directly or by way of storm sewers.

Ideally, pesticides should be dispensed as carefully as prescription medicines, but that would pose severe problems of administration and enforcement. As a practical solution, the President suggests grouping pesticides into distinct categories for general use, for restricted use and for use by permit only, with supervision growing progressively tighter.

Another useful reform would enable the new Environmental Protection Administrator to seize stocks of pesticides whose use has been deemed dangerous. The President also proposes to speed up the now almost interminable process of cancelling a pesticide's registration once it has been found to be dangerous, but the exact changes remain to be spelled out in a legislative draft.

Earlier this week Senator Nelson of Wisconsin introduced a model bill on pesticide control. He urges a sales tax on pesticides to make research and enforcement self-financing and sets forth a clear right by private citizens to sue the Federal Government or any other plaintiff if pesticides are misused. This is important if government agencies are to be impelled to abandon the pesticide malpractice of which they themselves are often guilty.

On one of the silent dangers to people and their environment the President decided to keep silent. That is the hazard to both health and safety from the radiation of nuclear power plants. Chairman Seaborg of the Atomic Energy Commission stoutly defends A.E.C. radiation standards, but his position has been attacked by scientists within his own agency. The Environmental Protection Agency and the A.E.C. now share responsibility ambiguously in this field.

Fixing sound lines of demarcation will require firm White House leadership. The power shortages that have become an unhappy way of life in New York City and impend in many other metropolitan centers make it plain that the potentialities of nuclear energy need fuller utilization. But the licensing authority can hardly be exercised in a disinterested manner by an agency like A.E.C., dedicated to the broadest possible application of atomic energy. A built-in balancing force for environmental considerations must be created if power needs are to be met without endless litigation and conflict over where and how to build new facilities.

TO FIND A CURE FOR CANCER

Mr. DOMINICK. Mr. President, President Nixon recently announced a proposal to significantly increase the Federal resources committed to our national effort to find a cure for cancer.

On February 13, in a speech before the Association of American Medical Colleges in Chicago, Dr. Edward E. David, Science Adviser to the President, articulated some of the basic principles underlying the President's proposal.

I think it is a very persuasive speech and merits consideration by all of us. I ask unanimous consent that it be printed in the RECORD.

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

ADDRESS BY DR. EDWARD E. DAVID, JR.

I am here today to enlist your aid and advice in a totally revolutionary undertaking which President Nixon has proposed. He hopes that it will invigorate the best biomedical science to provide a major improvement in the health of our society. In his State of the Union speech the President said:

"I will also ask for an appropriation of an extra $100 million to launch an intensive campaign to find a cure for cancer, and I will ask later for whatever additional funds can effectively be used. The time has come in America when the same kind of concentrated effort that split the atom and took man to the moon should be turned toward conquering this dread disease. Let us make a total national commitment to achieve this goal."

The President clearly recognizes the subtleties behind this statement. Cancer is not a simple disease; it is probably many. There is likely not to be a single cure for cancer, but a series of steps which can lead to effective treatment and, hopefully, prevention. The cancer crusade, as it has been called, will call on very different talents from scientists, researchers and managers than Apollo and the Manhattan Project did.

Recognizing all of this, the President has issued his call for action by setting a clear goal for the biomedical research community. It is the form and substance of the enterprise aimed at that goal that I came to talk to you about today. Basically, I see the enterprise as being a logical, and yet imaginative, extension of today's biomedical enterprise. If we are to be successful, we must utilize imaginatively the research institutions which are the result of our past efforts. This base is the resource which I believe promises success for the exciting venture the President has proposed.

The building of this base began more than two decades ago when the Federal Government issued another invitation to life and medical scientists to join in a new venture. It was to expand and strengthen our national biomedical research with the purpose of mitigating the major human illnesses confronting mankind. At first this venture met with some hostility, and there was some alarm within the scientific community. Some predicted that the heavy hand of government would stifle rather than stimulate biomedical research. Others felt that the NIH intramural program would siphon off the cream of American life scientists and decimate departments at the universities. Others predicted that the allocation of federal funds would degenerate into a spoils system, with friends supporting friends to the exclusion of bright and promising scientific young people. Finally, others predicted that Washington bureaucrats would be dictating the choice of research subjects to the working scientists.

How different the results have been! The life sciences have flourished and grown to the point where this country leads the world in biomedical research. Moreover, the overflow from this initiative has been responsible for the development of the life sciences in other countries. The Swedes acknowledge without hesitation their debt to this country for the burgeoning of the life sciences in Sweden. The complex in Bethesda has indeed evolved into an institution of high quality from which significant research results flow daily. The quality of the work in Bethesda is attested to by the award of two Nobel prizes to intra-mural NIH scientists. Yet, despite the pre-eminence of the intramural program, the academic institutions have not suffered. On the contrary, I would venture to say that a significant portion of the chairmen of departments of biochemistry, medicine, physiology, and pharmacology throughout the country have at one time or another trained or worked at the Bethesda campus. The award of grants has not become a spoils system. The peer review system for the allocation of research support is a major achievement in the life sciences and is a model for other disciplines. Finally, the federal bureaucracy has stimulated, fostered, and strengthened basic research throughout the country. These judgments are not mine alone. You share them with me, and special committees to review our biomedical research programs have concurred.

The venture, then, was successful—not only in producing more knowledge, but also in changing significantly the patterns of disease in this country. Vaccines for poliomyelitis, German measles, mumps, and other infections are available to us all. Victims of Parkinsonism have been raised from the status of cripples to productive members of society. Children who would have been dead from leukemia are alive today and are regarded as cured in a surprising number of instances. I need not catalog the results further. You know them far better than I. I believe that when we look back 25 years from today, we will perceive a similar record of proud achievement starting with the President's cancer initiative as a take-off point for the biomedical enterprise.

The President's goal provides us with a unique opportunity. It is an opportunity to show that we can concentrate our fire effectively when a possibility for progress emerges from research. In Vince Lombardi's terms, can we "run to daylight"? The President recognized both the possibility for progress and the challenge to the research community early. Over a year ago, in his 1971 budget document, he said:

"New research leads, giving hope of conquering some of the most dreadful and prevalent diseases of mankind, will be pursued with greater intensity in 1971. A major effort to investigate viruses as a cause of cancer is proposed, with the goal of eliminating viral cancer at the earliest possible date."

In the year since that statement, the President has been joined by the Congress, the medical community, and the public in recognizing the possibilities. But it was the support and enthusiasms of the biomedical scientists themselves that convinced the President of the validity of his judgment last year. Accordingly, in his budget for 1972, he has allocated not only the so-called "additional" $100 million, but also $232 million for the National Cancer Institute. The President said in addition that his total national commitment would involve all pertinent institutions and agencies. We should

not overlook the significance of this important policy decision. Running to daylight requires that we utilize the magnificent resources of the biomedical research community to which I referred earlier. In structuring the effort we must take account of the differences between this effort and the Apollo and Manhattan projects. When we embarked on those, Lisa Meitner's demonstration of fission and the launching of Sputnik had already been achieved. In cancer, we do not know whether the critical experiment has yet been done. Despite this uncertainty, I find in my discussions with biomedical scientists a quiet sense of confidence and sober recognition of the opportunity which stimulated the President to propose his campaign against cancer. Molecular biologists, cell biologists, and biochemists of world renown tell me that of all the medical problems facing us, they would choose cancer as the one in which to attempt a concerted effort of research. We must, of course, create no undue optimism. No one guarantees rapid progress. The final results may be 10, 20 or 50 years in the future. But the judgment seems widespread that the time has come to try. I do find one area on which there is room for considerable discussion. What is the most rational and effective way to undertake this effort, considering that Apollo and the Manhattan efforts don't provide any infallible blueprint?

It is the President's belief that having honed and sharpened our biomedical research mechanism, the National Institutes of Health, we should now use it and call upon it as we embark on this new adventure. To isolate the cancer effort would prejudice the very outcome we seek. The problem of cancer straddles virtually all the life sciences—molecular biology, biochemistry, virology, pharmacology, toxicology, genetics—any one of these, or all of them, will contribute to the final solution. No one is wise enough to pick and choose just those components of the total biomedical spectrum that will be vital. Who knows what new discovery will become vital even next year? This aspect presents a stark contrast with Apollo and nuclear energy. Indeed, we do not believe in an AEC or NASA for cancer.

However, the President does believe the cancer effort is a partnership between the public and scientists, and although laymen cannot program the scientific efforts, they are entitled to know the strategy, to know the short-term objectives, and to receive progress reports. One individual must be responsible. He must plan the effort, direct it, and report to the American people. That individual must be within and a part of our total effort in the life sciences and therefore a part of the National Institutes of Health. He must not be confined to a single institute; he must have the administrative freedom to approach the problem with daring and imagination, and to catalyze the transfer of results from scientific discipline to scientific discipline. Thus, the Administration feels that the instrument for our campaign against cancer must be forged from and within the National Institutes of Health to assure the greatest chance of success.

The President is in the process of considering the best design for the administration of this effort and will report his decision to the American people in the near future. But it is my judgment that he will certainly not elect to fragment the life sciences at a time when we need their unified efforts.

The President is also aware that this new venture must not be undertaken at the expense of the broad base of scientific research. We must maintain the vigor, diversity, and sparkle of biomedical research. New ideas must be able to flourish; new investigators must be able to grow in intellectual stature; new fields must be opened regardless of whether they appear to have immediate relevance to the problem of cancer or to the other diseases which society feels must be overcome in the near future. What we seek, then, is a balance between well-designed effort against cancer, and the self-starting research which has been so productive in producing new possibilities for medical science. In achieving this balance we need the benefit of the thinking in institutions you represent and, more important, your institutions must be healthy.

The President recognizes the importance of the medical schools, not only in the delivery of health care, but also as intellectual beehives which will yield new insights and concepts. Therefore, in his budget request for 1972, he has asked for an increase of $95 million to expand the nation's pool of biomedical personnel and to invigorate the teaching institutions upon which we depend for the development of this pool. The precise mechanisms by which this additional $95 million will be used will be announced at a later date by the President, but his intention is to give the schools the flexibility and stability they must have to serve the nation.

There will be debates on specific programs. I recognize your concern about the issue of fellowships and training grants in the field of biomedical research. The President does not take a dogmatic stance in this regard. His budget for 1972 in essence requests that support for fellowships and training grants remain constant until the NIH can complete a study that is designed to give us insights as to how best to support students and trainees in the life sciences. We welcome your voice in the debate over this issue; we will not move precipitously or capriciously, but we need courageous assessments on your part. By courageous, I mean assessments which can lead to change where it suits national objectives. The Carnegie Commission report and your Howard Report both advocate imaginative and fundamental changes in medical education. Yet these will be traumatic and will require strength of purpose. I urge you to give us your views and to take action to provide the nation with the medical manpower we need to achieve a higher level of national health.

In closing, let me assure you that the President is dedicated to improving the nation's health and particularly to the conquest of cancer. Success hinges on using our national biomedical research resources imaginatively and creatively. The finest of these resources are people. It is they and you who must rise to the occasion. Both the President and I have confidence that you will.

HEALTH AND WELFARE PROSPECTS

Mr. MONDALE. Mr. President, Wilbur J. Cohen, dean of the school of education at the University of Michigan and former Secretary of Health, Education, and Welfare, has written an interesting and provocative article entitled, "Revolutionary Changes in Health and Welfare," which appears in the Information Please Almanac of 1971.

In the article, Dean Cohen reflects on prospects for health and welfare improvements in the future. Since few men have worked harder or more effectively than Mr. Cohen for the cause of human welfare, and few share his ability to interpret current trends and predict future improvements, I commend the article to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

[From Information Please Almanac, 1971]

REVOLUTIONARY CHANGES IN HEALTH AND WELFARE

(By Wilbur J. Cohen)

The revolution of rising expectations which has been developing in recent years has reached a stage where it is now possible to predict radical changes in our allocation of national resources in the near future.

Increasing affluence made possible by increasing productivity, amid poverty and pollution, has had a deep and pervasive influence on many individuals in our country. As a result, widespread support has developed for the belief that major social needs can be met if there is a different allocation of the national product. Programs that were once advocated by a small minority of people are now supported by many.

Once education was considered a privilege; not a right. Good health was considered a responsibility of the individual, not a right secured by the community. And a minimum income was limited to those who worked and for those who couldn't work, welfare was considered a gratuity.

Today, education, good health, and the assurance of a minimum income for all individuals and families is considered by many to be a right to be guaranteed by law. Once this was discussed only in books dealing with Utopia. Today, the revolution in our ideas about rights and guarantees is fast crowding in on the long-held concepts of the differentiation between individual and community responsibility.

In the area of health, the idea of national health insurance has gained widespread acceptance. The passage of Medicare brought to an end one of the most bitterly fought ideological battles in the political history of this country. Today the emotional content is no longer present and the major issue is how to deliver access to health services for everyone. Even the American Medical Association, the most active adversary of publicly sponsored national health insurance legislation, has presented a legislative proposal which is designed to broaden and improve health insurance coverage.

KEYS TO HEALTH INSURANCE

National health insurance involves several key principles of significance:

1. Eligibility to services as a matter of legal right supported by statutory enforcement of such rights by administrative and legal procedures;

2. Financing the program in such a manner as to distribute the costs in a more equitable manner than voluntary insurance;

3. The assumption of major responsibility by the Federal rather than the state or local government;

4. The development of incentives for economical and efficient delivery of service.

Effective implementation of a national health insurance program requires increasing medical manpower and supporting staff, training of many additional individuals from black and other minority groups, expansion of services, hundreds of additional neighborhood health centers, universally accessible family planning units, and an effective health education program.

In addition to the implementation of the right to health services, the seventies undoubtedly will see the adoption of the universal right to a minimum income. This development will be accompanied by a vigorous and comprehensive program to reduce and abolish the root causes of poverty, to eliminate hunger and malnutrition, and to eliminate racial and all other forms of discrimination.

A national income supplement plan became financially and politically feasible during the decade of the nineteen sixties when the number of individuals with incomes below the poverty line began to fall below 20% of the total population.

The poverty level in 1969 according to

the Bureau of the Census ranged from $1,749 for one person age 65 and over to $6,034 for seven or more persons. The amount for four persons was $3,721. As shown in Table 1, the proportion of the population below the poverty line dropped between 1939 and 1969 from 22% to 12% and from 39 million to 24 million persons:

TABLE 1.—PERSONS BELOW THE POVERTY LEVEL, BY RACE 1959–69

Year	Number below poverty level (in millions)			Percent below poverty level		
	Total	White	Other	Total	White	Other
1959	39.5	28.5	11.0	22	18	56
1965	33.2	22.5	10.7	17	13	47
1969	24.3	16.7	7.6	12	10	31

Source: U.S. Department of Commerce, Bureau of the Census, Selected Characteristics of Persons and Families: March 1970. Series p. 20, No. 204, July 13, 1970.

The basic concept of a national guaranteed income is really not new. The payments to veterans and Social Security and Railroad Retirement beneficiaries embody the same principle as a national income guarantee. The payments under State welfare programs have been based on the principle of the residual responsibility of the public to provide income to individuals below a given level of income.

The new feature of more recent proposals has been to make payments universal to all individuals with incomes below a given level rather than limit such payments to certain categorical groups such as the aged, blind, disabled, or to children only in families where one parent is dead, disabled, unemployed or absent from the home.

The basic features of a new national income supplement are: (1) complete financing by the Federal government, (2) administration by a Federal agency, (3) eligibility determined by Federal law and administrative procedures with appeal to the Federal courts, (4) financial incentives for individuals who work, and (5) incentives to break the cycle of poverty such as training, employment, and appropriate child care services.

SOCIAL SECURITY INCREASE

A national income supplement program cannot do the whole job of meeting income deficiency by itself. Social Security benefits must be increased and benefits under private retirement and welfare plans must also be adjusted to meet current needs and rising expectations.

In addition, we must find the means of reducing and removing the great inequalities which exist between income levels in America. There are millions of people whose earnings fall in the lower middle-income brackets. Their wages are too high for them to receive assistance from government, but too low to fully partake in the full benefits and opportunities offered by the American economy.

As part of the solution to this problem, there must be a significant attempt made to remove the wide disparities which exist among states. Table 2 shows the range in income and services which exists between different parts of the country.

TABLE 2.—INEQUALITIES AMONG STATES IN INCOME HEALTH, EDUCATION, AND WELFARE

State	Per capita income 1968	Physicians per 100,000 population, 1967	Infant deaths per 1,000 live births, 1968	Per capita State and local expenditures for all education, 1967–68	Welfare aid per child, April 1970
Highest	$4,256	222	35	$348	$67
Average	3,421	158	22	206	46
Lowest	2,081	74	14	141	12

Source: Ranking of the States, 1970. National Education Association, Washington, D.C., 1970.

Finally, the elimination of racial and sex discrimination would increase incomes by some $30 billion a year and would aid in the reduction of poverty, the increase in productivity, and the enhancement of individual dignity, and self-reliance.

A RIGHT, NOT A PRIVILEGE

The programs outlined in this article will certainly aid in the reduction of inequities, yet, they cannot do the whole task. It will take the concerted effort of the private sector as well as the public to make this goal a reality.

The decade of the seventies is destined to be that period in this century when many long-emerging trends come to a convergence in institutional changes. Health services, education and income to all become a right, not a privilege; a right grounded in human and community responsibility and not a handout or gratuity—or part of a policy of "noblesse oblige."

The securing of these rights will not be an easy or inexpensive task. During the last two decades the proportion of the gross national product devoted to health, education, and welfare has risen from 13.5% to 20.2%. (See Table 3.) We may reasonably expect that before the decade closes approximately one-quarter of each year's gross national product will be devoted through public and private sources to health, education, and welfare as compared to 20% at the present time.

This is a considerable investment, yet one that we must and can make if we are to assure that the basic components of human dignity and well-being are to be provided to all citizens of our country.

TABLE 3.—PUBLIC AND PRIVATE EXPENDITURES FOR HEALTH, EDUCATION, AND WELFARE, PERCENT OF GROSS NATIONAL PRODUCT, 1950–69

Fiscal year	Total	Health	Education	Welfare
1950	13.5	4.6	4.1	4.8
1955	13.3	4.7	3.7	5.0
1960	16.0	5.3	4.4	6.6
1965	17.9	5.9	5.2	7.1
1966	18.3	5.9	5.5	7.3
1967	19.0	6.2	5.6	7.6
1968	19.6	6.5	5.7	7.6
1969	20.2	6.7	5.8	7.9

Source: Social Security Bulletin, December 1969, p. 17. Total expenditures adjusted to eliminate duplication resulting from use of cash payments received to purchase medical care and educational services.

ORDER OF BUSINESS

The PRESIDENT pro tempore. All time for the transaction of morning business has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business, with statements limited to 3 minutes therein, be extended for 9 additional minutes.

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

The Senator from Mississippi is recognized.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

SENATOR RICHARD B. RUSSELL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, notwithstanding paragraph 5 of rule VII, that a letter from the Chargé d'Affaires of the Embassy of the Republic of Korea, Washington, D.C., expressing condolences with regard to the recent passing of the late Senator Richard B. Russell, be received and be printed in the RECORD.

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

EMBASSY OF THE REPUBLIC OF KOREA,
Washington, D.C., January 23, 1971.

THE HONORABLE THE VICE PRESIDENT OF THE UNITED STATES,
Executive Office Building,
Washington, D.C.

MY DEAR MR. VICE PRESIDENT: It is with great sadness that I transmit to you the following cable message from His Excellency Park Chung Hee, President of the Republic of Korea.

"I have learned with deep sorrow the passing of Senator Richard B. Russell and would like to extend my deepest sympathy to you, your colleagues and your people on the loss of this great statesman.

PARK CHUNG HEE,
President of the Republic of Korea."

And, may I join His Excellency in conveying my sincere sympathy to you in the loss of a great official and citizen.

Very truly yours,

HO EUL WHANG,
Minister, Chargé d'Affaires a.i.

ORDER FOR RECESS FROM MONDAY, FEBRUARY 22, TO 11:45 A.M. TUESDAY, FEBRUARY 23, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stand in recess until 11:45 a.m. on Tuesday next.

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

ORDER FOR RECOGNITION OF SENATOR PERCY ON TUESDAY, FEBRUARY 23

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, immediately following the prayer and the approval of the Journal, if there is no objection, and the recognition of the majority and minority leaders under the standing order, the able Senator from Illinois (Mr. PERCY) be recognized for a period not to extend beyond 12 o'clock meridian.

The PRESIDENT pro tempore. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object—and I shall not object—I should like to inquire of the distinguished Senator from West Virginia whether, by moving to recess rather than to adjourn until next Monday, he does not rule out the possibility of a morning hour or a period for the transaction of morning business or for special allocations of time except by unanimous consent.

Mr. BYRD of West Virginia. Does the Senator have reference to Monday or Tuesday next?

Mr. ALLEN. With regard to Monday.

Mr. BYRD of West Virginia. I thank

the Senator. The answer is yes, but I will be very glad to ask unanimous consent that there be such a period for the transaction of routine morning business.

Mr. ALLEN. By adding the routine morning business, does not the Senator in effect make of the recess an adjournment?

Mr. BYRD of West Virginia. He does, in effect, only with regard to routine morning business; but he does not change the morning hour, which is the first 2 hours following an adjournment. It is just by sufferance of the Senate that the Senator from West Virginia would arrange for a period for the transaction of routine morning business following a recess.

Mr. ALLEN. The point the junior Senator from Alabama is making is that as long as we recess each day rather than adjourn, each Senator is limited to two speeches, and the recess session when it convenes would be part of the same legislative day. Therefore, if a Senator should make two speeches in 2 calendar days but the same legislative day, he would not be allowed to make still another speech until there is an adjournment.

Mr. BYRD of West Virginia. The distinguished Senator is correct in that regard. However, the able Senator, I am sure, with his usual great resourcefulness, would have no difficulty in finding a way to make a third speech if he so desired.

Mr. President, would the Chair recognize the Senator from Alabama, so that we may continue the colloquy?

The PRESIDENT pro tempore. The 3 minutes have expired.

The Chair recognizes the Senator from Alabama.

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

Mr. ALLEN. I yield.

Mr. BYRD of West Virginia. Mr. President, changing the program from that of an adjournment to a recess also prevents the death of the motion to proceed to the consideration of Senate Resolution 9, and eliminates the morning hour which is marked by the close of the first 2 hours following an adjournment.

Again I say that the Senator from Alabama will have no difficulty in finding a way to make a third or fourth speech, if he so wishes.

Mr. ALLEN. I thank the distinguished Senator from West Virginia, but he does insist on making a request for a recess rather than an adjournment. Is that correct?

Mr. BYRD of West Virginia. Yes.

Mr. ALLEN. I offer no objection.

Mr. BYRD of West Virginia. I thank the Senator.

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

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, FEBRUARY 22

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the approval of the Journal, if there is no objection, and the recognition of the two leaders under the previous order, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, not to exceed 45 minutes.

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

ORDER FOR SUSPENSION OF RULE XXII ON TUESDAY, FEBRUARY 23, UNTIL 12 O'CLOCK MERIDIAN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the operation of rule XXII on Tuesday next be suspended until 12 o'clock meridian.

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

ORDER OF BUSINESS

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

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

The 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. CHILES). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the standing rules of the Senate with respect to the limitation of debate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HANSEN. Mr. President, again this year the Senate is engaged in a long and thorough debate over its rule XXII, and the application of that rule in meeting and conducting the business of the people of the United States in the year 1971. Rule XXII has a long history of debate over the years. I would not attempt to count the number of times Members of this body have proposed that the rule be abandoned or altered in some way.

It is understandable that many Members at one time or another would desperately wish to see the rule changed to make it easier to invoke cloture. Many Senators have worked long and hard on legislation which they sincerely believe is in the best interests of this Nation and its people. They have done their homework and have worked behind the scenes to convince a majority of Senators that their favored legislation is good legislation. Then they are frustrated when this legislation on which they have worked so long and hard is met with extended debate on the floor. And because the sponsoring Senator or Senators are unable to convince two-thirds of his colleagues that the issue has had an opportunity to be thoroughly debated, and the Senate should be silenced, he sees a piece of legislation, to which he is thoroughly dedicated, die.

It is natural that in his disappointment over the failure of a piece of legislation he considers vital to this Nation he would seek to change the rules of the Senate to increase the possibility that he could successfully pursue the enactment of the legislation he favors.

However, rule XXII has an importance beyond the wishes of a majority or any arbitrary number of Senators to silence the Senate and enact into law legislation which they sincerely believe is in the best interests of the American people. Rule XXII goes to the very heart of the constitutional protections agreed upon by our Founding Fathers at the Constitutional Convention. These protections have become an integral part of our American democracy.

Mr. President, the founders of our Nation were determined to protect the rights of the minority as well as the majority of both the people and the States. While it may be argued that two-thirds was a fraction arbitrarily determined at that time, I submit that 200 years of history have made this fraction an important and successful tool in our Federal system. As I pointed out on the Senate floor several weeks ago, the Constitution requires that the Senate approve treaties by a two-thirds majority. A two-thirds majority is required to impeach a President or to expell a Member of Congress.

Changes in our Constitution require two-thirds or three-fourths agreement. Nowhere, did our Founding Fathers trust the protection of the minority or vital decisions to a three-fifths majority. Therefore, I strongly support the requirement that a two-thirds and not a three-fifths majority be required before any Senator is told that he will no longer be given the opportunity to express his views and those of the people and the State he represents on the floor of the U.S. Senate.

I sympathize with those Senators who feel that they have an idea whose time has come and that action should be taken. But I ask them to look at the broader picture before they fiddle with the rules of the U.S. Senate in an effort to grease the skids and speed the adoption of that idea and its application to all of the people of this land. I do not wish to be misunderstood, I would not wish to impugn the motives of my colleagues. I know that they are sincere in their beliefs and are eager to best serve the people of this great Nation. But I ask them to be tolerant of their colleagues and the views of other Senators. These men, too, are dedicated to the service of the United States. Patience is required if we are to exercise wisdom and enact good legislation. It is easy to be stampeded. We all are vulnerable to the passing moods of the country. But we must search for the depth of that mood. For the laws we adopt remain with us for a long time and often are difficult to change or to update.

If an idea's time has come and it is a good idea, it will be adopted under the present requirements of rule XXII. I know of no major piece of legislation which has been permanently frustrated because of rule XXII. Its course may have been made more difficult. That I would not deny. But that is good. It should be more difficult to enact legislation if there is a large group of Senators who have publicly expressed deep and concerned opposition to the adoption of that legislation.

Mr. President, in 1953, the U.S. Senate was also taking time to assess the need to make changes in rule XXII. At that time Senator Knowland of California, who gave great service in this body and is remembered for the able job he did as leader of its Republican Members, presented a paper entitled, "Senate Rules and the Senate as a Continuing Body." I would like to read from the opening of that paper which was printed as document 4 of the 83d Congress:

SENATE RULES AND THE SENATE AS A CONTINUING BODY

I

The right or privilege of extended debate in the United States Senate has been a subject of recurring controversy. Almost from the Senate's beginnings the numerous efforts to impose limitations have not been too effective. The most recent positive action to curb debate which was taken in 1949 permitted, for the first time, the invocation of cloture in all cases except that of a motion to take up a change in the Senate rules.

Critics of this 1949 amendment attack it on the grounds that (1) it may be invoked only by affirmative vote of not less than 64 Senators; and (2) that the rules themselves remain subject to amendment by simple majority vote of those present and voting, while a motion to take up an amendment to the rules can be filibustered indefinitely.

Many supporters of civil rights measures, such as FEPC, antilynch bills, anti-poll-tax bills, claim that such measures never can be passed in the Senate so long as rule XXII remains in its present form, because of the opportunities the rule still affords for filibuster by a minority. There have also been many other measures which have been successfully blocked, by extended debate of a minority, during the course of the Senate's history.

During the hearings in October 1951 before a subcommittee of the Senate Committee on Rules and Administration, various proposals were considered relative to limitation of debate in the Senate beyond that now provided in Senate Rule XXII. These included proposals to achieve cloture by vote of a constitutional majority of the Senate (S. Res. 52, by Ives and Lodge); by vote of two-thirds of the Senators present and voting (S. Res. 203, by Wherry); by majority vote of those present and voting (S. Res. 41, by Morse and Humphrey); by vote of two-thirds of the Senators present and voting to limit debate in 48 hours in case of "grave national emergency", and 15 days "on any question whatsoever," by vote of a majority of the Senators present and voting (S. Res. 105, by Lehman, Murray, Magnuson, Neely, Douglas, Humphrey, Green, Benton, Pastore, McMahon, and Kilgore).

A NOVEL ANGLE ON CHANGING SENATE RULES

At these hearings where many witnesses, including a number of Senators, testified, an interesting and somewhat different approach was suggested by Walter Reuther.

"It is our contention," he told the committee, "that the Senate is not a continuing body and therefore the Eighty-second, the Senate that sits as part of the Eighty-second Congress cannot adopt a set of rules which binds future Senate bodies, because if the Eighty-second Session of the Senate can adopt a set of rules that go on in perpetuity, it means that they are exercising an authority which they deny to a future Senate; and they can't do that." He further stated: "Now, when the Senate meets in January 1953, a Senator can stand up and say, 'Mr. Chairman, I would like to submit the following set of rules for adoption to govern the work and the proceedings of this body.' "

In a supplemental written statement Mr. Reuther spelled out his suggestion in detail, as follows:

"Proposal No. 1.—When the new Senate of the Eighty-third Congress convenes January 3, 1953, the following procedure can be adopted:

(1) After the credentials have been submitted and accepted, a Senator can rise and move the adoption of the Rules of the Senate of the Eighty-third Congress which he will then submit to the body. These rules may include a new rule XXII providing for limitation of debate by majority vote. He may state, in making his submission, that there are no existing rules of the Senate because the rules of one Senate cannot bind a succeeding Senate. Also, he may point out that, until adoption of rules, there is no committee to which his motion can be referred.

(2) It can be expected that a point of order will be made that the motion is out of order since, it will be contended, there are existing rules which can only be amended as provided through the present rules.

(3) The President of the Senate must rule on this point of order.

"(4) His ruling, if he rejects the point of order," is subject to an appeal. Under general parliamentary rules, which would be in effect during the period prior to the adoption of specific rules, the appeal can be debated, although most parliamentary authorities limit the debate to one speech by each person.

"Should the minority group attempt to turn the debate on the appeal from the ruling of the Chair into a filibuster, the debate can be cut off either by a motion to lay on the table or by moving the previous question. A majority vote in favor of the motion to table would operate to affirm the Chair's ruling. A majority vote in favor of the call for the previous question would permit an immediate vote on the appeal.

"(5) If the ruling of the Chair is sustained by a majority vote, the Senate will be able to adopt rules for the Senate of the Eighty-third Congress by regular parliamentary procedure of majority vote. If a filibuster should be attempted at this point, it can again be dealt with by the parliamentary device of moving the previous question outlined in step 4, above. It is significant that the Speaker of the House, at the time of an attempt to prevent the adoption of rules by repeated dilatory motions, ruled that he would refuse to recognize Members attempting these delaying tactics as they were interfering with the constitutional right of the House to determine its rules (Cannon, Precedents, vol. 5, secs. 5706, 5707)."

Mr. Reuther also submitted a brief in support of his claims that the Senate is not a continuing body, that its rules are not continuing and, therefore, new rules may be adopted (or old rules amended, rule XXII to the contrary notwithstanding) by a simple majority vote of the Senate.

Statements made by Senators Benton, Lehman, and Humphrey during the course of the hearings appear to be in agreement with these claims. In the Senate report to Senate Resolution 203 are found the views of Senator Benton and Senator Green, as follows:

"Subsection 3 of rule XXII should not be allowed to bind this Senate and all future Senates by perpetuating the right to filibuster against any motion to change any rule of the Senate. Such a right, written into the rules only in 1949 and in spite of the warning and protest of Vice President Barkley, violates the great tradition which the Senate has always followed. We deny the right of any past Senate so to tie the hands of this or any future Senate. The Senate by acquiescence accepts the rules of each previous Senate as the rules of the current Senate, but nowhere in such a procedure can there be found any excuse for the gag rule which subsection 3 imposes.

"Many compelling arguments were presented to the committee in support of majority cloture at any and all times. The hearings have been printed and we recommend their study to our colleagues in the Senate."

Various newspaper stories and articles have appeared in recent weeks stating the possibility that when the Eighty-third Congress assembles in January 1953, some Senator will rise on the Senate floor "almost as soon as the chamber is convened and move adoption of all the rules that governed the Senate of the preceding Congress except rule XXII."

This discussion deals with a consideration of the possibilities suggested from the foregoing that may thus be presented shortly after the Senate convenes in January. Could it mean, for example, an end to filibustering in the Senate by a simple majority vote, by vote of 25 Senators present and voting?

The issue of whether the Senate is a continuing body, or whether its rules are continuing, obviously is subject to being strongly colored by the issues involved in any consideration of the pros and cons of extended debate and efforts to curb it—the civil rights issue, the individual prerogatives of Senators, and the like. So far as practicable, however, this discussion will be limited to the constitutional and policy questions directed to the continuity of the Senate and of its rules, from Congress to Congress. These questions will be considered within the framework of the following issues:

I. Was the Senate established as or intended to be a continuing body? What does the Constitution provide? What did the founding fathers say?

II. Even if issue I is answered in the affirmative can the Senate, notwithstanding, determine it is not to have continuing rules?

III. Should the Senate so determine?

Preliminarily, this much can be stated: That precedent overwhelmingly is against the propositions (*a*) that the Senate is not a continuing body and (*b*) that its rules are not continuing.

Further in evidence of the support of this position, let me quote from some of the constitutional provisions:

(A) CONSTITUTIONAL PROVISIONS

Article I, section 3, provides for rotation of one-third of the Senate every 2 years. This

provision has been compared with the requirement in the Constitution for biennial election of all House Members. Unlike the case of the House of Representatives, the plan of rotation every 2 years has resulted, ever since the Senate organized for the first time in 1789, in there always being more than a majority of sitting Senators. The Senate has thus always been able "to do business," since it always has had a quorum as required by the Constitution.

Other provisions of the Constitution cited to establish that the Senate is an always organized body include (a) those dealing with the office of the Vice President and the President pro tempore; (b) those establishing the Senate's executive functions, as distinguished from its legislative functions; (c) the power of the President "on extraordinary Occasions, [to] convene both Houses, or either of them * * *"; (d) the limiting proviso in article V (which deals with amending the Constitution), as follows: "* * * no State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

(B) THE INTENT OF THE FOUNDING FATHERS

The Constitutional Convention of 1787 had before it various alternatives with respect to the powers, duties, and composition of the Senate, as well as the manner of selection and tenure of office of its members. The agreements which were finally reached on these alternatives appear in varying degrees to have a general bearing on the subject of this discussion. These details were expanded upon at length by the authors of The Federalist, Messrs. Hamilton, Madison, and Jay. Typical of their comments are the following:

In The Federalist, No. 62, James Madison (or Alexander Hamilton) wrote:

"The necessity of a senate is not less indicated by the propensity of all single and numerous assemblies, to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions. Examples on this subject might be cited without number; and from proceedings within the United States, as well as from the history of other nations. But a position that will not be contradicted, need not be proved. All that need be remarked, is, that a body which is to correct this infirmity, ought itself to be free from it, and consequently ought to be less numerous. It ought, moreover, to possess great firmness, and consequently ought to hold its authority by a tenure of considerable duration. * * *

"The mutability in the public councils, arising from a rapid succession of new members, however qualified they may be, points out, in the strongest manner, the necessity of some stable institution in the government. Every new election in the states, is found to change one half of the representatives. From this change of men must proceed a change of opinions; and from a change of opinions, a change of measures. But a continual change even of good measures is inconsistent with every rule of prudence, and every prospect of success. The remark is verified in private life, and becomes more just, as well as more important in national transactions. * * *

"To trace the mischievous effects of a mutable government, would fill a volume. I will hint a few only, each of which will be perceived to be a source of innumerable others.

"In the first place, it forfeits the respect and confidence of other nations, and all the advantages connected with national character. * * * The internal effects of a mutable policy are still more calamitous. It poisons the blessing of liberty itself. * * *"

Also, in The Federalist, No. 63, Madison or Hamilton wrote as follows:

"Yet however requisite a sense of national character may be, it is evident that it can never be sufficiently possessed by a numerous and changeable body. It can only be found in a number so small that a sensible degree of the praise and blame of public measures may be the portion of each individual; or in an assembly so durably invested with public trust, that the pride and consequence of its members may be sensibly incorporated with the reputation and prosperity of the community. The half-yearly representatives of Rhode Island, would probably have been little affected in their deliberations on the iniquitous measures of that state, by arguments drawn from the light in which such measures would be viewed by foreign nations, or even by the sister states; whilst it can scarcely be doubted that if the concurrence of a select and stable body had been necessary, a regard to national character alone would have prevented the calamities under which that misguided people is now laboring.

I add, as a sixth defect, the want in some important cases of a due responsibility in the government to the people, arising from that frequency of elections, which in other cases produces this responsibility. The remark will, perhaps, appear not only new, but paradoxical. It must nevertheless be acknowledged, when explained, to be as undeniable as it is important.

Responsibility, in order to be reasonable, must be limited to objects within the power of the responsible party; and in order to be effectual, must relate to operations of that power, of which a ready and proper judgment can be formed by the constituents. The objects of government may be divided into two general classes: the one depending on measures which have singly an immediate and sensible operation; the other depending on a succession of well-chosen and well-connected measures, which have a gradual and perhaps unobserved operation. The importance of the latter description to the collective and permanent welfare of every country, needs no explanation. And yet it is evident, that an assembly elected for so short a term as to be unable to provide more than one or two links in a chain of measures, on which the general welfare may essentially depend, ought not to be answerable for the final result any more than a steward or tenant, engaged for one year, could be justly made to answer for plans or improvements which could not be accomplished in less than half a dozen years. Nor is it possible for the people to estimate the share of influence which their annual assemblies may respectively have on events resulting from the mixed transactions of several years. It is sufficiently difficult, to preserve a personal responsibility in the members of a numerous body, for such acts of the body as have an immediate, detached, and palpable operation on its constituents.

The proper remedy for this defect must be an additional body in the legislative department, which having sufficient permanency to provide for such objects as require a continued attention, and a train of measures, may be justly and effectually answerable for the attainment of those objects."

The Federalist, No. 64, by John Jay, concerns itself with the Senate and treaty-making. The following, on the permanency of the Senate, is quoted from that paper:

"Although the absolute necessity of system, in the conduct of any business, is universally known and acknowledged, yet the high importance of it in national affairs, has not yet become sufficiently impressed on the public mind. They who wish to commit the power under consideration to a popular assembly, composed of members constantly coming and going in quick succession, seem not to recollect, thus such a body must necessarily be inadequate to the attainment of those great objects, which require to be steadily contemplated in all their relations and circumstances and which can only be approached and achieved by measures, which not only talents, but also exact information, and often much time, are necessary to concert and to execute. It was wise therefore, in convention to provide, not only that the power of making treaties should be committed to able and honest men, but also that they should continue in place a sufficient time to become perfectly acquainted with our national concerns, and to form and introduce a system for the management of them. The duration prescribed is such as will give them an oportunity of greatly extending their political information, and of rendering their accumulating experience more and more beneficial to their country. Nor has the convention discovered less prudence, in providing for the frequent elections of senators in such a way, as to obviate the inconvenience of periodically transferring those great affairs entirely to new men: for by leaving a considerable residue of the old ones in place, uniformity and order, as well as a constant succession of official information, will be preserved."

In The Federalist, No. 59, Alexander Hamilton commented on the regulation of elections of both Senators and Representatives. He stated:

"It may be easily discerned also, that the national government would run a much greater risk, from a power in the state legislatures over the elections of its house of representatives, than from their power of appointing the members of its senate. The senators are to be chosen for the period of six years; there is to be a rotation, by which the seats of a third part of them are to be vacated, and replenished every two years; and no state is to be entitled to more than two senators; a quorum of the body, is to consist of sixteen members. The joint result of these circumstances would be, that a temporary combination of a few states, to intermit the appointment of senators, could neither annul the existence, nor impair the activity of the body; and it is not from a general and permanent combination of the states, that we can have any thing to fear. The first might proceed from sinister designs in the leading members of a few of the state legislatures; the last would suppose a fixed and rooted disaffection in the great body of the people; which will either never exist at all or will, in all probability, proceed from an experience of the inaptitude of the general government to the advancement of their happiness in which event no good citizen could desire its continuance.

"But with regard to the federal house of representatives, there is intended to be a general election of members once in two years. If the state legislatures were to be invested with an exclusive power of regulating these elections, every period of making them would be a delicate crisis in the national situation, which might issue in a dissolution of the union, if the leaders of a few of the most important states should have entered into a previous conspiracy to prevent an election."

It is clear that there was strong support for changing rule XXII in 1953. There was a serious effort to look into the question and make a proper resolution of the matter. The Senate Committee on Rules and Administration held hearings of the subject in October of 1951, and the passages I read previously indicate the broad participation in those hearings and the many alternatives which were proposed to the two-thirds requirement of rule XXII.

Many of the Senators who participated actively in the hearings and debate in 1951 and 1953 are still Members of the Senate and are participating in the debate in which we are presently engaged. They, I am sure, will appreciate how difficult it was to envision the legislation which would be adopted over the next 20 years in spite of the fact that rule XXII was not changed and a two-thirds majority would be required throughout that time to invoke cloture.

Senate document 4, prepared in 1953, stated:

> Many supporters of civil rights measures, such as FEPC, anti-lynch bills, anti-poll-tax bills, claim that such measures never can be passed in the Senate so long as Rule XXII remains in its form, because of the opportunities the rule still affords for filibuster by a minority. There have also been many other measures which have been successfully blocked, by extended debate of a minority, during the course of the Senate's history.

At that time it was proposed that the rule must be changed to permit cloture to be invoked by a two-thirds majority.

Now, I am sure that many Members of the Senate in 1953 sincerely believed that enactment of civil rights legislation would be impossible under the two-thirds requirement of rule XXII. But let us look at the history of the last 20 years. President Eisenhower proposed and Congress enacted the first major civil rights legislation since the reconstruction, during the second term of Eisenhower's Presidency. The 1960's saw the adoption of several civil rights laws covering housing, voting rights, and so forth. All of this was accomplished even though rule XXII of the Rules of the United States Senate required a two-thirds majority to invoke cloture.

Many may criticize the time it took for the enactment of these measures. But I submit that the time is well spent if it provides a check to prevent the enactment of repressive legislation spurred on by the heat of the public temper of the moment. There are times of public outrage. Many times one region of the country may be particularly upset. It may be a populous region. But when tempers have had a chance to cool, it is learned that solutions may be found; that we can work together as brothers; that we are one nation.

Rule XXII prevents the enactment of legislation without judicious consideration. It gives us the breathing space we need. It protects those who happen to be in the minority at the moment. It helps protect one region from domination by others. And this is what our forefathers were thinking about. A major concern of the States as they entered into the union was protection from the domination of the more populous States. This should not be of any less concern to us today.

We can look to Western Europe, which is taking the first painful steps toward cooperative union. A prime concern is the protection of the minority from domination by the majority. While this country has a sense of national identification which the European Common Market lacks, we must be just as careful to protect the minority view which exists within our Nation. This has been a cornerstone of the success of our democracy.

Let us remember that Senators are not unreasonable men. They can be counted on to act in the best interests of the people. While oftentimes it appears that the Senate could conduct the business of the Nation in a more efficient manner—and I am sure that in many ways that could be done—the protection provided to the people under rule XXII cannot be blamed for the inefficiencies of the Senate any more than bureaucratic inefficiencies can be blamed on the checks and balances provided by our bicameral legislative system or the division of powers between the legislative and the executive branches of the Government.

Rule XXII does not require a two-thirds majority to enact legislation before the Senate. Legislation is still enacted by a majority vote of the members. There is majority rule. Rule XXII simply requires that two-thirds of the Senate agree that the legislation has been debated thoroughly and sufficiently to present all of the information and views necessary to decide the question in a manner which is fair and equitable to all of the people in this Nation. The distinction often is lost in the shuffle when the debate on rule XXII is reported in the news media. A Senator who may be opposed to the certain piece of legislation will nevertheless vote to invoke cloture when he has determined that there has been sufficient debate to decide the question and therefore his colleagues who still wish to express their views on the subject should be silenced.

In this manner, rule XXII prevents the forces of extremism from grasping an opportune moment to mold the Government of the United States in their own extreme views. William S. White has said:

> And those who mock the Institution . . . might recall that the public is not always right all at once and that it is perhaps not too bad to have one place in which matters can be examined at leisure, even if a leisure uncomfortably prolonged. Those who denounce the filibuster . . . might recall that the weapon had more than one blade and that today's pleading minority could become tomorrow's arrogant majority.

We all are very sensitive to the manner in which Hitler was able to whip up the emotions of the people of Nazi Germany. We find it difficult that such a state of affairs could ever exist in our own country. And I personally have the faith in the American people to believe that they would never fall victim to such demagoguery.

But here, again, the protection afforded by rule XXII offers the comfort of knowing that it would be extremely difficult to override a dedicated and vocal minority opposing such extremism. And we must not be too smug in our own good fortune; for in the United States today we hear of words such as "backlash" to describe the deep emotions of some toward the actions of others. We would never want to find ourselves in the position of legislating by majority backlash rather than through the wisdom and counsel developed by open and free debate.

Mr. President (Mr. BROCK), much attention in recent years has been focused on the power of the mass media in our Nation. I do not believe that there is a Member of the Senate who does not acknowledge the importance of television in this day and age and the power which it has to reach the American people. The medium has been used by business and industry to sell their products to the consumer. It is used by schools and colleges to teach their students. It is used by the communications industry to inform the people of the world around them. It is used by politicians such as ourselves to explain our positions to the people.

Television is a vital political force in our Nation today. There is little doubt of this. Some have criticized the last several Presidents, saying that they have taken unfair advantage of their access to television to sell the views of their administrations to the public and to develop pressure to move these measures through Congress. Last year, we saw television commercials as cleverly devised as any cigarette commercial urging the public to support a particular measure then before the Senate on the subject of the war in Southeast Asia.

When television is used in this manner to communicate a particular side of a question to the public, it is possible that many members of the public will make up their minds on the questions without being fully aware of the arguments on the other side of the question. The advantage to rule XXII is that Senators who have an opportunity to fully inform themselves on a particular question are given the opportunity to express these views in an effort to inform the public of all of the issues involved and to sway their colleagues to their own views. After full debate of a question in the U.S. Senate, it is much more likely that the general public will be fully aware of all of the facts.

If an effort is made to invoke cloture in the Senate and that effort fails, it is usually a matter of national attention. The reporting of this event, often gives the Members of the Senate on both sides of the question an opportunity to express their views in a broader forum and it is possible to develop new public sentiment for one's particular position. This cannot be said to be a bad thing. It is one of the advantages of the two-thirds requirement of rule XXII. I would not want to see that advantage destroyed.

The enlightened and informed debate which takes place under rule XXII, as it is now written, prevents advertising and other such devices from playing an undue role in determining the policy and laws of the United States. It adds to the checks and balances we have developed and consider so important to our system. It aids the definition between the powers of the Presidency and those of the Congress. It is impossible for the House of Representatives, because of its size, to engage in the unlimited debate which is possible in the Senate. Therefore it is important for the Senate to preserve the opportunity which it has given to a minority of one-third to force government and the people to stop, listen, and take notice of their position and their views. Even the President must sit down and make his peace with such a minority.

This has not had a detrimental effect on the Nation. It has permitted us to follow a balanced course which has been acceptable to the great majority of the American people. For if legislation is enacted with the time and thoughtfulness which is afforded by rule XXII, then it has the understanding and support of a broad enough spectrum of the people of this Nation to permit the legislation to be implemented effectively. And, after all, this is what we seek to accomplish in our democracy.

Mr. President, in closing, I would like to read a column which appeared in the Washington Post on February 17, entitled "Shouting Back, Not Shutting Up." This commentary was written by Nicholas von Hoffman, with whom many of my colleagues are familiar.

Mr. von Hoffman has done a fine job of expressing many of the reasons why rule XXII should not be changed, and I find myself agreeing with those reasons. I must admit that I strongly disagree with the manner in which Mr. von Hoffman often chooses to express himself. For I find it very difficult to respect a person who often shows little respect or tolerance for other people and their views.

Mr. von Hoffman often leaves the impression of disdain for certain individuals and institutions in who I have great respect. Nevertheless, this particular commentary is notable for its recognition of the benefits resulting from the two-thirds majority requirement of rule XXII for invoking cloture. Therefore, I wish to read the commentary at this time:

Tomorrow the Senate liberals will have another go at making it easier to kill off a filibuster. They've been trying for 20 years, but they may get it this time because the President is on their side, and that ought to make them wonder how good an idea knocking out the old filibuster is.

The White House contends that without the filibuster the Senate can do its work "more promptly and expeditiously." Congress, and especially the Senate has of late been much taxed with being inefficient and old-fashioned, a thick-sapped institution in an age of speed and transistorized judgments.

The Senate's job isn't speed or neat dispatch, but wisdom, and these elements don't always go together. In legislation part of wisdom is delay and procrastination, knowing how not to get swept off your feet, how to temporize because it's better to be late than sorry.

Stalling around and pulling on its beard and not being hasty as an aspect of the Senate that pre-dates its coming into existence. During the Constitutional Convention of 1787, James Madison argued on the floor that the first purpose of the Senate was "to protect the people against their rulers; secondly to protect the people against the transient impressions into which they themselves might be led . . . They themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous counsels . . . How is the danger in all cases of interested coalitions to oppress the minority to be guarded against? Among other means by the establishment of a body in the government sufficiently respectable for its wisdom and virtue, to aid on such emergencies, the preponderance of justice by throwing its weight into that scale."

The Senate hasn't often lived up to Madison's hopes for it, but it has sometimes, and one of the ways it does is through the filibuster. A lone, filibustering senator, if he's got the guts, may be able to make the whole country think twice before it's carried off by enthusiasm or hysteria.

Because of the South's use of the device to fight down civil rights legislation the filibuster may now have too bad a name to save it. People forget that the filibuster didn't prevent the passage of the great civil rights acts legislation of the '60s. It delayed them. In this way it acted like the temporary veto in the English House of Lords; in effect the filibuster asked the country, "Hey, did you really mean it with this civil rights legislation?"

That angered a lot of people who wanted the civil rights laws on the books immediately, people who had no patience with the Southern contention that much of this legislation was unconstitutional. Since then the courts have said they are constitutional, but even so they were a sharp departure from past practice . . . such things as taking away the freedom to refuse to rent, sell or service people because of their race or religion.

These aren't the kind of laws that should be passed with a 51 per cent majority. They are too important to slip into passage by seven or eight votes. The Senate's famous rule XXII requires a two-thirds vote to break a filibuster, and that's the kind of numbers needed so ensure such important laws have a chance of being enforced. The Reconstruction Congress passed all kinds of civil rights legislation that was not only ignored but literally forgotten. There just wasn't enough steam behind them to do more than pass them so that they became a kind of legislative tokenism.

But the filibuster and civil rights is history. Nixon certainly doesn't want to weaken the filibuster in order to pass a new civil rights act. He's concerned about such matters as the anti-ballistic missile, the draft and the SST. A Northern liberal can use the device as well as a Southern reactionary, and in the next couple of years the Northerners are going to need it more than the Southerners.

The big winner in the cutting down of the filibuster will be the White House, which will need to twist fewer senatorial arms to get what it wants passed. That's why Nixon's for it, and it's why everyone who wants to see congressional power diminished should be for it.

Killing the filibuster is presented as a reform measure. Words like modernize and expedite are used when talking about it. As if the Senate is old-fashioned because the senators talk too much. The problem is that half the time the senators don't know what they're talking about, and eliminating the filibuster isn't going to cure that. What might help, what might be a true modernization would be if the congressional research and information gathering facilities were significantly enlarged. The legislative branch is dangerously dependent on the executive for too much of what it knows.

Minor mechanical adjustment in the rules isn't going to make a better Congress. This is so of the filibuster, and of the furor over the seniority system. Those old coots run things, not because of the rules, but because the good guys don't have enough votes. When they do have the votes seniority doesn't matter.

You can see that in the case of Congressman John L. McMillan, the superannuatedly impossible gent from South Carolina who chairs the House District of Columbia Committee. The liberals had a chance to vote him out but they didn't have the numbers; then later, they were able to clip his power in the committee because they constitute a majority.

The last 50 years ought to have schooled us to watch out for reforms that promise us business-like procedures by strengthening centralized power. The problem isn't to get Congress to shut up but to get them to shout back.

Mr. President, that concludes the commentary by Nicholas von Hoffman. I would like next to read, if I may, from quotations that have been put together by the distinguished Senator from North Carolina (Mr. ERVIN). I think they are particularly timely now.

The quotations are as follows:

The filibuster under the present rules of the Senate conforms with the essential spirit of the American Constitution, and it is one of the very strongest practical guarantees we have for preserving the rights which are in the Constitution. (Walter Lippmann "The Essential Lippmann.")

Of those who clamor against the Senate, and its methods of procedure, it may truly be said: "They know not what they do." In this chamber alone are preserved, without restraint, two essentials of wise legislation and of good government—the right of amendment and of debate. Great evils often result from hasty legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgment, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact the time-honored parliamentary methods and amenities which unfailingly secure action after deliberation—possesses in our scheme of government a value which cannot be measured by words. (Adlai E. Stevenson, Vice President of the United States, speech upon leaving office).

Unlimited debate is a rarity among national legislatures, and the glory of the United States Senate. (Prof. Raymond Wolfinger, "Readings on Congress").

As the much vaunted separation of powers now exists, unrestricted debate in the Senate is the only check upon presidential and party autocracy. The devices that the framers of the Constitution so meticulously set up would be ineffective without the safeguard of senatorial minority action. . . . Abolish cloture and the Senate will gradually sink to the level of the House of Representatives where there is less deliberation and debate than in any other legislative assembly. (Prof. Lindsay Rodgers, "The American Senate".)

Obviously, the Senators, who are 100 well-educated, well-informed, and rather 'liberal' men . . . see something exceedingly valuable to their corporate and individual status in the privilege of unrestrained debate. That value is the right to resist in a most public manner policies that a President desires. . . . (In the Senate) the notorious filibuster stands as an insufferable bar to presidential ambitions. (Prof. Alfred de Grazia, "Republic in Crisis.")

The Senate's opportunity for open and unrestricted discussion and its simple comparatively unencumbered forms of procedure, unquestionably enable it to fulfill with very considerable success its high functions as a chamber of revision. (Woodrow Wilson, in his doctoral thesis "Congressional Government," written impartially before he was stricken by "presidential ambitions").

And those who mock the Institution . . . might recall that the public is not always right all at once and that it is perhaps not too bad to have one place in which matters can be examined at leisure, even if a leisure uncomfortably prolonged. Those who denounce the filibuster . . . might recall that the weapon has more than one blade and that today's pleading minority could become tomorrow's arrogant majority. (William S. White, "Citadel").

If I were to teach again a course in government, I would say if you really want to know the kind of manners and rules of conduct that you ought to have to assure the meaning of the First Amendment, particularly, as it comes to free speech, and the rights to redress for your grievances, the freedom of the press, the freedom to assemble . . . the Senate of the United States represents that in its fullest measure. And in that alone, it's worthwhile. If nothing else, that would make it a very worthwhile American institution. (Hubert Humphrey, U.S. Senator and Former Vice President NBC–TV Interview, January, 1971).

Many of the wise men who have served in the Senate have come to believe that it is important that there should be one place in the legislative journey where the opportunity for discussion is unfettered. They have found that this has not in the end prevented any decisions persistently wanted by the people, but on the other hand has stood in the way

of much action that the country has come to conclude would have been unwise. (Hon. Robert Luce, "Congress: An Explanation").

The ability of any Senator to speak for as long as he chooses is one of the most sacred of the institutions of the Senate and distinguishes it quite sharply from the House of Representatives, or, indeed, any other legislative body in the world. (Prof. Lewis Froman, Jr., "The Congressional Process").

If ever the free institutions of America are destroyed, that event may be attributed to the omnipotence of the majority. . . . Of all the political institutions, the legislature is the one that is most easily swayed by the will of the majority. . . . I am not so much alarmed at the excessive liberty which reigns in that country as at the inadequate securities which one finds there against tyranny. (Alexis De Tocqueville, "Democracy in America").

His book was written more than 100 years ago.

Mr. President, I have one additional quotation:

The most significant difference . . . between the House of Representatives and the Senate is to be found in the provisions of limited debate in the House and unlimited debate in the Senate. (Prof. Ernst Fraenkel, Free University of Berlin "American System of Government.")

Mr. President, many persons have questioned the right or the wisdom of the right of the Senate to debate at length issues which come before it from time to time. I think one of the best summaries of the wisdom and the reasons for extended debate has been assembled by the Library of Congress. In the summary it is stated:

ARGUMENTS FOR FILIBUSTERING

1. Minorities have rights which no majority should override. Government is constituted to protect minorities against majorities. Obstruction is justifiable as a means of preventing a majority from trampling upon minority rights until a broad political consensus has developed.

2. A Senate majority does not necessarily represent a consensus of the people or even of the states. Frequently popular opinion upon a question has not been formulated or, if it has been, it is often not effectively expressed. Prolonged debate may prevent hasty majority action which would be out of harmony with genuine popular consensus.

3. It is the special duty of the Senate, sitting in an appellate capacity carefully to inspect proposed legislation, a duty not readily performed without freedom of debate. In our system of government, where legislation can be gaveled through the House of Representatives at breakneck speed with only scanty debate under special rules framed by a partisan committee, it is essential that one place be left for thorough-going debate.

4. Filibusters really do not prevent needed legislation, because nearly every important measure defeated by filibuster has been enacted later. With rare exception no really meritorious measure has been permanently defeated and some vicious proposals have been killed. The filibuster has killed more bad bills than good ones.

5. It is the unique function of the Senate to act as a check upon the Executive, a responsibility it could not perform without full freedom of debate. Unrestricted debate in the Senate is the only check upon presidential and party autocracy. It is justified by the nature of our governmental system of separated powers.

6. The constitutional requirement for recording the yeas and nays is a protection of dilatory tactics. The provision of the Constitution which requires the yeas and nays to be recorded in the Journal at the desire of one-fifth of the Members present is an intentional safeguard allowing the minority to delay proceedings.

7. Majority cloture in the Senate would destroy its deliberative function and make it a mere annex of the House of Representatives.

8. Simple majority cloture would have brought many a decision which would have accorded ill with the sober second thought of the American people.

9. The Senate, without majority cloture, actually passes a larger percentage of bills introduced in that body than does the House of Representatives, with cloture.

10. To enforce cloture by vote of a chance majority in the Senate might bring greater loss than gain.

11. Filibusters are justifiable whenever a great, vital, fundamental, constitutional question is presented and a majority is trying to override the organic law of the United States. Under such circumstances, Senators as ambassadors of the states in Congress, have a duty to protect the rights of the states.

Mr. BYRD of Virginia. Mr. President, will the Senator yield without losing his right to the floor?

Mr. HANSEN. I yield to the Senator from Virginia with the understanding that I do not lose my right to the floor.

Mr. BYRD of Virginia. Mr. President, first I wish to express my admiration for the Senator from Wyoming. This admiration extends not only to the speech which he is delivering on the floor of the Senate today, but far more than that, it is my admiration for CLIFFORD HANSEN as a man. During the time that I have served in legislative bodies I have never served with an individual for whom I have a higher regard than I do for the distinguished former Governor of Wyoming who is now so ably serving that State as its U.S. Senator. Not being a citizen of Wyoming I cannot speak as a constituent of Senator HANSEN, but as a citizen of the United States I express the hope on the floor of the Senate today that the people of his great State, the people of Wyoming, will keep CLIFFORD HANSEN in the Senate for many, many years.

Now, Mr. President, the distinguished and able Senator from Wyoming read an interesting commentary by Mr. Nicholas von Hoffman. I found the commentary, which the Senator from Wyoming has had printed in the RECORD, a most interesting one. I might say I feel Mr. von Hoffman, with whom I assume I am not in ideological agreement, sums up the situation very accurately as it affects changing the rules of the Senate.

Mr. von Hoffman, who I assume is a dedicated liberal, to use that term again, states that Mr. Nixon is "concerned about such matters as the antiballistic missile, the draft, and the SST." Then, he states:

A northern liberal can use the device as well as a southern reactionary, and in the next couple of years the northerners are going to need it more than the southerners.

I am inclined to agree with that statement. I assume Mr. von Hoffman would consider the Senator from Virginia a southern reactionary. Well, I have been in public life for 23 years and during the course of nine elections I have been called many names worse than "southern reactionary" so I am not particularly concerned about that description. But I do believe it is correct that the northerners are going to need it more than the southerners in the next few years. By that statement Mr. von Hoffman means the right of extended debate on the floor of the Senate.

I think that is correct and I am willing to stand on the floor of the Senate and fight for the right of northern liberals to have the protection of rule XXII which permits extended debate on these matters affecting our Nation. I think Mr. von Hoffman is correct in his assertion that civil rights is history. There is not much more that can be done in the civil rights field. Every conceivable and imaginable piece of legislation having to do with civil rights has already been enacted. The great issues that will face the Senate in the next few years, as I see it, will deal with foreign policy, matters like the SST, or matters like the antiballistic missile system, and with military appropriations. I think in those great matters affecting our Nation, the war in Southeast Asia, for example, there should be procedures in the Government of the United States whereby these matters can be fully and adequately debated.

So I am willing—not only willing, but eager—to preserve for the northern liberals, as Mr. von Hoffman calls them, the right that Mr. von Hoffman foresees they will need as the years go by—the right of extended debate on matters which will be of particular concern and interest to those of that political philosophy.

Mr. President, I note that the distinguished Senator from Wyoming read a quotation from William S. White's book, the "Citadel." I happen to know Bill White very well. I know him as a newspaper colleague. I know him as one of the outstanding journalists of all time. I think he is an excellent columnist. Prior to that, he was a long-time reporter for the New York Times. Through the years, going back many, many years, William S. White has taken a keen interest in the Senate as an institution. I know of no particular individual, unless it be Jack Bell, former chief correspondent of the Associated Press, who is now with another news service, who has devoted the time to, and the study of, the Senate as an institution as has Bill White. I was impressed with the quotation which the Senator from Wyoming read, and if the Senator from Wyoming will permit me, I would like to read again that statement by William S. White. I begin the quotation now:

And those who mock the Institution . . . might recall that the public is not always right all at once and that it is perhaps not too bad to have one place in which matters can be examined at leisure, even if a leisure uncomfortably prolonged. Those who denounce the filibuster . . . might recall that the weapon has more than one blade and that today's pleading minority could become tomorrow's arrogant majority.

That is what concerns me, Mr. President, and I am sure what concerns the distinguished and able Senator from Wyoming—that, regardless of who might be in the minority—and no one of us knows from year to year what group or what cause may be in a minority position—the minority should have the right

to be protected from the tyranny of the majority.

From listening to some of the debate on the floor, one would think that there is no provision for shutting off debate in the Senate. Mr. President, there is a provision for shutting off debate in the Senate. Whenever a sufficient number of Senators, whenever two-thirds of the Senators present and voting, want to bring a matter to a vote, there is a provision in rule XXII to do just that. If there were no provision in the Senate for shutting off debate, if there were no provision in the Senate rules to bring an extended debate or filibuster to a close, then I would favor writing such a provision in the rules. But in 1917 the Senate itself wrote into the rules the provision that two-thirds of the Senators can, at any time they so desire, bring debate to a close. I feel that is an appropriate rule. I believe to change that rule, to relax it, would be very unwise.

The proposal which is being currently considered would provide that, instead of a two-thirds vote being required to close debate, debate could be brought to a close by 60 percent of Senators present and voting—a three-fifths provision. I think that would merely lead, in time, to majority cloture.

The distinguished Senator from Wyoming quoted Prof. Ernst Fraenkel, of the Free University of Berlin, in his book "American System of Government." Professor Fraenkel points out that:

> The most significant difference . . . between the House of Representatives and the Senate is to be found in the provisions of limited debate in the House and unlimited debate in the Senate.

Mr. President, there must be some forum—there should be some forum—under the American system of government where there should be unlimited debate, until such time as two-thirds of the Senators feel that debate has gone on long enough and should be shut off.

I submit that the Senate already has in its rules such a provision. Any time two-thirds of the Senators present and voting wish to shut off debate, they may do so.

I may say that the Senate just yesterday voted on this question, and the motion to shut off debate failed by nine votes. The very fact that there was a vote held yesterday to shut off debate emphasizes that the rules of the Senate do provide that, when a sufficient number of Senators feel debate has gone on long enough, the debate can be brought to a close and a vote taken on the pending question.

Again I want to say that I think the Senator from Wyoming is rendering a very splendid service to the Senate in calling attention today, in the very provocative speech he is making on the floor of the Senate, to the importance of preserving rule XXII in its present form.

I thank the distinguished Senator from Wyoming for yielding.

Mr. HANSEN. I thank my distinguished colleague from Virginia for his very kind and generous remarks.

The ability, career, and experience of Senators exemplified by my colleague from Virginia certainly cause me to reflect on the great privileges of serving in this body. I think few accolades are given to individual Senators as the one that was evidenced by the people of the great State of Virginia last fall when they chose HARRY BYRD to continue to represent them in the U.S. Senate. The significance of that particular display of confidence, respect, and esteem, in the outpouring and regard shown throughout the entire State of Virginia, was exemplified by the fact that there was a rather unusual circumstance insofar as party affiliation was concerned. Nevertheless, HARRY BYRD is a Member of this very important body today because he has given the kind of representation to his great State and to the United States which fully accords with the views of the majority of the people whom he represents.

As a consequence, I take even greater satisfaction in the very kind remarks he has just made.

I would say, Mr. President, that I think the distinguished Senator from Virginia has touched on a number of points that are extremely important, that ought to be pondered by Members of this body. It seems to me that when we reflect upon the beginning of this country as a Nation, we are reminded of the fact that a good many of the people who migrated to America did so because they did not find an opportunity in those countries from which they came to do things, to believe, to express their thoughts, and to worship as they chose. They came here because, in most instances, they were part of minority groups. They came to the new world, to America, and they and their sons and daughters helped found this great country.

Implicit in their thoughts and in all of the great documents that form that great heritage which belongs to all Americans is the underlying idea that the opinions of those in the minority are important. The Constitution provides specifically, in the Bill of Rights, that there are certain things that the Government cannot do; that the right to freedom of speech shall not be abridged, nor of worship, nor of the press, with all the other rights that were very much in the minds of the framers of the Constitution, that were considered to be of such surpassing consequence and significance as to warrant their inclusion in that important document.

The presumption of innocence is another right that is not universally recognized at all, but it is a part of our system of jurisprudence in this country that we must prove beyond a reasonable doubt that the accused is guilty, otherwise he is presumed to be innocent.

I think of the civil rights legislation that has been passed during the few years I have been a Member of this body as a perfect example of the wisdom of unlimited debate. All of us, all Americans, were concerned with trying to extend certain rights, certain principles to all people; and yet there was a small majority, I do not know how many but at least a majority, who felt that the 1967 Civil Rights Act should be dedicated exclusively and solely to the principle that there were people in this country, and there were minority groups, whose rights were at times abridged. This majority, at that moment, was not concerned with the necessity for recognizing that while we want to accord every person an opportunity for the full exercise and enjoyment of his rights, there are at the same time certain responsibilities that must be assumed likewise; and because of the fact that there was unlimited debate in the U.S. Senate, that Civil Rights Act of 1967 was considered in greater depth than would otherwise have occurred, and there were important amendments made to it. I think those amendments make it a far better law than it would have been otherwise.

For instance, I am sure most of us would agree that for a person to go about the country encouraging people to burn down and destroy public buildings, to set fire to and bomb schools, or to drop bombs in theaters or in places where the public gathers, is certainly acting in a very unreasonable and unjustifiable manner; and yet there was nothing in the civil rights law of 1967 that said a word about this, as it was first perceived and discussed.

It was only after the persons who wanted to put this important landmark legislation on the books had permitted an attempt to make an accommodation with other equally persuaded and equally dedicated men and women in the Senate that we got some additions to the first draft of that bill that made it a far better bill.

I am pleased that it is not possible for a person to come from California and move into the State of New York, for example, and incite a riot and cause people to suffer personal injury and, indeed, be killed, or to set fire to a building, and do so with impunity. He cannot do so with impunity because on the books we have a provision in that law that makes such action a Federal crime. It is there only because of the fact that we had unlimited debate, the fact that the majority, who thought they knew all the answers immediately and who would have liked to push that bill right through, had to stop, sit down, and listen to what the minority said.

There are other examples. I think of some of the crime legislation we passed a year ago. When it was first proposed, again, some Senators had in mind a whole new body of law that sought to give protection from any number of acts by police officials and others, and from the population generally, to specific groups which are part of the minority; they sought to give certain rights, privileges, and immunities to those people without recognizing at the same time that the rights of the majority of Americans also need to be respected.

As a consequence, that bill, too, was amended, recognizing that crime is well organized, that decent people would not contemplate or try to practice for a moment some of the things that the criminally addicted would attempt to do. As a consequence, we have a better package of crime legislation than would otherwise have been passed, had it not been that the majority of the Members of this body had to stop and listen to what the minority was saying—those who felt that, in the interests of the protection of most of the decent people of this country, it might be all right, under certain procedures in certain instances, for

peace officers to enter someone's home unannounced, in order that important evidence could not be destroyed, or that other actions might not be taken.

Obviously, it can be argued that these are intrusions into the rights of individuals, and I admit that they are. But I think what Congress did in adding these provisions as amendments to that package of crime legislation was to take cognizance of the fact that laws and governments are organized in order that all of the people can live together and can enter upon their pursuit of happiness with as much freedom as possible, and that they shall be given the protection of a body of laws that has the best chance of forwarding the laudable interests and concerns of the most people.

That is the sort of background, Mr. President, which inclines me to believe that there is great merit in rule XXII being left unchanged. Both the late great Senator Richard Russell of Georgia and the late great Senator Everett Dirksen of Illinois, one a Democrat, the other a Republican, stated on innumerable occasions that they knew of no instance in the history of this country, when the time had come for a piece of legislation to be passed, that rule XXII prevented its passage. But they said they could cite many, many examples of instances in which a law that was first proposed was amended and thereby became a better piece of legislation than would otherwise have been the case, precisely because of the existence of rule XXII, the rule that says that there shall be unlimited debate until at least two-thirds of the Members of the Senate decide to end debate.

What Senators Russell and Dirksen were saying was that no law, no idea, whose time has come has been denied because of the right to unlimited debate of an issue, on the one hand, and that, on the other hand, there are many, many cases wherein we have had better laws come into being which came into being only because the majority at a moment had to listen to the pleadings of a very earnest and a very concerned minority.

Mr. President, I want once more to thank my distinguished colleague, the Senator from Virginia (Mr. BYRD) for his perspective analysis of the issues that are at stake in this debate. I respect him as a man, I respect him as a legislator, I respect him as great American, and I thank him most sincerely for his kind remarks.

Mr. President, I yield the floor.

Mr. BYRD of Virginia. Mr. President, I should like to begin my remarks this afternoon by quoting a sentence from a book, "The American System of Government," which was written by Prof. Ernst Frankel, of the Free University of Berlin:

> The most significant difference between the House of Representatives and the Senate is to be found in the provisions of limited debate in the House and unlimited debate in the Senate.

The role of the Senate as an institution unique and diverse from the House of Representatives certainly was envisioned by the drafters of the Constitution. In creating the Senate, they went to great pains to assure that this body would fulfill a purpose separate and distinct from that of the House of Representatives, that this body would not be a body subject merely to the whim of the bare majority of the voters as a whole, but rather would represent the many and sundry points of view found throughout the 13 States.

In the Federalist Papers No. 62, James Madison, that great Virginian who authored so much of the Constitution, said:

> It is a misfortune incident to republican government, though in a less degree than to other governments, that those who administer it, may forget their obligations to their constituents, and prove unfaithful to their important trust. In this point of view, a senate, as a second branch of the legislative assembly, distinct from, and dividing the power with, a first, must be in all cases *a salutary check on the government.* It doubles the security to the people by requiring the concurrence of two distinct bodies in schemes of usurpation or perfidy, where the ambition or corruption of one, would otherwise be sufficient. . . . The necessity of a senate is not less indicated by the propensity of all single and numerous assemblies, to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders, into intemperate and pernicious resolutions.

It is not surprising then that the Senate of the United States proceeded at its very first session to inaugurate rules of conduct and procedure different from that of the House of Representatives, and different from the legislatures of the several States.

Even prior to that first session of the first Senate, many people considered that unlimited debate would be an asset in the Senate. The great Virginian, George Mason, author of the Bill of Rights, and owner of Gunston Hall in Fairfax County—a splendid edifice often ignored by those who come to dwell in the Washington area—said in the debates on the Constitutional Convention in 1787, that many beneficial results might come from what he described as "systematic quorum breaking," as practiced by the legislatures of many States at the time.

As is known to the Members of this body, occasionally, during periods of extended discussion, the Senate, or any other legislative body, finds itself without a quorum, at which time the chance is given for an adjournment, and an opportunity to pause and reflect upon the issues of the hour. George Mason, the author of the first 10 amendments to the Constitution, noted that in Virginia, the general assembly at the time was possessed of the right of free debate, and that only recently an undesirable issue of paper money had been prevented by just such a tactic. He speculated as to the possible wisdom of allowing such a procedure to exist in the Senate of the United States.

There has been much misunderstanding over the history of rule XXII. In the early days of the Senate of the United States, in the view of many, there has never been a device by which debate could be throttled.

Some interpreters of the history of the Senate, have viewed the procedure described in Jefferson's Manual, section XXXIV, which allowed for the calling of the "previous question" as a form of cloture. Jefferson's Manual in that section, states:

> The proper occasion for the previous question is when a subject is brought forward of a delicate nature . . . the discussion of which may call forth observations which might be of injurious consequences . . . it's uses would be as well answered by other more simple parliamentary forms, and therefore it should not be favored, but restricted within as narrow limits as possible.

The position that this rule was not a cloture device, as is claimed by some, was buttressed by Mr. Haynes in volume I of his book entitled "Debate in the Senate." Mr. Haynes stated:

> To one familiar with the day to day use of the previous question in the House of Representatives as an effective form of cloture, this rule gives an entirely erroneous impression of the Senate's original practice. For the Senators who framed that rule intended that the previous question should serve—as it had in the Parliament of Great Britain, and as they had themselves known it to serve in the Continental Congress—as "a device for removing from consideration a question which might seem to the majority undesirable to discuss further or act upon". Asher C. Hinds, author of the monumental Precedents of the House of Representatives, commented on the rule of 1784, on which the previous-question rules of the House and Senate were modeled five years later, "There was no intention of providing thereby a means of closing debate in order to bring the pending question to an immediate vote," and Senator Lodge declared: "It was that the power of closing debate in the modern sense has never existed in the Senate." The previous question was but rarely used in the Senate. In his farewell address to the Senate, Vice-President Aaron Burr recommended the discarding of the previous question, saying that in the preceding four years it has been taken but once, and then upon an amendment. He regarded this as proof that it could not be necessary, and in his opinion all its purposes were much better answered by the question of indefinite postponement. In the revision of the Senate Rules of March 26, 1806, the previous question was dropped, and has never been restored.

Thus it can be seen that from the very beginning, the Senate was envisioned as a body which might avail itself of full and free discussion.

By restricting the size of the Senate to a relatively small body of men, the founders of this Republic obviously intended that the Senate would be an institution wherein matters would be discussed and deliberated with caution and studied in detail.

That the Senate was intended to be insulated from the passions of the majority at any given moment is perfectly apparent.

In Federalist No. 63, Madison made this clear when he wrote:

> As the cool and deliberate sense of the community ought in all governments, and actually will in all free governments ultimately prevail over the views of its rulers; so there are particular moments in public affairs, when the people stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice and truth, can regain their authority over the public mind. What bitter anguish would not the people of Athens have often escaped, if their government had con-

tained so provident a safeguard against the tyranny of their own passions? Popular liberty might then have escape the indelible reproach of decreeing to the same citizens, the hemlock on one day, and statues on the next . . .

What amazing clairvoyance is contained in this statement of Madison's, which I have just read. Not only did he correctly interpret the past, with regard to the advantages that could have accrued throughout history, had man paused to reflect upon his action; but consider the application of Madison's words to our own recent history—the history of the last 60 years, for instance.

What, if in the assembly of Austria-Hungary, had there been men who were willing to, or even had been able to pause and reflect, and discuss in full, their actions after that tragic assassination at Sarajevo in June of 1914. Suppose they could have discussed in a period of free and rational debate, the full implication of the measures they were pressing against the little Serbia.

And what would have been the course of history during those same few weeks in 1914, had the Russian assembly and the Russian czar been able to have paused and deliberated upon the effect of their mobilization order, which was to wreak such havoc upon Europe and begin Russia down the road to extinction.

Had the German Empire been possessed of some device allowing the free discussion of vital issues, could we not say that the kaiser and the Reichstag might have prevented the compounding of Europe's folly, and thus the compounding of the rashness inherent in all mankind.

If only some method had existed at that time, by which the legislatures of those nations might have paused to deliberate upon the long-range effect of their action, then Lord Gray might never have been called upon to make the statement that the lights were going out all over Europe, not to be lit again in his time.

Suppose just for a moment in the spring of 1917, that the Russian Duma, the legislature of that great and diverse empire, had been possessed of a device which would have allowed it to have discussed to the fullest extent the policies and decisions which were hurtling Russia toward its doom with breakneck speed. Can we say that, had the time for reflective thought been present, that Russia would have plunged toward the abyss of Marxist revolution? And later in the fall of 1917, could not the Russian Assembly, basking as it was for that brief and sunlit moment, in the warm glow of democracy, have not benefited from the right of unlimited debate, which might have alerted the country to the danger of Bolsheviks, and perhaps have prevented them from taking control of the entirety of the Russian Empire?

Revolutions, Mr. President, are not hatched in an atmosphere of free and unlimited debate; rather, they are foisted upon us in the tumult and shouting of precipitate action.

It was precisely instances such as these that Madison had in mind when he wrote the words in the Federalist Papers; it was to prevent rash and hasty action that our Constitution called for the establishment of a Senate that is unique in the annals of the governments of mankind.

The Senate is unique in many ways, not the least of which is the fact that the Senate endures as a continuing body.

Since the House of Representatives is reelected as a whole every 2 years, the founders of the Republic assured the continuity of thought and procedure by establishing that the Senate would elect only one-third of its Members every 2 years. Had the framers of the Constitution envisioned that the Senate of the United States would be simply another body created to react instantaneously to the whim of the electorate, they would hardly have guaranteed that certain Members of the Senate, two-thirds, to be precise, would hold over in their offices in order to give continuity to such a deliberative body.

The actions taken by the U.S. Senate decide the rights and liberties of all 205 million Americans. They determine what future course this Nation will take in the years and decades to come.

Those actions must be long and wisely deliberated. For with each major piece of legislation, we are presuming to add another chapter to that first chapter written in 1787. We cannot ask today's minority and future generations to commit themselves to this or any other chapter we write unless, in the process, they are given a meaningful voice. We give such a voice to all groups through Senate rule XXII by providing the right of unlimited debate on any issue in which they have vital interests.

Mr. President, I would say again that while Senate rule XXII provides the right of unlimited debate, it also provides a means by which debate can be shut off if and when two-thirds of the Members of the Senate reach the conclusion that debate should be brought to a close.

Future generations may amend laws they find unwise or unsuited to their time, including the Constitution itself. But always those rights are tempered by the continuing obligation to honor the right of dissenting voices to be heard.

Mr. President, I am not in agreement with many of the voices of dissent today. But I think it equally important that the right of dissent be protected.

The question, as I see it, is far bigger than any particular legislation. It involves the fundamental right of all sides to effective participation in the decisions of this body. All sides, all groups, each individual Senator is protected by rule XXII, and all sides have sought that protection at some time in the past.

For example, the so-called liberal bloc in the Senate utilized rule XXII in an attempt to defeat the trade bill and the international finance legislation in the past session of the Congress.

Changing rule XXII is not a civil rights issue, nor a liberal against conservative issue, nor a labor against capital issue. The issue, as I see it, is the preservation of our American form of government.

The right of extended debate has been used in this body on many occasions and in many causes. As I have said, it is not a liberal nor conservative weapon; it has been used by both groups alike. Possibly one of the most acrimonious instances ever to have occurred in this Chamber was in 1879 when the Democratic majority was attempting to enact legislation dealing with the Southern States, and was opposed by the liberal, or, as they were called then, radical Republicans.

I quote at length from the book by Mr. Burdette, written in 1940, called "Filibustering in the Senate." That volume is an excellent narration of the history of extended debate, and I highly recommend it, even though the author is of a different persuasion on the subject than I, and even though he persists in using the word "filibuster," when I think a more appropriate title would be "right of free debate" or "right of extended debate." I read from Mr. Burdette's account of the Senate action in 1879:

Democratic majorities in Congress proposed to repeal federal election laws, particularly statutes allowing the use of federal troops in state elections. They contended that soldiers could be used to coerce elections in the South, and they called upon lovers of liberty to unite in opposing military interference with free expression at the polls. Republicans pointed out that troops had not recently been employed at election places and probably would not be again, but they argued that armed intervention might sometime be necessary in any part of the country to preserve honest elections. Were not repeal efforts in actuality attempts to undo the humanitarian gains of the Civil War? Against such repeal all the perfervid oratory of the Republicans was called forth. James G. Blaine with clarion voice strove dramatically to accept the challenge in the Senate: "All the war measures of Abraham Lincoln are to be wiped out say leading Democrats! The Bourbons of France busied themselves, I believe, after the restoration in removing every trace of Napoleon's power and grandeur, even chiseling the 'N' from public monuments raised to perpetuate his glory; but the dead man's hand from Saint Helena reached out and destroyed them in their pride and in their folly. And I tell the Senators on the other side of this Chamber—I tell the Democratic party North and South—South in the lead and North following—that the slow, unmoving finger of scorn from the tomb of the martyred President on the prairies of Illinois will wither and destroy them. 'Though dead he speaketh.'"

A Democratic rider to an army appropriation bill, providing that none of the money should be used to keep soldiers near polling places, caused President Hayes to veto the legislation; and the House failed to override the Presidential disapproval. But a new army appropriation bill passed by the House contained the rider in an ambiguous form, requiring that no money be used to maintain the army "as a police force to keep the peace at the polls"; and the measure became the unfinished business in the Senate on June 16, 1879. On the 17th the bill was debated, at times acrimoniously, and next day consideration was continued.

Republicans scathingly opposed even the mildly phrased rider preventing the use of the army in elections; and at about six in the evening of the 18th, organized filibustering was undertaken in earnest. Roscoe Conkling of New York, taking the lead in the fight, announced that the Republican minority would allow a vote the next day if they were given an opportunity to present their views on the bill, and moved an adjournment till the morrow. When that motion was defeated by 22 yeas to 25 nays, the session became and remained all night one of unprecedented parliamentary confusion. In reckless and undignified mood the minority relied, as never before, almost exclusively

upon dilatory motions, roll-call votes, and quorum breaking to accomplish their purpose. On every roll-call vote (requesting a quorum) the Republicans sat silent in their seats, refusing to answer their names and forcing the Senate to direct the sergeant at arms to bring in absent Senators willing to be counted as present. By the Senate precedents, a quorum consisted of a majority of the membership answering to roll call; if Senators refused to answer, they were not present—however loudly they might be clamoring over some point of order within the next minute.

Conkling, himself among the foremost of the Republican orators, pilloried the proposed legislation. "What is this Army bill?" he demanded. "It is a juggle, in my opinion a contemptible juggle and subterfuge. It is an attempt, by indirection, by stealth, by trick, by an act which is to operate as a fraud, to do that of which we had high-sounding proclamation at the end of the last session."

The withering answer of the Democrats was given by the scholarly Lucius Q. C. Lamar, Senator from Mississippi. Said he: "With reference to the charge of bad faith that the Senator from New York has intimated toward those of us who have been engaged in opposing these motions to adjourn, I have only to say that if I am not superior to such attacks from such a source, I have lived in vain. It is not my habit to indulge in personalities; but I desire to say here to the Senator that in intimating anything inconsistent, as he has done, with perfect good faith, I pronounce his statement a falsehood, which I repel with all the unmitigated contempt that I feel for the author of it."

Replied Conkling, after desultory bickering, "I understood the Senator from Mississippi to state in plain and unparliamentary language that the statement of mine to which he referred was a falsehood, if I caught his word aright. Mr. President, this not being the place to measure with any man the capacity to violate decency, to violate the rules of the Senate, or to commit any of the improprieties of life, I have only to say that if the Senator—the member, from Mississippi, did impute or intended to impute to me a falsehood, nothing except the fact that this is the Senate would prevent my denouncing him as a blackguard and a coward." [Applause in the galleries.]

The very title—"member," not "Senator"—which the New Yorker employed to describe his tormentor was a studied insult.

But Lamar would have the last word: "Mr. President, I have only to say that the Senator from New York understood me correctly. I did mean to say just precisely the words, and all that they imported. I beg pardon of the Senate for the unparliamentary language. It was very harsh; it was very severe; it was such as no good man would deserve and no brave man would wear." [Applause on the floor and in the galleries.]

It was a night of sleeplessness and commotion, of points of order and heated dissension over procedure, of bitter feelings and strong language. The President pro tempore, the venerable Allen G. Thurman of Ohio, said upon the floor: "This is a new idea which has been inaugurated tonight. . . . I have known bills talked to death . . . but the course of first a motion to adjourn and a call of the yeas and nays on that, and then a motion to dispense with the call of the Senate and then the yeas and nays on that, and then this dilatory motion and that dilatory motion, has never belonged to this end of the Capitol, according to my knowledge or information, until this night."

Under the leadership of Conkling, with the active cooperating generalship of James G. Blaine and others, the Republican filibuster continued unabated till an already exhausted Senate adjourned at 11:51 on the morning of June 19 to convene at noon, nine minutes later. Conkling immediately demanded that the journal be read, but obviously it had not been completed. The President pro tempore ruled that the Senate could not be prevented from transacting business because the journal had not been completed. Conkling appealed, Frank Hereford of West Virginia moved to lay the appeal on the table, and the yeas and nays revealed the Republicans silent and no quorum voting.

Roll calls were futile, and discussion arose whether the chair might not count a quorum if one were physically though silently present. The President pro tempore held that the chair could count the Senate to determine the actual presence of a quorum; but at the same time he believed that a quorum must actually vote to make effective a roll-call vote requiring the presence of a quorum. To decide that a quorum is present in the chamber would avoid the necessity of sending the sergeant at arms for more Senators, and would slightly ameliorate the paralyzing effects of the filibuster; but under the ruling of the chair, the necessity remained that a quorum of Senators actually vote if the body were to legislate. To count a quorum present to allow the Senate to proceed to business, and to count a quorum on a vote in order to declare a motion carried, are different things. The President pro tempore (Senator Thurman) was willing to uphold the former but not the latter. That his view would nearly thirty years thereafter be enlarged to include the second step, on the basis of his own ruling, he could not foresee; that was to be the work of another generation.

Routine matters having been disposed of after the reconvening on June 19, the chair laid before the Senate the unfinished business, the army appropriation bill with its rider. Conkling's appeal upon the issue of reading the journal resulted in no further action. The exhausted Senate adjourned within two hours. But on the 20th the Republicans resumed their dilatory tactics, this time by long speeches. Finally, however, they surrendered and the bill with its rider was passed 32 to 19 in the early hours of the 21st; at two o'clock in the morning the Senate adjourned. Many Republican Senators were doubtless glad that the bill had passed, particularly since its rider was really innocuous and virtually meaningless; and President Hayes evidently considered the rider a Democratic retreat from the earlier demand of absolute prohibition of the use of troops at the polls, for he promptly approved the measure. The filibuster, as a device to prevent passage of the rider, despite the intense stage which it reached and the elaborate tactics employed, was unsuccessful.

I mention this incident of 1879 because since then rule XXII has been enacted by the Senate and under rule XXII problems such as those which the Senate encountered in that very acrimonious debate do not arise in the present Senate, and mainly because of the adoption of rule XXII.

I might say that rule XXII was adopted in 1917. Prior to that time there was no way to shut off debate but since 1917, including the present day, there is means to bring debate to a close whenever a sufficient majority of the Senate desires to bring such debate to a close. Whenever two-thirds of the Members of the Senate present and voting feel that debate should be closed those Senators can register their vote and bring a recorded vote on the pending question.

It is particularly appropriate that the Senate should be the guardian of this basic American freedom. For it is the only elective body in our Government which has a continuing existence.

The torch is passed with deliberate care. It must not burn the hands that receive it. It must not be dropped.

The principles of continuity and consensus are protected in many other ways. Constitutional amendments must be ratified by a two-thirds vote of both Houses of Congress. Impeachment proceedings against the President require two-thirds vote by both Houses of Congress. Expulsion proceedings against any Member of the Senate requires a two-thirds vote. Foreign treaties require ratification by two-thirds of the Senate.

Time and time again under our constitutional concept we see where a two-thirds vote is required. The requirements do not represent regulations which are against democratic government; rather they represent the clear intent of the framers of the Constitution that before any major action is taken by the Legislature of the United States, by the Senate, full care and cautious deliberation be asserted.

The Constitution of the United States is a study not only in the art of compromise, but in the art of governing a diverse country, a country diverse in peoples and geography; diverse in philosophy and religions.

The Constitution itself, it is said with much authority, would never had been adopted, had not the Bill of Rights been appended to it at an early stage. Indeed, in my own State, the native sons of which did so much to give birth to the Constitution, tremendous opposition to the document was stirred by Gov. Patrick Henry, one of the earliest of those who pledged his life, his fortune and his sacred honor, for the future of this Republic. Henry and others in Virginia, and many others throughout the Thirteen Colonies, were disturbed lest a great super-state would be created by the Constitution. For this reason, to the guarantees already contained in the document as it left the Philadelphia convention, was added the 10th amendment, the amendment which specifically reserves to the States or to the people thereof, all rights not explicitly granted to the general government.

Mr. President, I wish to point out that Patrick Henry was one of only two men in the history of the Commonwealth of Virginia to serve more than one term as Governor. Virginia has a constitutional requirement that a Governor is elected for a 4-year period and cannot succeed himself.

It is possible to achieve reelection after an intervening Governor's term, but only Patrick Henry and one other individual have ever served more than once as Governor of Virginia. The purpose of this provision is to prevent a Governor from using the great power of his office to perpetuate himself in office.

Patrick Henry was a great Virginian. He was usually at odds with another great Virginian, Thomas Jefferson. Patrick Henry lived in numerous homes during the time of his tenure of this earth from 1736 to 1799, but the place where he last lived was called Red Hill, and is located in Charlotte County, Va. His home has been restored, and I want to invite any of my colleagues who have the desire to do so to visit that home. It is a very historic one. It has been restored mainly through the generosity and the many contributions to the Patrick Henry

Memorial Foundation by Mr. Eugene B. Casey, of Clarke County, Va.

In discussing Patrick Henry, for whom I have a very great admiration, I feel it appropriate to recognize here on the floor of the Senate the contribution which has been made toward the restoration of his last home by Mr. and Mrs. Casey, who are splendid citizens of the county of Clarke. Mr. Casey himself has many of the qualities of Patrick Henry, being a man of great independence and one who believes very deeply in the rights and liberties of the American people.

Mr. President, the hour is drawing late. There is other material which I want to incorporate in the RECORD in regard to my views concerning rule XXII. With the hour drawing late, I shall reserve this material until another time.

I now yield to the distinguished Senator from Kansas (Mr. PEARSON).

LEGISLATIVE PROPOSALS BY SECRETARY OF TRANSPORTATION JOHN VOLPE

Mr. PEARSON. Mr. President, as a member of the Senate Commerce Committee, I have been impressed by the enthusiasm and determination of John Volpe, Secretary of Transportation. During recent hearings regarding Penn Central, I requested a list of legislation which the Secretary had proposed during his tenure in office, intending to insert that in the hearing record, which I have done. But it occurs to me that that record is particularly outstanding, and accordingly I think it appropriate that this list also appear in the RECORD for consideration by the full Senate.

Mr. President, I ask unanimous consent that this list of legislative proposals submitted by Secretary Volpe be printed in the RECORD at the conclusion of my remarks.

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

JANUARY 18, 1971.

HON. JAMES B. PEARSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PEARSON: Pursuant to your request, I am forwarding a partial list of the legislation submitted to the Congress since I took office as Secretary of Transportation. The list contains only those bills which were originated or substantially revised during my tenure. Numerous other pieces of legislation submitted to the 90th Congress by the previous Administration were also reviewed by me and, where concurred in, resubmitted in substantially the same form to the 91st Congress. I have not listed these items.

If I can supply any further information in this regard, please do not hesitate to call upon me.

Sincerely,

JOHN A. VOLPE.

Subject or short title of bill	Number	Public Law
1. Airport and Airway Development Act of 1970	S. 2437; H.R. 12374	91-258
2. Urban Mass Transportation Assistance Act of 1970	S. 2821; H.R. 13463	91-453
3. Federal Railroad Safety Act of 1970	S. 3061; H.R. 14419	91-458
4. Federal-Aid Highway Act of 1970, including the following related bills	S. 4055	91-605
Highway beautification authorizations		
Highway safety apportionment formula	S. 2399	
Highway trust fund extension		
Providing for bridge owner progress payments	S. 3107; H.R. 15752	
5. Emergency Transportation Assistance Act of 1970	S. 4011; H.R. 18125	(1)
6. Federal Boat Safety Act of 1970	S. 3199; H.R. 15041	
7. Ports and Waterways Safety Act of 1970	S. 3918; H.R. 17830	
8. Improving vessel documentation procedures	S. 4422; H.R. 19381	
9. Legislation implementing the load lines convention	S. 3839; H.R. 17011	
10. Omnibus amendments to improve Coast Guard operations	S. 3081; H.R. 13816	91-278
11. Amendments to improve Coast Guard Reserve promotion system	S. 3080; H.R. 13716	91-402
12. Interest forgiveness, St. Lawrence Seaway Development Corporation	H.R. 19387 [2]	91-469
13. Air traffic controller benefits	S. 4478; H.R. 19415	
14. Providing guards aboard aircraft	S. 4383; H.R. 19225	
15. Extending the war risk insurance program	S. 3764; H.R. 17133	91-399
16. Extending the high-speed ground transportation program	S. 3730; H.R. 17538	91-444
17. Amendments to improve administration of Gas Pipeline Safety Act	S. 3763; H.R. 17335	
18. Codification of title 49, United States Code	H.R. 14028	
19. National traffic and motor vehicle safety authorizations	S. 1996; H.R. 10105	91-265
20. Coast Guard authorizations, fiscal year 1971	S. 3473; H.R. 15694	91-261
21. National Capital Transportation Act of 1969 authorization	S. 2185; H.R. 11193	91-143
22. Amendments to 1970 Military Construction Authorization Act re International Air Show.	S. 3588; H.R. 17604	91-511

[1] A more limited proposal was enacted as Public Law 91-663. Incorporated by the Senate in an amendment to H.R. 15424

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NOTICE OF HEARINGS ON INDIAN LEGISLATION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to submit a statement by the able Senator from South Dakota (Mr. MCGOVERN) with respect to hearings on Indian legislation.

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

STATEMENT BY SENATOR MCGOVERN ON HEARINGS ON INDIAN LEGISLATION

Mr. President, I wish to announce to the members of the Senate that the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs has scheduled open hearings on S. 285, relating to the mineral interest of the tribal members of the Fort Belknap Indian Reservation, Montana; and S. 671, relating to the distribution of funds of a judgment in favor of the tribal members of the Blackfeet Indian Reservation, Montana. The hearings will begin at 10:00 a.m. on February 24, 1971, in Room 3110 of the New Senate Office Building.

Department of the Interior and Tribal officials have been invited to present statements on the proposed legislation. The record will remain open for a reasonable period of time to permit other interested individuals and organizations to submit written statements.

ORDER FOR RECOGNITION OF SENATOR BEALL ON MONDAY TO READ WASHINGTON'S FAREWELL ADDRESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, following the prayer and the approval of the Journal, if there be no objection, the Senator from Maryland (Mr. BEALL) be recognized to read Washington's Farewell Address. This will be prior to the period for the transaction of routine morning business, for which an order has already been entered.

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

ORDER FOR DIVISION AND CONTROL OF TIME DURING DEBATE ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the 1 hour debate under rule XXII on Tuesday next, the time be equally divided between the Senator from Idaho (Mr. CHURCH) and the Senator from North Carolina (Mr. ERVIN).

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

LEGISLATIVE PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Monday will be as follows:

The Senate will convene at 12 o'clock meridian, following a recess.

Following the approval of the Journal, if there is no objection, the Senator from Maryland (Mr. BEALL) will read Washington's Farewell address. Then, following recognition of the majority and minority leaders under the previous standing order, and the call of any unobjected-to items on the legislative calendar, there will be a period for the transaction of routine morning business of not to exceed 45 minutes, with statements therein limited to 3 minutes.

Following the period for the transaction of routine morning business on Monday, the Senate will continue its consideration of the pending business.

Under the previous order, the Senate will recess at the completion of business on Monday next until 11:45 a.m. on Tuesday next.

RECESS UNTIL MONDAY

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 12 o'clock meridian on Monday next.

The motion was agreed to; and (at 3 o'clock and 44 minutes p.m.) the Senate took a recess until Monday, February 22, 1971, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 19 (legislative day of February 17, 1971):

DEPARTMENT OF COMMERCE

James H. Wakelin, Jr., of the District of Columbia, to be an Assistant Secretary of Commerce.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Robert M. White, of Maryland, to be Administrator of the National Oceanic and Atmospheric Administration.

Howard W. Pollock, of Alaska, to be Deputy Administrator of the National Oceanic and Atmospheric Administration.

John W. Townsend, Jr., of Maryland, to be Associate Administrator of the National Oceanic and Atmospheric Administration.

Rear Adm. Don A. Jones to be Director of the National Ocean Survey, National Oceanic and Atmospheric Administration.

Rear Adm. Harley D. Nygren to be Director of the Commissioned Officer Corps, National Oceanic and Atmospheric Administration.

EXTENSIONS OF REMARKS

ABUSE OF STUDENT FUNDS CITED BY GRAND JURY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. KEMP. Mr. Speaker, I believe the attached editorial, "Abuse of Student Funds Must End," carried in the Buffalo Courier Express, points up the need for an accounting of student activity fees.

Students deserve more for their money than a handout to groups which do not represent their best interests.

As a member of the Committee on Education and Labor, I shall be most anxious to review the entire findings of the grand jury to determine if the committee should take action.

The editorial follows:

ABUSE OF STUDENT FUNDS MUST END

Another voice has been added to the stream of protests concerning abuse of student-activity fees at units of the State University of New York. The findings of a holdover Erie County grand jury should be enough to satisfy even the most stubborn skeptic that there has been flagrant misuse of fees which every student in the state system is obliged to pay.

The grand jury, according to its report, found, for instance that student funds at the University of Buffalo had been given to revolutionary groups such as the Black Panther party, to defense funds for the "Buffalo Nine" and the "Chicago Seven" and to provide bail money for both students and nonstudents charged with violating state or federal laws. The panel even suspects that some student funds were used to foment rioting on the UB campus and that some ringleaders benefited financially from such disorders.

It is no wonder that the grand jury has recommended that the board of trustees and the State University administration establish strict guidelines for the distribution and use of student funds and has urged that there be a ban on assisting with such funds any group whose avowed purpose is the destruction of American society.

It might even be desirable to go further and end the giving of student funds to any political group. If this were done, it would not only reduce the need for student fees on the present scale—about $500,000 is available each year for use; or abuse, on the UB campus—but it would leave to each student the decision as to whether or not to contribute to a specific political endeavor, surely a preferable solution in such a controversial area.

A few months ago, the Temporary State Commission to Study the Causes of Campus Unrest proposed that mandatory student fees be abolished and that students on all campuses of the State University system decide by referendum whether or not they wish to have a voluntary fee system. This proposal, which has much to commend it, is still under study.

As we have said before in these columns, the time is ripe for action. One way or another, by action of the State Legislature if this is necessary or by directive of the administration of the State University if this were sufficient, there needs to be effective control over the use of student funds and provisions for ensuring that the majority of students has a voice in how such monies are spent.

TOWARD A VOLUNTEER ARMY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1971

Mr. STOKES. Mr. Speaker, this week I have joined a large number of my colleagues in introducing the Volunteer Military Manpower Act of 1971. This bill, very similar to one many of us introduced last session, will give the armed services the necessary resources to begin a terminal phasing out of the draft.

There can be no doubt that involuntary conscription is a foreign concept to our heritage. During the first 150 years of our history, draft laws were on the books for only 4. The first comprehensive conscription act was not passed until 1863 when the Union forces were under great pressure during the Civil War. A $300 buy-out provision forced the brunt of that law upon the poor. They rebelled. The July 1863 Draft Riot led by poor Irish immigrants paralyzed New York City for 3 days and created similar chaos in other northern localities.

The draft instituted at the time of our entrance into World War I was met with similar displeasure. Over 50 percent of those called applied for exemptions and almost 300,000 men failed to answer draft calls and were never arrested. Medical disqualifications reached such proportions that the War Department was forced to warn dentists that they were liable for prosecution if they knowingly aided draft evasion by pulling a prospective draftee's teeth.

It is most beneficial for us to consider, Mr. Speaker, why conscription has traditionally been so unpopular throughout our history. I think a perspective of that history offers a clear answer.

From the very beginning of our constitutional form of government our country's leaders opposed the draft as irreconcilable with their idea of a free society. During the debates at the Constitutional Convention, even Edmund Randolph, leader of the Federalist group seeking strong powers for the Federal Government, stated that a conscription law would stretch the strings of government too violently to be adopted. When Presidents Washington, Jefferson, and Madison all offered limited draft proposals to the Congress, each was rejected. The reasons for these rejections were concisely summarized by Senator Daniel Webster, who while leading the opposition to President Madison's proposal during the War of 1812, remarked:

Is this, Sir, consistent with the character of a free government?

Randolph, Webster, and the host of other early leaders who opposed mandatory military service recognized that such laws were not in accord with the new Nation's ideals of personal liberty. The great majority of Americans then were still far too proximate to the tyrannical exercise of power by military oriented European governments which they had so recently rejected. Two centuries have passed, yet our Nation's most recent experiences with the draft strongly indicate that this revulsion to impressed service still gnaws in the hearts and minds of our countrymen. More than 100 young Americans now leave their country each week rather than answer a draft call. The number of these expatriates residing in Canada alone is now conservatively estimated at 50,000. Hundreds of others have simply refused to serve and have been incarcerated in Federal prisons.

Of course, the antipathy of our youth for the war they are being asked to fight has contributed heavily to these recent problems. But the draft must share responsibility. Conscription operated successfully during World War II when the national will stood firmly behind the Government's efforts. The Korean experience was similar. But Vietnam has been different. Public support for intervention, never anything approaching unanimity, has dwindled to a pitiful 27 percent according to the latest Gallup survey. Backing by draft-aged men is even lower. No conscription law could—or should—operate in such a political mate.

We also must realize, Mr. Speaker, that the present draft, like that of the Civil War, has operated unfairly toward the poor and the minorities. The $300 buy out of the Civil War has been exchanged for the $300 per semester college tuition or a $300 medical bill. This economic inequity has particularly worked to the disadvantage of black Americans. A study of Selective Service operations during the war in Vietnam compiled by the Senate Subcommittee on Administrative Practice and Procedure reveals that while only 18 percent of white Americans found "qualified" for