to the Committee on Post Office and Civil Service.

By Mr. LENT (for himself, Mr. WHITEHURST, Mr. DRINAN, Mr. COUGHLIN, Mr. LONG of Maryland, Mr. DULSKI, Mr. HOGAN, Mr. FRELINGHUYSEN, Mr. SMITH of New York, Mr. RYAN, Mrs. HECKLER of Massachusetts, Mr. DONOHUE, Mrs. DWYER, Mr. RODINO, Mr. MINISH, Mr. CONABLE, Mr. KING, Mr. STRATTON, Mr. REID of New York, Mr. HARRINGTON, Mr. DOW, Mr. HOWARD, Mr. HUNT, Mr. DANIELS of New Jersey, and Mr. THOMPSON of New Jersey):

H.R. 11906. A bill to amend the Outer Continental Shelf Lands Act, to establish a National Marine Mineral Resources Trust, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MOORHEAD:

H.R. 11907. A bill to provide for the prevention of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX:

H.R. 11908. A bill to assist in the provision of housing for the elderly, and for other purposes; to the Committee on Banking and Currency.

By Mr. QUIE:

H.R. 11909. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. SPENCE:

H.R. 11910. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey (for himself, Mr. DANIELS of New Jersey, Mr. HAWKINS, Mr. BURTON, and Mr. GAYDOS):

H.R. 11911. A bill to amend the Service Contract Act of 1965 to revise the method of computing wage rates under that act; to the Committee on Education and Labor.

By Mr. THONE (for himself and Mr. SCHWENGEL):

H.R. 11912. A bill urging units and individual members of the armed services to engage in civic works; to the Committee on Armed Services.

By Mr. DOW:

H.R. 11913. A bill to enable producers of commercial eggs to consistently provide an adequate but not excessive supply of eggs to meet the needs of consumers for eggs, and to stabilize, maintain, and develop orderly marketing conditions for eggs at prices reasonable to the consumers and producers; to the Committee on Agriculture.

By Mr. LANDGREBE:

H.J. Res. 979. Joint resolution to amend title 5 of the United States Code to provide for the 11th day of November of each year as "Veterans Day"; to the Committee on the Judiciary.

By Mr. RANDALL:

H.J. Res. 980. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as "Veterans Day"; to the Committee on the Judiciary.

By Mr. WYMAN (for himself, Mr. HALEY, Mr. MICHEL, Mr. SNYDER, Mr. WAGGONNER, Mr. HOGAN, Mr. GARMATZ, Mr. KARTH, Mr. BARING, Mr. CLEVELAND, Mr. RUNNELS, Mr. KING, Mr. PIRNIE, Mr. JONES of North Carolina, Mr. WARE, Mr. WHALLEY, Mr. GAYDOS, Mr. SAYLOR, Mr. ST GERMAIN, Mr. DUNCAN, Mr. KUYKENDALL, Mr. COLLINS of Texas, Mr. ARCHER, Mr. FISHER, and Mr. DOWNING):

H.J. Res. 981. Joint resolution proposing an amendment to the Constitution of the United States with respect to participation in silent prayer or meditation in public schools; to the Committee on the Judiciary.

By Mr. WYMAN (for himself, Mr. BROYHILL of Virginia, Mr. MOLLOHAN, Mr. KEE, and Mr. ZABLOCKI):

H.J. Res. 982. Joint resolution proposing an amendment to the Constitution of the United States with respect to participation in silent prayer or meditation in public schools; to the Committee on the Judiciary.

By Mr. BURKE of Florida (for himself, and Mr. BAKER, Mr. BARING, Mr. BROYHILL of Virginia, Mr. DENNIS, Mr. MCCLURE, and Mr. MANN):

H. Con. Res. 467. Concurrent resolution expressing the sense of the House of Representatives objecting to the eligibility of the Byelorussian Soviet Socialist Republic and the Ukranian Soviet Socialist Republic for membership in the United Nations; to the Committee on Foreign Affairs.

By Mr. GONZALEZ:

H. Res. 714. Resolution to provide for an investigation by the Judiciary Committee of the operation of the Federal witness immunity statute; to the Committee on Rules.

By Mr. PRICE of Illinois (for himself, Mr. SMITH of Iowa, and Mr. YATES):

H. Res. 715. Resolution calling for the shipment of Phantom F–4 aircraft to Israel in order to maintain the arms balance in the Middle East; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

285. The SPEAKER presented a memorial of the Legislature of the State of Michigan, requesting the Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States providing that no student shall be assigned to nor compelled to attend any particular public school on account of race, religion, color or national origin; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MCCLORY presented a bill (H.R. 11914) for the relief of Gonzalo Perez, Martha Perez, and Gonzalo Perez, Jr., which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

160. By the SPEAKER: Petition of the City Council, Englewood, N.J., relative to withdrawal of American forces from Southeast Asia; to the Committee on Armed Services.

161. Also, petition of Ralph Boryszewski, Rochester, N.Y., relative to impeachment of officials; to the Committee on the Judiciary.

SENATE—*Friday, November 19, 1971*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

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

Eternal Father, in whose will is our peace, we lift our hearts to Thee to renew our vows and offer our daily service to Thee. In this hushed and holy moment of prayer may we find our hearts quickened and strengthened for the duties and responsibilities of this day. Make it a great adventure of faith and spiritual discipline. And if we should forget Thee do not forget us.

In troubled times may we find in Thee the light, the guidance, and the wisdom to lead the people. May each day bring a larger unfoldment of Thy will for this Nation. Through plodding and tedious hours keep us serene within and magnanimous without. May we be diligent in duties, faithful in high trust, and ever loyal to Thee. At length may we rest in the peace of those who do justly, and love Thee sincerely.

We pray in the Master's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, November 18, 1971, be dispensed with.

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

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the recognition of the joint leadership under the standing order there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with No. 440, and that the rest of the calendar be considered in sequence up to and including No. 472.

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

INCREASES IN APPROPRIATION CEILINGS OF THE NATIONAL PARK SYSTEM

The Senate proceeded to consider the bill (S. 2601) to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, line 9, after "Virginia:", strike out "section II" and insert "section 11"; on page 2, after line 11, insert:

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

(3) Bighorn Canyon National Recreation Area, Wyoming and Montana: section 5 of the Act of October 15, 1966 (80 Stat. 913), is amended by changing "355,000" to $780,000";

At the beginning of line 16, strike out "(3)" and insert "(4)"; at the beginning of line 19, strike out "(4)" and insert "(5)"; at the beginning of line 22, strike out "(5)" and insert "(6)"; on page 3, at the beginning of line 1, strike out "(6)" and insert "(7)"; in line 3, after the semicolon, insert "and section 2 of such Act is amended by revising the third sentence to read as follows: "Land and waters owned by the State of Missouri within such area may be acquired only with the consent of the State and, notwithstanding any other provision of law, subject to provision for reversion to such State conditioned upon continued use of the property for park purposes"; "; at the beginning of line 11, strike out "(7)" and insert "(8)"; and, on page 4, line 21, after the word "approximately", strike out "233.15" and insert "267.90"; so as to make the bill read:

S. 2601

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

TITLE I—ACQUISITION CEILING INCREASES

SEC. 101. The limitation on appropriations for the acquisition of lands and interests therein within units of the national park system contained in the following Acts are amended as follows:

(1) Assateague Island National Seashore—Maryland and Virginia: section 11 of the Act of September 21, 1965 (79 Stat. 824, 827), is amended by changing "$16,250,000" to "$20,650,000", and by adding the following sentence after the period: "Funds authorized to be appropriated for the acquisition of lands and interests in land may, notwithstanding the foregoing limitation, be increased in appropriation Acts by such amounts as may be necessary to pay interest and deficiency awards owed by the United States as determined in condemnation actions for the acquisition of such lands and interests.";

(2) Big Hole National Battlefield, Montana: section 5 of the Act of May 17, 1963 (77 Stat. 18), is amended by changing "$20,000" to "$42,500";

(3) Bighorn Canyon National Recreation Area, Wyoming and Montana: section 5 of the Act of October 15, 1966 (80 Stat. 913), is amended by changing "$355,000" to "$780,000";

(4) Effigy Mounds National Monument, Iowa: section 5 of the Act of May 27, 1961 (75 Stat. 88), is amended by changing "$2,000" to "$14,000";

(5) Fort Donelson National Military Park, Tennessee: section 3 of the Act of September 8, 1960 (74 Stat. 875), is amended by changing "$226,000" to "$454,000";

(6) Lincoln Boyhood National Memorial, Indiana: section 4 of the Act of February 19, 1962 (76 Stat. 9), is amended by changing "$1,000,000" to "$1,320,000" and "$75,000" to "$395,000";

(7) Ozark National Scenic Riverways, Missouri: section 8 of the Act of August 27, 1964 (78 Stat. 608), is amended by changing "$7,000,000" to "$11,111,000"; and section 2 of such Act is amended by revising the third sentence to read as follows: "Land and waters owned by the State of Missouri within such area may be acquired only with the consent of the State and, notwithstanding any other provision of law, subject to provision for reversion to such State conditioned upon continued use of the property for park purposes";

(8) Shiloh National Military Park, Tennessee: section 1 of the Act of July 3, 1926 (44 Stat. 826), is amended by changing "$57,100" to "$150,100".

TITLE II—DEVELOPMENT CEILING INCREASES

SEC. 201. The limitations on appropriations for acquisition and development of units of the national park system contained in the following Acts are amended as follows:

(1) Herbert Hoover National Historic Site, Iowa: section 4 of the Act of August 12, 1965 (79 Stat. 510), is amended by changing "$1,650,000" to "$3,500,000";

(2) Booker T. Washington National Monument, Virginia: section 4 of the Act of April 2, 1956 (70 Stat. 86), is amended by changing "$200,000" to "$600,000";

(3) Johnstown Flood National Memorial, Pennsylvania: section 5 of the Act of August 31, 1964 (78 Stat. 752), is amended by changing "$2,000,000" to "$2,244,600".

SEC. 202. The additional sums authorized to be appropriated for development in the Acts as amended in section 201 are based on March 1971 prices and may be increased or decreased in appropriation Acts by such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved for each area.

TITLE III—BOUNDARY CHANGES

SEC. 301. The Secretary of the Interior is authorized to revise the boundaries of the following units of the national park system:

(1) Adams National Historic Site, Massachusetts: to add approximately 3.68 acres;

(2) Fort Caroline National Memorial, Florida: to add approximately 12.5 acres;

(3) George Washington Birthplace National Monument, Virginia: to add approximately 62.3 acres;

(4) Glacier National Park, Montana: to add approximately 267.90 acres and to exclude approximately 68.47 acres;

(5) Isle Royale National Park, Michigan: to add approximately 0.52 acre;

(6) Johnstown Flood National Memorial, Pennsylvania: to add approximately 53.6 acres;

(7) Lassen Volcanic National Park, California: to exclude approximately 482 acres;

(8) Muir Woods National Monument, California: to add approximately 49.7 acres;

(9) Petersburg National Battlefield, Virginia: to exclude approximately 257.53 acres.

SEC. 302. The boundary revisions authorized in section 301 shall become effective upon publication in the Federal Register of a map or other description of the lands added or excluded by the Secretary of the Interior.

SEC. 303. Within the boundaries of the areas as revised in accordance with section 301, the Secretary of the Interior is authorized to acquire lands and interest therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency. Lands and interests therein so acquired shall become part of the area to which they are added, and shall be subject to all laws, rules, and regulations applicable thereto. Lands and interests therein excluded from the areas pursuant to section 301 may be exchanged for non-Federal lands within the boundaries as revised, or they may be transferred to the jurisdiction of any other Federal agency or to a State or political subdivision thereof, without monetary consideration, as the Secretary of the Interior may deem appropriate. In exercising the authority in this section with respect to lands and interests therein excluded from the areas, the Secretary of the Interior may, on behalf of the United States, retrocede to the appropriate State exclusive or concurrent legislative jurisdiction subject to such terms and conditions as he may deem appropriate, over such lands, to be effective upon acceptance thereof by the State. Any such lands not so exchanged or transferred may be disposed of in accordance with the Federal Property and Administrative Services Act of 1949, as amended.

SEC. 304. There are hereby authorized to be appropriated not to exceed $1,328,000 for the acquisition of lands and interests therein added to the areas referred to in section 301.

SEC. 305. The authorities in this title are supplementary to any other authorities available to the Secretary of the Interior with respect to the acquisition, development, and administration of the areas referred to in section 301.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–452), explaining the purposes of the measure.

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

NEED FOR AN OMNIBUS BILL

The Department of the Interior has been concerned for some time about the need to develop a less cumbersome means by which needed increases in appropriation ceilings and selected kinds of boundary changes in units of the national park system can be considered both by the Congress and within the executive branch. At the same time the Department believes such a method should be limited in its application to only those changes which are both necessary to implement the individual project and are consistent with the basic legislation authorizing a particular park service area. In cases where a change, regardless of how desirable it may be, would substantially alter the existing authorization insofar as the size, cost, or the general character of an existing area, the Department believes that separate legislation is desirable.

The Department has developed criteria which was used in the selection of the eighteen projects included in the proposal submitted by the Administration and it is contemplated that these same guidelines will be applied to future similar omnibus proposals. This procedure of combining a number of established and active units of the park system under one act appears highly desirable and from a practical standpoint would eliminate a considerable number of individual hearings on these separate projects.

ADMINISTRATIVE CRITERIA FOR OMNIBUS PROPOSALS RELATING TO EXISTING AREAS OF THE NATIONAL PARK SYSTEM

The National Park Service has considered a project for inclusion in omnibus proposals if the amendment to the original act meets one of the following criteria:

1. The proposed amendment is substantially in accord with the legislation establishing the area, and the proposed amendment is necessary to adjust or "round out" boundaries of existing areas to meet new management needs.

2. The proposed amendment is needed to authorize increased appropriations to complete land acquisition and development programs for an existing area, as it is now authorized.

A proposal would not be considered for inclusion in omnibus proposals if it would substantially after the existing authorization insofar as the size, cost, or the general character of the area.

DESCRIPTION

As introduced the bill consists of three titles, all relating to certain existing units of the national park system. Title I increases statutory ceilings in appropriations for land acquisition at eight areas as recommended by the committee; Title II increases statutory ceilings on appropriations for development at three areas; and Title III authorizes boundary revisions at nine areas.

Under Title I, increases in appropriation ceilings for land acquisition are needed for seven areas, as follows:

1. Assateague Island National Seashore, Maryland.—Increase in land acquisition from $16,250,000 to $20,650,000. This increase of $4.4 million is needed to acquire the remaining 2,923 acres of private lands within the authorized seashore boundaries.

There remains $800,000 available for land acquisition under the existing $16,250,000 limitation. We estimate that to complete the land acquisition program using the court's formula for the subdivision lots the sum of $5,200,000 will be needed. This, less the $800,000 already available, indicates a need for an increase in the statutory authorization of $4,400,000 which S. 2601, provides.

2. Big Hole National Battlefield, Montana.—Increase in the land acquisition ceiling from $20,000 to $42,500. The increase is needed for acquisition of the Clemow property, amounting to approximately 120 acres. This property lies within the authorized boundaries on the national battlefield. An option, to buy, in the sum of $22,000, has been agreed to by the owner for some time.

3. Bighorn Canyon National Recreation Area.—Increases the appropriation ceiling from $355,000 to $780,000, thus providing an additional $425,000 for land acquisition and highway improvement.

4. Effigy Mounds National Monument, Iowa.—Land acquisition ceiling increase from $2,000 to $14,000, for the acquisition of approximately 93.7 acres known as the Ferguson Tract. This property contains three small Indian burial mounds, one of which is an outstanding bird effigy. They all illustrate the primary theme of the national monument. Acquisition costs are $12,000; no development is proposed, and no additional staffing or operating costs are anticipated.

5. Fort Donelson National Military Park, Tennessee.—Twenty-one tracts consisting of approximately 22 acres are now urgently needed to enable Park Service personnel to improve interpretation of the historic resources of Fort Donelson, and to eliminate existing traffic hazards by redesigning roads. The proposed ceiling increase is from $226,000 to $454,000, an add-on of $228,000.

6. Lincoln Boyhood National Memorial, Indiana.—The acquisition of the 71.85 acres proposed in this legislation will complete the memorial by adding to it the remaining lands originally patented to Thomas Lincoln in 1827, with the exception of the railroad right-of-way still in use. This will raise the total acreage to 200—the legislative acreage ceiling for the area. The proposed land acquisition increase is from $75,000 to $395,000, an addition of $320,000.

7. Ozark National Scenic Riverways, Missouri.—A further total of about 8,400 acres of private land must be acquired, to assure adequate protection and development of the river resources. The estimated cost of acquiring these additional lands is $2,563,438.

The sum of $1,239,476 is also being requested to pay deficiency judgments on 46 tracts involved in condemnation actions already in progress. Finally, an additional $307,970 is the estimate for moving expenses and relocation benefits as provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Thus, a total of $4,111,000 is needed to complete the land acquisition program for this area, and the bill would amend the 1964 authorization accordingly, from $7 million to $11,111,000.

8. Shiloh National Military Park (Tennessee).—The acquisition of four tracts totalling 191.5 acres, including the site on which historic Shiloh Church stood in 1862, would complete the park in accordance with the master plan.

The acquisition of the tracts will enable the Park Service to eliminate three of four existing accesses, thereby providing more effective control of visitors. For this reason, the bill proposes an increase of $93,000, bringing the new ceiling limitation from $57,100 to $150,100.

Under Title II, increases in appropriation ceilings for development there are:

1. Herbert Hoover National Historic Site (Iowa).—New ceiling authority totalling $3,500,000 is needed to permit the completion of proper visitor facilities at this site. This is an increase of $1,850,000 over the existing limitation of $1,650,000. The additional funds will be used for further land acquisition ($78,000) and general development ($1,772,000).

2. Booker T. Washington National Monument (Virginia).—In order to complete the development for this park, authority is requested to increase development ceiling costs by $400,000. This will permit the elimination of modern structures which intrude on the scene of the living farm, demolition of an existing dwelling, and the construction of three employee residences and appurtenant facilities such as a water supply and sewer system which are urgently needed. Reconstruction of significant historic structures and expansion of a small existing parking lot are also proposed. The proposed ceiling addition will increase the limitation from $200,000 to $600,000.

3. Johnstown Flood National Memorial (Pennsylvania).—The proposed development ceiling increase of $244,600 includes the construction cost of a pedestrian bridge, trails and interpretive facilities. Terrain characteristics at the Croyle Township portion of the memorial preclude development of parking facilities for visitors.

Following are the justifications for boundary changes in nine areas under title III.

1. Adams National Historic Site (Massachusetts).—Acquisition of the Beale property immediately west of the Adams site is sought because of its direct relevance to the historical environment of John Adams' day. Also because of its usefulness as protection for the Adams property against private development in that immediate area.

The cost of adding these 3.68 acres to the national historic site is $122,000. Development costs total $50,000.

2. Fort Caroline National Memorial (Florida).—Here, 12.5 acres have been proposed for donation to enable the Service to round out boundaries by including the remaining acreage of Spanish Pond and providing protection to Shipyard Creek on the western boundary. Parking areas at St. John's Creek and Spanish Pond will be enlarged, and an interpretive facility with exhibits will be placed at Spanish Pond. Utilities will be placed underground. Development costs are estimated at $89,100; no additional costs are anticipated for land acquisition.

3. George Washington Birthplace National Monument (Virginia.)—It is proposed to add 62.3 acres to the national monument. This land is located centrally to the interpretive area of the park—its acquisition will add additional land for the development of the living farm concept. Land acquisition costs are estimated at $57,000.

4. Glacier National Park (Montana).—A boundary change is proposed along the south edge of the park. The flood in 1964 on the Flathead River and its tributary Bear Creek forced the realignment of the Great Northern Railroad tracks in a number of places. A boundary adjustment to conform to the new river and railroad location is needed in order that a clear interpretation of the boundary can be made. This is especially needed during the hunting season. A total of 64.23 acres of parkland will be removed from the park and will become right-of-way of the railroad. Also 4.24 acres of parkland will be removed from the park and will become Forest Service land. One-hundred-sixteen acres of Forest Service land, 117.15 acres of railroad land, and a small tract of private land will in turn become parkland. This tract of privately-owned land, 34.75 acres, would become an inholding within the park, and would be acquired under the general acquisition authority for the park at a cost of $6,000. This will result in a net addition to the park of approximately 199 acres.

5. Isle Royale National Park (Michigan).—Proposed acquisitions include the abandoned Houghton Flour Mill property. The value of the subject tract to the programs of the National Park Service at Isle Royale is inestimable. The land acquisition cost will be approximately $31,500.

6. Johnstown Flood National Memorial (Pennsylvania).—In addition to the increase in funds for development, as authorized in Title II of the bill, there is a need for 53.6 acres over and above the 55 acres authorized by the Congress in 1964. This would provide a buffer zone around a good portion of the site and would involve the purchase of only one 12.24 acre property at a cost of $11,500. The remaining average would be donated by the township.

7. Lassen Volcanic National Park (California).—It is proposed to exclude a tract of land containing approximately 482 acres and transfer it to the Forest Service. A Forest Service access road leading to a fire lookout on West Prospect Peak is located on this tract. In addition to this use, the Forest Service needs this road as an access for a timber sale in Lassen National Forest planned for FY 1973. The transfer of this tract of land would facilitate the management of the park and the Lassen National Forest. There are no costs involved in this transfer.

8. Muir Woods National Monument (California).—This proposal calls for the addition to Muir Woods National Monument of a detached tract of land totalling 49.7 acres which is located on the opposite side of the State highway from the southeastern corner of the Monument. Most of these lands are in what is called the Camp Monte Vista subdivision. While there are a large number of lots and parcels in the subdivision (273), there are only 15 residences. There is also a snack bar-souvenir stand facility (now vacant) called Muir Woods Inn, which was purchased by the National Park Foundation for $110,000 in 1969, and which will be conveyed to the government at cost. The estimated acquisition cost for the 49.7 acres, including relocation costs, is $1,100,000.

At the time of the committee hearing on the bill, certain of the landowners within the proposed taking area for the Muir Woods addition were concerned about their property being taken and their existing uses for school purposes being discontinued. In approving park legislation in the past, the committee has consistently sought fair and equitable treatment of established residents and users of the land to be acquired. In the case of Muir Woods, the committee believes that the owners of lands devoted to private educational purposes should be given appropriate assurances that their land can continue in its present use for a reasonable time. The normal periods of retained use and occupancy are for the owner's lifetime, in the case of a natural person, or for a period of up to 25 years. The committee understands that the Park Service will negotiate continued use and occupancy rights with the

owners of the private schools affected on that basis. In such event the owners will receive full fair market value for their property with deductions appropriate to the term of use and occupancy retained by the owner.

9. Petersburg National Battlefield (Virginia).—An agreement has been reached whereby two areas of Petersburg National Battlefield not needed for park purposes, known as Flank and Defense Road—1.92 and 5.12 miles in length, respectively—will be transferred to the City of Petersburg, Virginia. The total land volume is approximately 258 acres. The proposed transfer will eliminate property no longer of value to the park, having been practically incorporated in the expansion of the City of Petersburg and no longer manageable as part of the park. There are no costs involved to the government; rather, it is expected that some savings will result.

COMMITTEE AMENDMENTS TO S. 2601

1. On page 1, line 9, strike "section II" and insert in lieu thereof "section 11". This is an editorial amendment.

2. On page 2, after line 12, insert the following new paragraph (3) and renumber the succeeding paragraphs in title I accordingly:

(3) Bighorn Canyon National Recreation Area, Wyoming and Montana: section 5 of the Act of October 15, 1966 (80 Stat. 913), is amended by changing '$355,000' to '$780,000';

The amendment increases the amount authorized for land acquisition at Bighorn Canyon Recreation Area from $355,000 to $780,000, an increase of $425,000. This additional sum, together with the amount of $165,000 presently available under the existing authorization is needed to complete the acquisition of lands and easements needed for the transpark road from the Horseshoe Bend area in Wyoming to the development area at Afterbay, near Fort Smith, Montana.

3. On page 2, after the semicolon in line 25, insert the following:

and section 2 of such Act is amended by revising the third sentence to read as follows: "Land and waters owned by the State of Missouri within such area may be acquired only with the consent of the State and, notwithstanding any other provision of law, subject to provision for reversion to such State conditioned upon continued use of the property for park purposes.";

This amendment is curative in nature. It would provide specific Congressional consent to enable the Department of the Interior to accept the donation of certain State park lands, upon which improvements are to be constructed, under a reverter provision. A statute of the Missouri legislature has specified that these donated State park lands must be continued in park use and must receive initial development expenditures within three years of the date of donation; otherwise the statute provides for reversion of the lands to State ownership. Three key properties are involved in the donation, as conveyed by deed of December 5, 1969: Big Spring, Round Spring, and Alley Spring State Parks.

In the opinion of the Department of Justice, title to these lands, upon which the Department of the Interior intends to place needed facilities, cannot be approved without the enactment of legislation to authorize acceptance of the property subject to the reversion if it is not used for park purposes. This Committee is of the opinion that Congressional action would be required to devote Federal park lands to any other uses, and it is not aware of any recent case in which the Congress has done so. The amendment would expressly cure the objection to the acceptance of the three State parks which has been raised by the Department of Justice.

4. On page 4, line 12, strike "233.15 acres" and insert in lieu thereof "267.90 acres". This amendment is needed to correct a clerical error in addition which was contained in the legislation submitted by the Department of the Interior.

ALBERT G. FELLER AND FLORA FELLER

The bill (S. 247) for the relief of Albert G. Feller and Flora Feller was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Seretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Albert G. Feller and Flora Feller, of Ketchikan, Alaska, the sum of $267.12, representing the cost to them of having the body of their deceased son transported from Anchorage, Alaska, to Ketchikan, Alaska, such son having drowned prior to returning from his United States Army preinduction physical examination in Anchorage.

SEC. 2. No part of the amount appropriated in this Act in excess of 20 per centum shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–455), explaining the purposes of the measure.

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

PURPOSE

The purpose of the bill is to authorize and direct the payment of $267.12 to Albert G. and Flora Feller representing the cost to them of having the body of their deceased son transported from Anchorage, Alaska, to Ketchikan, Alaska, such son having drowned prior to returning from his U.S. Army preinduction physical examination in Anchorage.

STATEMENT

The facts of the case were set out by the Department of the Army in its favorable report on a similar bill of the 91st Congress, S. 2835, and are as follows:

The Department of the Army has no records concerning Albert G. Feller, Jr., son of Albert G. and Flora Feller, of Ketchikan, Alaska, but the following information was secured from the claimants, the Veterans of Foreign Wars, Juneau, Alaska, and the Selective Service System. In May 1966, Albert G. Feller, Jr., a selective service registrant, was given a transportation request by the Selective Service System to cover his necessary travel from Ketchikan to Anchorage, Alaska, for the purpose of being inducted into the Army. Mr. Feller reported to the induction center on May 24, 1966, but he did not meet existing standards for induction and was rejected. Mr. Feller was given another transportation request for the return travel to Ketchikan, and was scheduled to depart on May 26, 1966. On May 30, 1966, Mr. Feller drowned while swimming in Big Lake near Anchorage, Alaska. The transportation request was returned to the issuing agency, and Mr. Feller's body was shipped home at the expense of his parents.

All administrative claims made by the parents for reimbursement of transportation expenses for their son's body were denied by the Department of the Army on the ground that Mr. Feller had never acquired military status and no authority existed for payment. The Selective Service System also rejected claims by Mr. and Mrs. Feller for reimbursement on the ground that it had no authority to make payment. The pertinent Army regulation (AR 606–270, para. 12) in force at the time of Mr. Feller's death states that: "For registrants for induction, financial responsibility for transportation, meals, and lodging, while traveling to and from AFEES-Selective Service System [is responsible agency]." If Mr. Feller had lived, this provision would have covered his return transportation.

Mr. Feller traveled to Anchorage to report for induction. The United States was obligated to provide him with transportation to his home in Ketchikan. His untimely death terminated this obligation. There is no statutory or regulatory authority permitting administrative settlement of this claim. It is the opinion of the Department of the Army that it would be equitable to reimburse the parents under the unusual circumstances of this case.

The cost of the bill, if enacted, would be $267.12.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

The committee, after a review of the foregoing, believes that the bill is meritorious and recommends favorable consideration of S. 247, without amendment.

LUIS C. GUERRERO, GUADELUPE GUERRERO, AND ALFREDO GUERRERO

The Senate proceeded to consider the bill (S. 641) for the relief of Luis C. Guerrero, Guadelupe Guerrero, and Alfredo Guerrero which had been reported from the Committee on the Judiciary with an amendment on page 1, line 4, after the word "Act", strike out "Luis C. Guerrero, Guadelupe Guerrero, and Alfredo Guerrero" and insert Luis Guerrero-Chavez, Guadelupe Guerrero-Chavez, and Alfredo Guerrero-Chavez"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Luis Guerrero-Chavez, Guadalupe Guerrero-Chavez, and Alfredo Guerrero-Chavez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of May 20, 1958, and the periods of time each of them has resided in the United States since that date shall be held and considered to meet the residence and physical requirements of section 316 of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Luis Guerrero-Chavez, Guadalupe Guerrero-Chavez, and Alfredo Guerrero-Chavez."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–480), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill as amended is to enable the beneficiaries to file petitions for naturalization. The bill has been amended to reflect the proper names of the beneficiaries.

DR. BIMAN K. KHASTAGIR

The Senate proceeded to consider the bill (S. 1299) for the relief of Dr. Biman K. Kastagir which had been reported from the Committee on the Judiciary with an amendment in line 4, after the word "Act", strike out "Doctor Biman K. Kastagir" and insert "Doctor Biman K. Khastagir"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That, for the purpose of the Immigration and Nationality Act, Doctor Biman K. Khastagir shall be held and considered to have been lawfully admitted to the United States for permanent residence as of April 27, 1965.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Doctor Biman K. Khastagir."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–481), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to correct the spelling of the beneficiary's name.

DR. ALFREDO R. SOLIVA

The Senate proceeded to consider the bill (S. 1436) for the relief of Dr. Alfredo R. Soliva which had been reported from the Committee on the Judiciary with an amendment on page 1, line 4, after the word "Act", strike out "Doctor Alfredo R. Soliva" and insert "Doctor Alfredo Rivera Soliva"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of the Immigration and Nationality Act, Doctor Alfredo Rivera Soliva shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 26, 1964, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Doctor Alfredo Rivera Soliva".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–482), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to correct the spelling of the beneficiary's name.

HAROLD DONALD KOZA

The bill (S. 1923) for the relief of Harold Donald Koza was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Harold Donald Koza, lieutenant, United States Navy, retired, of Dothan, Alabama, is hereby relieved of all liability to repay the United States the sum of $4,583.28, representing overpayments of salary paid to him for services he performed as a civilian employee of the United States Army Aviation Center, Fort Rucker, Alabama, for the periods from February 24, 1964, through November 30, 1964, and April 18, 1965, through May 28, 1965, the said Harold Donald Koza having been appointed to such civilian position on February 24, 1964, in violation of section 2 of the Act of July 31, 1894 (repealed effective November 30, 1964), which prohibited the employment of certain retired military officers in a civilian position, and subsequently having been erroneously granted a step-increase and grade promotion based in part upon his illegal period employment prior to December 1, 1964. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for the amount for which liability is relieved by this Act.

(b) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Harold Donald Koza the sum of any amounts received or withheld from him on account of the overpayments referred to in subsection (a) of this section.

SEC. 2. (a) For the purposes of all laws, rules, and regulations conferring rights and benefits on Federal employees, including, but not limited to, civil service status, retirement, and retention rights, the service performed by the said Harold Donald Koza from February 24, 1964, through November 30, 1964, as a civilian employee of the Department of the Army shall be held and considered to be valid and creditable Federal service.

(b) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Harold Donald Koza an amount equal to the difference between the salary received by him as a civilian employee of the United States at Fort Rucker, Alabama, for the period from May 29, 1965, to the date of enactment of this Act, and the salary he would have received for such period had he been promoted from step 2 of grade GS–7 to step 1 of grade GS–9 effective as of April 18, 1965.

SEC. 3. No part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claims referred to in this Act, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

JUN JUEN CHIU YEE (JUN JUEN McNEELY YEE)

The Senate proceeded to consider the bill (S. 2048) for the relief of Jun Juen Chiu Yee (Jun Juen McNeely Yee) which had been reported from the Committee on the Judiciary with an amendment on page 1, line 4, after the word "Act", strike out "Mrs. Jun Kuen Chiu Yee" and insert "Mrs. Jun Kuen Chiu Yee (Jun Kuen McNeely Yee)"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(4) and 204 of the Immigration and Nationality Act, Mrs. Jun Kuen Chiu Yee (Jun Kuen McNeely Yee) shall be held and considered to be the natural-born alien daughter of Mrs. Charlene A. McNeeley, a citizen of the United States: *Provided,* That no natural parent of the beneficiary, by virtue of such parentage, shall be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Mrs. Jun Kuen Chiu Yee (Jun Kuen McNeely Yee)".

JOSE AMARAL DE SOUZA

The Senate proceeded to consider the bill (S. 1481) for the relief of Jose Amaral de Souza which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, the periods of time Jose Amaral de Souza resided in the United States since January 22, 1956, shall be held and considered to meet the residence and physical presence requirements of section 316 of the said Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–479), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill as amended is to enable the beneficiary to file a petition for naturalization. The bill has been amended in accordance with established precedents.

DEPORTATION OF MONG WAH LEONG

The resolution (S. Res. 194) opposing the suspension of deportation of Mong Wah Leong was considered and agreed to, as follows:

Resolved, That the Senate does not favor the suspension of deportation in the case of the alien hereinafter named in which case the Attorney General has suspended deportation pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended (8 U.S.C. 1254; 76 Stat. 1247):

[redacted] Leong, Mong Wah

ROBERT REXROAT

The bill (S. 1089) for the relief of Robert Rexroat was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Robert Rexroat may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Robert Stanley Rexroat, a citizen of the United States, pursuant to section 204 of the Act: *Provided,* That the brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–456), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the alien child adopted by a citizen of the United States and his lawful permanent resident wife.

ANTONIO PLAMERAS

The bill (S. 1675) for the relief of Antonio Plameras was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Antonio Plameras may be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon the filing of a petition in his behalf by Dorothy Person, a citizen of the United States, pursuant to section 204 of such Act. The natural brothers or sisters of the said Antonio Plameras shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–457), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the alien child to be adopted by a citizen of the United States.

RUTH V. HAWLEY, MARVIN E. KRELL, ALAINE E. BENIC, AND GERALD L. THAYER

The bill (H.R. 1836) for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–460), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to authorize the Postmaster General, on such terms as he deems just, to compromise, release, or discharge in whole or in part the individual liabilities of four employees of the Post Office at Clare, Mich., for losses resulting from a burglary at that post office on the night of April 27, 1968.

STATEMENT

The facts of the case is contained in the House Report (No. 92–107) are as follows:

The Post Office Department in its report to the committee on a bill in the 91st Congress recommended relief in the form provided in the committee amendment and stated that it would favor the enactment of a bill in that form.

As is noted in the bill, the liability of the four clerks named in the bill resulted from losses due to a burglary on the night of April 27, 1968. The Post Office at Clare, Mich., was burglarized on that night. The burglars gained entry into the post office through a basement door by breaking the lock and splintering the door. An attempt was made to break into the walkin vault of the post office but the attempt failed. Investigation disclosed that Government loss of $1,237.16 was incurred when the vandals ransacked the envelope drawers of the four clerks causing shortages in stamp stock as follows:

Ruth V. Hawley	$528.37
Marvin E. Krell	305.78
Alaine E. Benic	303.14
Gerald L. Thayer	99.87
Total	1,237.16

The postmaster's claim for credit due to the loss was disallowed because the clerks had failed to place their stamp stock in the vault after their tour of duty ended, as required by postal regulations (Postal Manual 321.2).

Under existing law the Department has no alternative but to charge losses of this character to the postmaster or other employees whose negligence contributed to the loss. The Department noted that this practice is not in accord with current viewpoints of enlightened personnel management. Although liability is expressed in terms of compensating the Government for its loss, it must be looked upon realistically as a punishment and its enforcement as a deterent against future negligence.

The Post Office Department recognizes that the assessment of liability as punishment is capricious. This is illustrated by this case in which the liability of the clerks varies from $528.37 to $99.87, although their fault was the same. Other equitable considerations likewise cannot be evaluated under current law.

In recommending the provision for administrative relief as provided in the amended bill, the Department stated:

"We believe some relief might be granted in this case. However, consideration should also be given to the fact that the employees were negligent. For the foregoing reason, we believe the bill should be amended to provide that the Postmaster General, upon a determination that it is appropriate to do so, is authorized to relieve the employees named on such terms as the Postmaster General deems just and expedient of liability in whole or in part with respect to the transaction involved."

This language recommended by the Department provides the most practical means for reaching a just result in this case. It will enable the Postmaster General to grant relief in a manner which will recognize the interest of the Government, and the interest of each employee. In this connection it can be noted that the recently enacted revision of the postal laws which will take effect in the future provides similar authority for relief in section 2601 of revised title 39 of the United States Code.

The Committee agrees with both the recommendation of the Department and the views offered by the House. Accordingly, it is of the opinion that the bill be considered favorably.

BERNADETTE HAN BRUNDAGE

The bill (H.R. 1867) for the relief of Bernadette Han Brundage was considered, ordered to a third reading, read the third time, and passed.

MRS. MARIA G. ORSINI (NEE MARI)

The bill (H.R. 1899) for the relief of Mrs. Maria G. Orsini (nee Mari) was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–462), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Maria G. Orsini (nee Mari). The bill provides for an appropriate visa number deduction and for the payment of the required visa fee.

JESUS MANUEL CABRAL

The bill (H.R. 1931) for the relief of Jesus Manuel Cabral was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–463), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to cancel outstanding deportation proceedings in the case of Jesus Manuel Cabral.

DAH MI KIM

The bill (H.R. 1962) for the relief of Dah Mi Kim was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–464), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States as an immediate relative of the alien child to be adopted by citizens of the United States, notwithstand-

ing the fact that they previously adopted two alien children.

MRS. ANDREE SIMONE VAN MOPPES AND HER SON, ALAIN VAN MOPPES

The bill (H.R. 1970) for the relief of Mrs. Andree Simone Van Moppes and her son, Alain Van Moppes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–465), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to preserve second preference status for the widow and son of a lawful resident alien, which is the status to which they would have been entitled were it not for the death of their husband and father.

PARK OK SOO AND NOH MI OK

The bill (H.R. 2087) for the relief of Park Ok Soo and Noh Mi Ok was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–466), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States as immediate relatives of two alien children to be adopted by a U.S. citizen.

JOSE BETTENCOURT DE SIMAS

The bill (H.R. 2107) for the relief of Jose Bettencourt de Simas was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–467), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of a crime involving moral turpitude in behalf of the son of a U.S. citizen.

NEMESIO GOMEZ-SANCHEZ

The bill (H.R. 2108) for the relief of Nemesio Gomez-Sanchez was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–468), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable Nemesio Gomez-Sanchez to be classified as a returning resident alien.

LOUIS A. GERBERT

The bill (H.R. 2408) for the relief of Louis A. Gerbert was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–469), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to relieve Louis A. Gerbert, of Grand Rapids, Mich., of liability of $820.75 for shipping charges arising in connection with the shipment, in 1966, of certain personal and other property from San Diego, Calif., to Grand Rapids, Mich., when he was on active duty with the Navy. The bill would authorize the refund of any amounts withheld or repaid because of that liability.

STATEMENT

The facts of the case, as contained in the House report, are as follows:

"The shipment referred to in the bill was made at the time that Louis A. Gerbert, then a chief petty officer in the U.S. Navy, was being transferred from the staff of the commander, Cruiser-Destroyer Force, U.S. Pacific Fleet, San Diego, Calif., to the U.S. Naval Communication Station, Stockton, Calif. At the time of his transfer he had his household goods moved to his home of record, Grand Rapids, Mich., rather than to Stockton, Calif.

"By authority of 37 U.S.C. 406(b) Petty Officer Gerbert was entitled to have his household goods moved to his new duty station of Stockton, Calif., at Government expense. On May 10, 1966, about 1 month prior to the actual movement of his goods, he signed a standard application form titled "Application For Shipment of Household Goods" (DD 1299) requesting shipment of his household goods to Grand Rapids, Mich.

"The committee has secured additional information concerning this move including that contained in a supplemental report from the Navy. The Navy has indicated its opposition to relief in this instance. As is indicated in its reports and in that of the Comptroller General, relief is opposed on the ground that, except in the case of prior authorization, shipment was not authorized to Grand Rapids. The liability is based on the fact that the orders to Stockton would only result in payment for shipment for the distance from San Diego and Stockton.

"The committee sought additional information on the circumstances of this move because of a paragraph in the Comptroller General's report which stated that the records available to the General Accounting Office indicate that Mr. Gerbert requested shipment to his home rather than to his new station for personal reasons and that those reasons included the fact that his wife was ill. The additional information supplied the committee disclosed that Mr. Gerbert has a wife and four children. Navy records also indicated that the health condition of one of his daughters may also have influenced his decision to send his family home to Grand Rapids. It should also be noted that because the family made this move no shipments were made to Stockton or subsequently from Stockton to Grand Rapids. In this connection it should be noted that as a chief petty officer with nearly 15 years of naval service, Mr. Gerbert was entitled to shipment of his household goods from his last duty station to his home of record at the end of his enlistment. In other words, he would have been entitled to shipment of his household goods from Stockton to Grand Rapids at Government expense. In view of these facts and in view of the indication in the General Accounting Office report that Mr. Gerbert may have received misleading information concerning his rights to have the Government bear the cost of shipment from San Diego, Calif. to Grand Rapids, it is recommended that the bill be considered favorably."

In agreement with the view of the House, the committee believes that the bill is meritorious and recommends favorable consideration of H.R. 2408 without amendment.

MIGUELITO YBUT BENEDICTO

The bill (H.R. 2706) for the relief of Miguelito Ybut Benedicto was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–470), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States as an immediate relative of the alien adopted son of a U.S. citizen.

IN KYONG YI

The bill (H.R. 2803) for the relief of In Kyong Yi was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–471), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States as an immediate relative of the alien child to be adopted by a citizen of the United States.

REA REPUBLICA RAMOS

The bill (H.R. 2814) for the relief of Rea Republica Ramos was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–472), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the adjustment of status as an immediate relative of the alien adopted daughter of U.S. citizens.

MARY JAMES KATES

The bill (H.R. 3041) for the relief of Mary James Kates, owner of the Gladewater Daily Mirror, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–473), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to relieve Mary James Kates, owner and publisher of the Gladewater Daily Mirror, of liability in the amount of $746.63 for revenue deficiency resulting from errors on postage on second-class material at the post office at Gladewater, Tex., in the period from October 26, 1966, to November 8, 1967. The bill would authorize the refund of any amounts repaid or withheld by reason of the liability.

STATEMENT

As originally introduced in the House of Representatives, H.R. 3041 was for the relief of Postmaster John Harwin Parrish and Mary James Kates. Subsequently the House Judiciary Committee amended H.R. 3041 deleting John Harwin Parrish from the bill since he had been relieved of liability by the Comptroller General.

In its favorable report on the bill as amended, the Committee on the Judiciary of the House of Representatives said:

"The Postal Service in its report to the committee on the bill stated that it would have no objection to its enactment because it had determined that honest mistakes were made which led to the revenue deficiency and that the publisher relied in good faith on advice received from the Postal Service at the regional headquarters in Dallas, Tex.

"The Post Office has advised the committee that its records disclose that during the period of November 2, 1966, through June 1, 1967, mailings of the Daily Mirror were accepted at the bulk third-class postage rate, when the second-class transient rate (39 U.S.C. 4362) was the rate properly chargeable to the publisher. In so accepting these mailings, both the postmaster and the publisher relied on the advice from the Postal Services Center at regional headquarters in Dallas. The advice received was erroneous, with the result that a postage deficiency occurred in the amount of $746.63.

"The additional information submitted to the committee indicates that the Gladewater Daily Mirror began publishing a shopper edition of the newspaper. This edition was to come out once a month and the publisher contacted the post office to secure the necessary permit for mailing. It was planned to mail slightly less than 6,000 additional copies of the paper to be sent to the rural route areas surrounding the city of Gladewater, Tex. It was in this period that the postmaster and the representative of the newspaper contacted the regional headquarters office of the post office in Dallas to verify the exact procedure to be followed in connection with these mailings. As the mailings were continued, the newspaper contacted the post office from time to time to check on the accuracy of the procedures they were following. It was not until 1967 that the postmaster received a question concerning the procedures being followed because of a post office bulletin he had received. A postal inspector reviewed the matter and it appears that he made some suggestion concerning a change of format but still the newspaper was not advised that the rates should be changed. As was indicated in the department report, it was ultimately determined in November of 1967 that the previous advice was erroneous and that the newspaper owed a postal deficiency.

"The Department, after a review of the matter, concluded that it would have no objection to the enactment of relief legislation. In this connection the Department stated:

" 'The Department is satisfied that honest mistakes were made in this case which led to the revenue deficiency. Legally, the Daily Mirror is liable for the deficiency. On the other hand, it is also clear that the publisher relied in good faith on the erroneous advice received from Dallas, and that without fault on its part, the publication is now liable in the amount of $746.63 because of the administrative error. In the light of the circumstances, the Department would have no objection to the enactment of relief legislation in this case.

" 'It should be pointed out that Postmaster Parrish has already been relieved of liability in this matter by the Comptroller General. Therefore, should the committee give favorable consideration to H.R. 3041, the bill should be amended accordingly.'

"In view of the facts outlined above and in the quotation from the departmental report, the committee has concluded that this is a proper matter for legislative relief. The Department has recommended that the bill be amended to show the amount of the deficiency as $746.63 and that the name of the postmaster be deleted from the bill because the postmaster has already been relieved of liability in the matter by the Comptroller General of the United States. These amendments are recommended by the committee and it is further recommended that the amended bill be considered favorably."

The committee believes the bill is meritorious and recommends it favorably.

RONNIE B. (MALIT) MORRIS AND HENRY B. (MALIT) MORRIS

The bill (H.R. 3082) for the relief of Ronnie B. (Malit) Morris and Henry B. (Malit) Morris was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–474), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States of the adopted sons of a U.S. citizen as immediate relatives.

MRS. MAURICIA A. BUENSALIDO AND HER MINOR CHILDREN, RAYMOND A. BUENSALIDO AND JACQUELINE A. BUENSALIDO

The bill (H.R. 3383) for the relief of Mrs. Mauricia A. Buensalido and her minor children, Raymond A. Buensalido and Jacqueline A. Buensalido was considered, order to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–459), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Mauricia A. Buensalido and her minor children, Raymond A. Buensalido and Jacqueline A. Buensalido. The bill provides for appropriate visa number deductions and for the payment of the required visa fees.

HELEN TZIMINADIS

The bill (H.R. 3425) for the relief of Helen Tziminadis was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–475), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant first preference immigrant status to the adopted daughter of U.S. citizens, which is the status normally enjoyed by the natural-born alien sons and daughters of citizens of the United States.

PAUL ANTHONY KELLY

The bill (H.R. 3475) for the relief of Paul Anthony Kelly was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–476), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to waive applicable time limitations to permit the consideration and settlement of a claim under section 2733 of title 10, United States Code, in behalf of Paul Anthony Kelly, a minor, of Troy, N.C., for physical injuries he suffered on or about February 1, 1964, as the result of the explosion of a device left after an Army maneuver in the Uwharrie National Forest. The bill provides that a claim which was filed on or about July 7, 1966, shall be held and considered to have been timely filed and shall be considered, and, if found meritorious, settled and paid in accordance with otherwise applicable provisions of law.

STATEMENT

The facts of the case as contained in the House Report (No. 92–77) are as follows:

"The Department of the Army in a report to the committee on a bill for the relief of Paul Anthony Kelly in the 90th Congress indicated that it would have no objection to a bill waiving the applicable statute of limitations and authorized the settlement of the Kelly claim. The bill introduced in the present Congress, H.R. 8904, has been drafted to conform with the suggestion of the Department of the Army in that report.

"The accident giving rise to the claim referred to in the bill occurred on February 1, 1964, when Paul Anthony Kelly, then age 11, and two companions hitchhiked 9 miles from their homes in Troy, N.C., to Ophir, N.C., 'to see the Army camp' located nearby. They stopped to play in an adjacent community dump where Paul found a gray object, later identified as a grenade simulator. The boys exposed the main charge

of the device and Paul ignited the powder with a match. The resulting explosion burned his face and right arm and hand. The boys were taken home by a passing motorist, and Paul was taken to the Montgomery Memorial Hospital by his mother. He was treated for first and second degree burns of the face, and second degree burns of the right hand and wrist. On February 5, 1964, he was transferred to Womack Hospital at Fort Bragg, N.C., where his burns healed rapidly and he was discharged on February 17, 1964.

"Investigation by the Army reveals that grenade simulators identical to the one which injured Paul, had been used by the Army in a maneuver near the Uwharrie community dump 1 week prior to the accident. After carefully policing the area for unexpended ammunition and debris, Army personnel threw the refuse into the dump, soaked it with gasoline, and burned it. Apparently the simulator which injured Paul survived this procedure intact.

"The Army in its report stated that immediately after the accident Mrs. Ruth Kelly, Paul's mother, retained an attorney in Charleston, S.C., to seek redress for Paul's injuries. On February 8, 1964, the attorney requested claims information from the Army and then, in January of 1965, released control of the case to another attorney in Kannapolis, N.C. On July 7, 1966, the Kannapolis attorney forwarded a claim (dated July 5, 1966) for $4,000 for Paul's injuries and resulting medical expense to Headquarters XVIII Airborne Corps and Fort Bragg. The claim was received at Headquarters XVIII Airborne Corps and Fort Bragg on July 11, 1966. The Department of the Army was without statutory authority to pay the claim because the claim was not timely filed (10 U.S.C. § 2733), and the quantum of damages could not be determined from the evidence furnished the Department.

"The Army in its report in the 90th Congress pointed out that the authorization for the payment of a lump sum such as was proposed in the bill in that Congress would have been preferential and discriminatory in that it would substitute legislative action for the normal procedures provided for claims settlement under the Military Claims Act provisions of section 2733 of title 10, United States Code. The committee agrees that matters of this type should be settled in accordance with the authority and procedures provided for in that section. As has been noted, the bill, H.R. 8904, is consistent with this conclusion for it provides that the settlement of the claim is to be made under the procedures of section 2733 of title 10. The bill merely provides for a waiver of the applicable statute of limitations and the recognition of the claim filed on or about July 7, 1966, as a timely claim.

"In its report, the Army indicated that should the Congress find sufficient basis for the waiver of the statute in this instance, it would not object to relief. The committee has carefully considered the facts of the matter and concludes that the most equitable and just resolution of that matter would be to extend the relief provided by this bill. Here is a case where the child's mother sought legal advice immediately after the accident to determine what steps could be taken to obtain redress for the boy's injuries. While the attorney promptly requested information concerning the filing of a claim, apparently no action was taken by him until the matter was turned over to a second attorney in January of 1965. Here again there was a delay on the part of the second attorney and when the claim was ultimately filed, the 2-year statute of limitations had expired. The committee has concluded that the mother had shown diligence in seeking professional assistance in asserting the claim and therefore was diligent and prompt in seeking to protect the rights of the injured minor. Secondly it must be remembered that the person most directly prejudiced by the failure to file the claim is the boy himself. It is clearly unfair to impute to him delays on the part of other persons over which he would normally have no control. This is not a matter in which the facts and records are unavailable to the Government and it does not appear that the Government has therefore been prejudiced by the delay in this instance. Accordingly, it is recommended that the bill be considered favorably."

In agreement with the views of the House of Representatives, this committee likewise recommends favorable consideration of H.R. 3475.

THE AMERICAN JOURNAL OF NURSING

The bill (H.R. 5422) for the relief of The American Journal of Nursing was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–477), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to authorize the Comptroller General to settle the claim of the American Journal of Nursing for an advertisement carried by that journal in its August 1966 issue for the Department of Health, Education, and Welfare. The bill would authorize the settlement of the claim in the amount of $238.50 and make the payment payable from the appropriation "Hospitals and medical care, Public Health Service, 1967."

STATEMENT

The bill H.R. 5422 was introduced in accordance with the recommendations of the Comptroller General transmitted to the Congress in accordance with the provisions of section 236, title 31, of the United States Code, as a meritorious claim.

The August 1966 issue of the American Journal of Nursing carried an advertisement placed by the Public Health Service of the Department of Health, Education, and Welfare, advertising the fact that there was a vacancy in the position of nurse anesthetist on a public Health Service surgical team at Da Nang in South Vietnam. The bill for this advertising has not been paid by the Government because the advertisement was placed by telephone in advance of written authorization. The Bureau of Medical Services of the Public Health Service wanted to expedite the advertisement and desired to assure its appearance in the August issue of the American Journal of Nursing. The Comptroller General has observed that his action was taken in good faith and a requisition confirming the order was prepared on June 30, 1966, and approved by proper authority on August 5, 1966: however, the governing statute required proper written authorization prior to publication. The subsequent ratification of the placing of the advertisement was held not to comply with the terms of the statute.

The report of the Comptroller General to the Congress noted that the Bureau of Medical Services of the Public Health Service under an agreement with the Agency for International Development operates two surgical teams in South Vietnam. The teams are located in Da Nang and Nha Trang. The teams provide surgical care for the Vietnamese civilian population and their work involves treatment of casualties who are primarily war casualties. In June of 1966, the Bureau of Medical Services was faced with an unanticipated nurse anesthetist vacancy on the surgical team at Da Nang. The best method to recruit individuals for positions on the teams had been by notice in professional journals. The decision was, therefore, made to place an advertisement in the American Journal of Nursing in the same manner as had been done on previous occasions. As has been noted, the order for the advertising was placed by telephone because of the need to expedite the advertising and in order to place it in the August issue of the journal. The problem, of course, is that the technical requirement of prior written authorization was not complied with in time and the attempt to cure the discrepancy by subsequent confirmation was not effective.

In recommending this bill, the Comptroller General stated that it was the conclusion of the General Accounting Office that the exigencies of the Vietnam situation, the urgency of the recruitment need, and the fact that the services were ordered and rendered in good faith, constitute such elements of equity as to warrant favorable consideration of the claim by the Congress. The General Accounting Office therefore recommended that payment of the claim be authorized. The committee has carefully considered the facts set forth in the letter of the Comptroller General and agrees that relief is clearly required in this case. Accordingly, it is recommended that the bill be considered favorably.

EUGENE M. SIMS, SR.

The bill (H.R. 7085) for the relief of Eugene M. Sims, Sr., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–478), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to authorize the Secretary of the Army to settle the claim of Eugene M. Sims, Sr., based upon the loss of personal property while on active duty in the U.S. Army in Korea in 1950 by providing that it is to be held and considered as a claim cognizable under section 241 of title 31 of the United States Code. The Secretary of the Army would be authorized and directed to consider, settle, and if found meritorious, pay a claim based upon the said loss, if filed by the said Eugene M. Sims, Sr., within 1 year of the date of approval of this act.

STATEMENT

The facts of the case as contained in House Report 1070 of the 91st Congress on an identical bill (H.R. 14449) are as follows:

The Department of the Army in its report to the committee on the bill stated that it would not object to its enactment should the Congress find that the facts justify the relief provided by the bill.

The claim which is referred to in the bill arose during the Army service of Eugene M. Sims in Korea. The Army states that its search discloses only that Mr. Sims contacted the Army concerning the claim on March 30, 1965. Subsequent letters written by Mr. Sims and his attorney resulted in comprehensive searches but no record of any claim could be found, and no information was discovered which would confirm or deny the following version of the loss given by the claimant. Mr. Sims states that when his unit arrived in Korea (his recollection is that it was the city of Seoul), the mem-

bers were told to pack all of their personal items in a box and turn the box in to a designated sergeant who would ship the boxes to the addressees. He packed the box and gave it to the sergeant for shipment to his mother. She never received the box. After completing his combat tour, Mr. Sims departed from Camp Nara, Japan, aboard the *General Brewster* and landed at the San Francisco Port of Embarkation Center in November 1952 (his date is in error). The returning soldiers were assembled in a room and told to fill out claims forms if they had lost items in shipment and the Government would pay for the items. Mr. Sims filled out the claim forms but does not remember the exact date in November 1952 that he completed and filed his claim. In the letter of March 1965, he was unable to recall a complete list of the items that he packed. In subsequent letters he claimed the loss of about $1,600 in currency, gifts of silverware and jewelry, and personal possessions.

When the first claim of record was received in 1965 Mr. Sims was informed that it could not be considered because of the 2-year statute of limitations imposed by the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 241). The private relief bill under consideration would remove this bar.

The committee was supplied with further correspondence from Mr. Sims describing the circumstances of his loss. He states that the box containing his personal effects was sent to his mother. Mrs. Eva Sims Lewis, General Delivery Box 421, Napoleonville, La. He further states that upon arriving home, his mother confirmed that she had not received the box. His mother had written on a number of occasions that the box had not arrived and he states that it was for this reason that he made out a claim in San Francisco, as outlined in the Army report.

The Army in its report states that it is possible that Mr. Sims' claim was lost because of the large number of troops who were being processed at the time he returned to the United States.

CORBIE F. COCHRAN, JR.

The Senate proceeded to consider the bill (H.R. 5419) for the relief of Corbie F. Cochran, Jr., which had been reported from the Committee on the Judiciary with amendments on page 1, at the beginning of line 6, strike out "Junior,"; on page 2, line 1, after the name "Cochran", strike out the comma and "Junior,"; and, in line 10, after the name "Cochran,", strike out "Junior,".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act for the relief of Corbie F. Cochran."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-484), explaining the purposes of the measure.

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

PURPOSE OF THE AMENDMENTS

The purpose of the amendments is to correctly state the name of the claimant in the bill.

PURPOSE OF THE BILL AS AMENDED

The purpose of the proposed legislation is to provide that an advancement in grade of Corbie F. Cochran as an employee of the Department of the Army is to be deemed to have been made in conformity with the law and to further provide that the employee is to be relieved of any liability based upon the advancement action validated by the provisions of the bill. The bill further provides that any money paid or wihtheld by reason of the liability referred to shall be refunded.

STATEMENT

The bill H.R. 5419 was introduced in accordance with the recommendation of the Comptroller General of the United States transmitted to the Congress in accordance with the provisions of section 236 of title 31 of the United States Code, as a meritorious claim.

On December 21, 1963, Corbie F. Cochran applied for an appointment as a claims investigator, GS-9, with the Department of the Army at the U.S. Army Transportation Center at Fort Eustis, Va. On March 4, 1964, Mr. Cochran was advised that he had been tentatively selected for that position and that his formal appointment would have to await a security clearance and a report of his medical fitness. While he was awaiting confirmation of his appointment to the position of claims investigator, grade GS-9, with the Department of the Army, he accepted a career-conditional appointment with the Department of Justice, Bureau of Prisons, in the grade of GS-6. This acceptance was made on April 13, 1964, and was his initial employment by the Government. Shortly thereafter, on April 21, 1964, he was notified by the Army that he had been selected as a claims investigator and was asked to report for duty on April 29, 1964. Mr. Cochran, therefore, resigned from his employment with the Department of Justice, effective April 24, 1964, after 12 days employment, and on April 29, 1964, was appointed to the position of claims investigator, grade GS-9, $7,030 per annum, with the Department of the Army. On May 9, 1965, he received a within-grade increase to GS-9, step 2, $7,465 per annum.

As is outlined in the letter of the Comptroller General, the difficulty of this case stems from the fact that section 1310 of the Supplemental Appropriation Act of 1952, 65 Stat. 736, as amended, 5 U.S.C. 43, 1964 ed., footnote, had the effect of barring an advancement from GS-6 to GS-9. This is because the bar specifically applied to any type of appointment, including reemployment and reinstatement made within 1 year after separation from a nontemporary appointment.

Therefore, the advancement of Mr. Cochran to grade GS-9 from grade GS-6 upon his reemployment with the Department of the Army was in contravention of both the statute and applicable regulations.

The commanding officer, Fort Eustice reports that the claimant made known at the time of his reemployment by the Army his brief employment with the Department of Justice, but this information was overlooked in fixing Mr. Cochran's grade and rate of compensation as a result of administrative error.

The error was not discovered until some time in May 1965. On June 1, 1965, the Deputy Chief of Staff for Personnel, Department of the Army, directed that Mr. Cochran's appointment be corrected effective April 20, 1964, to show his entrance grade at GS-6, step 1, $5,235 per annum, with statutory salary increase, effective July 5, 1964, $5,505 and step increase to grade GS-6, step 2, $5,690 per annum, on May 9, 1965. The Deputy Chief of Staff also directed that the resulting overpayment of $2,035.52 be collected from the claimant. On June 20, 1965, Mr. Cochran, having met the year in grade requirement of the Whitten amendment, was promoted to grade GS-7, step 2, $6,250. Both actions were accomplished by personnel journals dated July 30, 1965.

The Comptroller General's letter also points out that in accordance with a proviso in the limiting law, the Civil Service Commission has authorized prospective relief which has the effect of confirming Mr. Cochran's position to grade GS-9, effective as of August 9, 1965. However, this authority on the part of the Civil Service Commission does not authorize retroactive relief. Therefore, notwithstanding the fact that Mr. Cochran performed the duty of a claims investigator in grade GS-9 for over 1 year, he remains indebted to the Government in the amount of $2,035.52, less any repayments, for the difference between the compensation of a person occupying grade GS-6 and that of GS-9

After noting that the commanding officer at Fort Eustis commented favorably upon Mr. Cochran's record, the Comptroller General summarized the reasons for relief in this case as follows:

In this case, however, there are several factors which we believe warrant making an exception. First, the employment accepted by the claimant during the period April 13 to 25, 1964—some 12 days—with the Department of Justice, pending completion of his security clearance by the Department of the Army, was his first employment with the United States and undoubtedly was accepted by the claimant without actual knowledge of provisions of the Whitten amendment and the adverse effect such statute would have upon his contemplated employment with the Department of the Army. Second, Mr. Cochran actually and successfully performed the duties of the grade GS-9 position for over a year as evidenced by the report of his commanding officer. Third, the U.S. Civil Service Commission, after review of the claimant's case, accorded him that prospective equitable relief which is provided by the Whitten amendment as an exception to its time-in-grade requirements and authorized his promotion to grade GS-9, effective August 9, 1965.

In accordance with the recommendation of the Comptroller General and based upon the facts outlined in his letter and referred to in this report, the committee recommends that the bill be favorably considered.

EXTENSION OF TIME FOR SUBMISSION OF REORGANIZATION PLANS

The Senate proceeded to consider the bill (H.R. 6283) to extend the period within which the President may transmit to Congress reorganization plans concerning agencies of the executive branch of the Federal Government, and for other purposes which had been reported from the Committee on Government Operations with an amendment to strike out all after the enacting clause and insert:

That (a) section 901(a) of title 5, United States Code, is amended to read as follows:

"(a) The Congress declares that it is the policy of the United States—

"(1) to promote better execution of the laws, more effective management of the executive branch and of its agencies and functions, and 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 as may not be neces-

sary for the efficient conduct of the Government; and

"(6) to eliminate overlapping and duplication of effort."

(b) Section 901 of such title is amended by adding at the end thereof the following new subsection:

"(c) The President shall from time to time examine the organization of all agencies and shall determine what changes in such organization are necessary to carry out any policy set forth in subsection (a) of this section."

SEC. 2. (a) Section 903(a) of title 5, United States Code, is amended to read as follows:

"(a) Whenever, the President, after investigation, finds that changes in the organization of agencies are necessary to carry out any policy set forth in section 901(a) of this title, he shall prepare a reorganization plan specifying the reorganizations he finds are necessary. Any plan may provide for—

"(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.

The President shall transmit the plan (bearing an identification number) to the Congress together with a declaration that, with respect to each reorganization included in the plan, he has found that the reorganization is necessary to carry out any policy set forth in section 901(a) of this title."

(b) Section 903(b) of such title is amended by inserting after "and to each House while it is in session" a comma and the following: "and furthermore shall not transmit more than one such plan to Congress within any period of thirty consecutive days".

SEC. 3. Section 904 of title 5, United States Code, is amended to read as follows:

"§ 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;

"(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; and

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

A reorganization plan transmitted by the President containing provisions authorized by paragraph (2) of this section may provide that the head of an agency be an individual or a commission or board with more than one member. In the case of an appointment of the head of such an agency, the term of office may not be fixed at more than four 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 Commissioner or other body or officer of that government designated in the plan. Any reorganization plan transmitted by the President containing provisions required by paragraph (4) of this section, shall provide for the transfer of unexpended balances only if such balances are used for the purposes for which the appropriation was originally made."

SEC. 4. (a) Section 905(a) of title 5 of the United States Code is amended by striking out "or" at the end of paragraph (5), by striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon and the word "or", and by adding after paragraph (6) the following new paragraph:

"(7) dealing with more than one logically consistent subject matter."

(b) 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".

SEC. 5. Section 911(a) of title 5, United States Code, is amended by striking out "10 calendar days" and inserting in lieu thereof "20 calendar days".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "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, and for other purposes.".

Mr. MANSFIELD. Mr. President, that completes the call of the calendar.

COMMITTEE MEETINGS DURING SENATE SESSION TODAY

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.

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will now have a period of 30 minutes for the transaction of routine morning business with each Senator limited to 3 minutes.

Is there morning business?

QUORUM CALL

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 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.

THE NATIONAL DEBT OF THE UNITED STATES

Mr. BYRD of Virginia. Mr. President, as of November 15 the national debt was $412.5 billion.

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended until 10 a.m.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

INTERIM REPORT OF THE RAILROAD PASSENGER CORPORATION

A letter in the nature of an interim report from the chairman of the Financial Advisory Panel of the National Railroad Passenger Corporation; to the Committee on Commerce.

PROPOSED IMPROVEMENT OF JUDICIAL MACHINERY

A letter from the Director, Administrative Office of the United States Courts, Washington, D.C., transmitting a draft of proposed legislation to improve judicial machinery by providing benefits for survivors of federal judges comparable to benefits received by survivors of members of Congress, and for other purposes (with an accompanying

paper); to the Committee on Post Office and Civil Service.

PETITION

The following petition was submitted:

A resolution from the General Assembly of the Christian Church (Disciples of Christ) meeting in Louisville, Kentucky, October 1971, concerning Indochina; to the Committee on Foreign Relations.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, November 19, 1971, he presented to the President of the United States the enrolled bill (S. 2559) to amend the Consolidated Farmers Home Administration Act of 1961 to authorize insured emergency loans.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Commerce, with amendments:

S. 1821. A bill to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States (Rept. No. 92–503).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

H.R. 3749. An act for the relief of Richard C. Walker (Rept. No. 92–504).

By Mr. JORDAN of North Carolina, from the Committee on Public Works, without amendment:

S. 2887. An original bill authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes (Rept. No. 92–506).

SENATE RESOLUTION 201—REPORT OF A RESOLUTION RELATING TO EXPENSES OF THE COMMITTEE ON THE JUDICIARY

(Referred to the Committee on Rules and Administration.)

Mr. ERVIN, from the Committee on the Judiciary, reported the following resolutions:

S. RES. 201

Resolved, That section 6 of Senate Resolution 32, 92d Congress, agreed to March 1, 1971, is amended by striking out "$3,000" and inserting in lieu thereof "$10,000".

REPORT ENTITLED "A PRE-WHITE HOUSE CONFERENCE ON AGING, SUMMARY OF DEVELOPMENTS AND DATA"—REPORT OF THE SPECIAL COMMITTEE ON AGING (S. REPT. NO. 92–505)

Mr. CHURCH. Mr. President, I submit a report from the Senate Special Committee on Aging entitled "A Pre-White House Conference on Aging, Summary of Developments and Data," together with minority and supplemental views.

The PRESIDING OFFICER. The report will be received and printed.

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. FULBRIGHT and Mr. WILLIAMS, jointly, from the Committees on Foreign Relations and Labor and Public Welfare:

Joseph H. Blatchford, of California, to be Director of Action.

CONFIRMATION OF NOMINATION OF HENRY M. RAMIREZ TO BE CHAIRMAN OF CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

Mr. PERCY. Mr. President, it is my privilege, on behalf of the Committee on Government Operations and its distinguished chairman, the senior Senator from Arkansas (Mr. MCCLELLAN), to report that the committee has voted unanimously to recommend to the Senate that the President's nomination of Mr. Henry M. Ramirez to be Chairman of the Cabinet Committee on Opportunities for Spanish-Speaking People be confirmed.

Mr. President, the Government Operations Committee held hearings on the nomination of Mr. Ramirez on November 9. At that time the committee heard expressions of support from the Senators from California (Mr. CRANSTON and Mr. TUNNEY), from Mr. HOLIFIELD, the distinguished chairman of the House Committee on Government Operations, and from my distinguished colleagues, the Senator from Arizona (Mr. FANNIN) and the senior Senator from Maryland (Mr. MATHIAS). Senator FANNIN, Senator TUNNEY, and Senator MATHIAS appeared personally to speak on behalf of the nominee.

Representatives of several private groups testified, including the Puerto Rican Association on National Affairs, the National Association for Puerto Rican Civil Rights, the National Puerto Rican Leadership Conference, and the Advisory Committee on Chicano Affairs to the Governor of Oregon. Opposition to the nomination was voiced by a representative of the National Association for Puerto Rican Civil Rights, but his right to speak for the organization was withdrawn by the organization, and two members of its board appeared in order to support the nomination of Mr. Ramirez. The only group in outright opposition to Mr. Ramirez was the National Puerto Rican Leadership Conference. The committee concluded that the expressions of opposition were not significant or substantial, and did not cast doubt on the ability of the nominee. These criticisms were instead directed mainly at the past record of the Cabinet Committee, in particular at its prior lack of concern for the problems of Puerto Rican Americans, and the fact that few Puerto Rican Americans had been represented on its staff either in professional or clerical positions.

After Mr. Ramirez' testimony the committee was reassured that the Cabinet Committee would show a new concern for the problems of all Spanish Americans, whether of Puerto Rican, Cuban, Mexican, or Latin American origin.

Mr. Ramirez has appointed as executive director for program evaluation and coordination a qualified Puerto Rican American from New York. Other Puerto Rican Americans have been employed in positions of responsibility. Under close questioning by the senior Senator from New York, Mr. JAVITS, and myself, Mr. Ramirez assured unequivocally of his intention that the committee's staff and its programs will be representative of Spanish-speaking Americans of all origins and of all parts of the country, and that the Committee's programs will be equally oriented toward meeting the needs, solving the problems and improving the lives of all our Spanish-American citizens. The Government Operations Committee has jurisdiction over the Cabinet Committee and will have ample opportunity to review the Cabinet Committee's performance.

I want to note especially the contribution of Senator JAVITS, who has taken a very deep interest over the years in making the Cabinet Committee more fully concerned with the interests of all Spanish Americans, particularly the very significant population of Spanish Americans of Puerto Rican origin in New York. I think the senior Senator from New York has now achieved a long and hard-fought goal, and that the Cabinet Committee will conceive of its responsibilities and implement its programs with a much broader perspective than before.

I am placing on the desk the report of the Committee on Government Operations recommending the confirmation of the nomination of Mr. Henry M. Ramirez as Chairman of the Cabinet Committee on Opportunities for Spanish-Speaking People.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Executive B, a Treaty to resolve pending boundary differences and maintain the Rio Grande and Colorado River as the International boundary between the United States of America and the United Mexican States, signed at Mexico City on November 23, 1970 (Executive Rept. No. 92–11).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. MCCLELLAN (for himself and Mr. FULBRIGHT):

S. 2881. A bill to provide for a highway bridge across the Norfork Reservoir in Arkansas. Referred to the Committee on Public Works.

By Mr. HUMPHREY:

S. 2882. A bill for the relief of Lars Tommy Holm. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 2883. A bill for the relief of Miss Etsuko Yamamoto. Referred to the Committee on the Judiciary.

By Mr. THURMOND:

S. 2884. A bill for the relief of certain corporations, associations, and individuals. Referred to the Committee on the Judiciary.

By Mr. METCALF:

S. 2885. A bill to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes. Referred to the Committee on Commerce.

By Mr. PERCY:

S. 2886. A bill to provide for the appointment of an additional U.S. Circuit Judgeship. Referred to the Committee on the Judiciary.

By Mr. JORDAN of North Carolina, from the Committee on Public Work:

S. 2887. An original bill authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes. Ordered to be placed on the calendar.

By Mr. CHURCH:

S. 2888. A bill to authorize the Secretary of Labor to make grants for the conduct of older Americans home-repair projects, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2889. A bill to amend section 5 of the Act of September 21, 1968 (82 Stat. 860), relating to preparation of a roll of persons of California Indian descent and the distribution of certain funds. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCLELLAN (for himself and Mr. FULBRIGHT):

S. 2881. A bill to provide for a highway bridges across the Norfolk Reservoir in Arkansas. Referred to the Committee on Public Works.

Mr. McCLELLAN. Mr. President, I introduce on behalf of myself and my distinguished colleague, Senator FULBRIGHT, a bill to provide long overdue relief to the people of North Central Arkansas, who have suffered intolerably and unnecessarily from their loss of the bridge connecting U.S. Highways 62 and 101, which was inundated when the Federal Government built the Norfolk Dam in 1943.

In 1934 the State constructed a bridge to serve Highways 62 and 101. Then, in 1943—during the Second World War—the Federal Government built Norfolk Dam and the resulting reservoir destroyed the bridge. To compensate for the loss of the bridge, the State of Arkansas received $1,342,000 from the Federal Government.

This bill would authorize the Federal Government to replace this bridge, which, in all equity, it should have done earlier. The bill further provides that the State of Arkansas shall contribute the $1,342,000 it previously received, plus interest, toward the construction cost of the new bridge.

Mr. President, it is clear that the State of Arkansas was inadequately compensated for the loss it endured. Perhaps, it is only one of the multitude of inequities which can be attributed to the hectic days of World War II.

The State of Arkansas is willing to make full restitution of the inadequate funds they received from the Federal Government, plus interest, and it is, I think, only fair that the Federal Government be required to replace this bridge, whose loss has severely hampered the economic growth and development of the area.

This vital transportation link is sorely needed. It connects the major east-west artery between the northern part of Arkansas. Its replacement is essential to the growth of this area and even more vital to its capacity to serve the number of visitors from outside the State who are increasing yearly.

A new bridge will benefit not only the people of Arkansas but facilitate the travel of the many thousands of American tourists who each year come to this scenic section of the Ozark Mountains for their recreational pleasures. The day will surely come when this part of the country will be one of our most popular national recreation areas. Included in its attractions are Bull Shoals, Norfork and Beaver Lake, the Buffalo River—which hopefully will become a national river—and the Blanchard Springs Caverns—which may soon be opened to the public.

Mr. President, I introduce, for appropriate reference, a bill to "provide for a highway bridge across the Norfork Reservoir in Arkansas," and I ask unanimous consent that its text be printed at the conclusion of my remarks.

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

S. 2881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the comprehensive plan for flood control and other purposes in the White River Basin, as authorized by the Act of June 28, 1938 (52 Stat. 1215), and as modified and amended by subsequent Acts, is further modified to provide for a free highway bridge built to modern standards over the Norfork Reservoir at an appropriate location in the area where United States Highway 62 and Arkansas State Highway 101 were inundated as a result of the construction of the Norfork Dam and Reservoir. Such bridge shall be constructed, maintained, and operated by the Chief of Engineers, Department of the Army, in accordance with such plans as are determined to be satisfactory by the Secretary of the Army in order to provide adequate crossing facilities over such reservoir for highway traffic in the area.

SEC. 2. The cost of constructing the bridge authorized in the first section of this Act shall be borne by the United States except that the State of Arkansas shall be required to pay as its share of the cost of constructing such bridge the sum of $1,342,000, plus interest for the period from May 29, 1943, to the date of enactment of this Act. Such interest shall be computed at a rate determined by the Secretary of the Treasury to be equal to the average annual rate on all interest bearing obligations of the United States forming a part of the public debt on May 29, 1943, and adjusted to the nearest one-eighth of one per centum. The share to be paid by the State of Arkansas represents the amount paid by the United States to the State of Arkansas as insufficient compensation for the highways inundated as a result of the construction of the Norfork Dam and Reservoir plus interest from the date of payment.

SEC. 3. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. METCALF:

S. 2885. A bill to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes. Referred to the Committee on Commerce.

Mr. METCALF. Mr. President, earlier this month the Ad Hoc Subcommittee on Surplus Property, chaired by my distinguished colleague from Alabama, Senator ALLEN, held hearings on several measures to amend the Federal Property and Administrative Services Act of 1949.

During the course of the hearings, I questioned Mr. Harold S. Trimmer, Jr., Assistant Administrator of the General Services Administration, concerning that agency's justification in law for appraisers' decisions that ignore the recommendations of those more expert in a given subject. I had a specific example in mind, and used it to illustrate my question. Mr. Trimmer's response has led to the bill I will introduce today.

Senators may be interested in a brief history, in part excerpted from the hearings: Below Fort Peck Dam in Montana there is a former ranch of 1,660 acres that was declared to be surplus by the Bureau of Reclamation. Both the Bureau of Land Management and the Montana Fish and Game Commission asked that it be given to the Bureau of Land Management for recreational purposes or, if not to them, to the Montana Fish and Game Commission for recreation, and for a waterfowl and wildlife refuge.

The General Services Administration determined that the land was not useful for recreational purposes and put it up for sale. Citizens wishing to examine the land were prevented from doing so by a guard, posted on the access road, armed with a shotgun. The land was subsequently purchased by owners of land nearby.

The Migratory Bird Conservation Commission, of which I have had the honor to be a member almost as long as I have been in the Senate, bought a parcel of adjacent land, as we believed that the area has value for resource purposes.

It was our opinion and the opinion of the Fish and Wildlife Service, that the land declared to be surplus was important and significant recreational land. It is the opinion of Mr. Frank Dunkle, who is head of the Montana Fish and Game Commission, and recent recipient of the American Motors' award for his contribution to conservation, that the 1,660 acres would be valuable to the Montana Fish and Game Commission. It was the opinion of the man who is responsible for the Charles M. Russell Game Range, just above the land, that it would be a valuable adjunct to the range, and therefore important for recreational and wildlife purposes.

Yet, despite recommendations of all of these experts in resources management, the General Services Administration ruled that the land was not suitable for that use.

Mr. Trimmer agrees with me that none of his appraisers is a specialist in fish and wildlife management and development of conservation lands and that if their judgment—which I consider inferior in such matters—is to be corrected by the judgment of professionals, it could be accomplished by a simple amendment of the law.

Mr. President, I introduce a bill to achieve this purpose.

My bill would delete one word from 16

U.S.C. 667b, the word "chiefly" which appears in the following passage:

Upon request, real property which is under the jurisdiction or control of a Federal agency and no longer required by such agency, (1) can be utilized for wildlife conservation purposes by the agency of the State exercising administration over the wildlife resources of the State wherein the real property lies or by the Secretary of the Interior; and (2) is chiefly valuable for use for any such purpose . . .

Mr. President, I ask unanimous consent that the entire section be printed in the RECORD following these remarks:

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

SECTION 667b. TRANSFER OF CERTAIN REAL PROPERTY FOR WILDLIFE CONSERVATION PURPOSES; RESERVATION OF RIGHTS

Upon request, real property which is under the jurisdiction or control of a Federal agency and no longer required by such agency, (1) can be utilized for wildlife conservation purposes by the agency of the State exercising administration over the wildlife resources of the State wherein the real property lies or by the Secretary of the Interior; and (2) is chiefly valuable for use for any such purpose, and which, in the determination of the Administrator of General Services, is available for such use may, notwithstanding any other provisions of law, be transferred without reimbursement or transfer of funds (with or without improvements as determined by said Administrator) by the Federal agency having jurisdiction or control of the property to (a) such State agency if the management thereof for the conservation of wildlife relates to other than migratory birds, or (b) to the Secretary of the Interior if the real property has particular value in carrying out the national migratory bird management program. Any such transfer to other than the United States shall be subject to the reservation by the United States of all oil, gas, and mineral rights, and to the condition that the property shall continue to be used for wildlife conservation or other of the above-stated purposes and in the event it is no longer used for such purposes or in the event it is needed for national defense purposes title thereto shall revert to the United States. (May 19, 1948, ch. 310, § 1, 62 Stat. 240; June 30, 1949, ch. 288, title I, § 105, 63 Stat. 381.)

TRANSFER OF FUNCTIONS

The functions, records, property, etc., of the War Assets Administration were transferred to the General Services Administration, the functions of the War Assets Administrator were transferred to the Administrator of General Services, and the War Assets Administration, and the office of War Assets Administrator were abolished by section 105 of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions effective July 1, 1949, see note set out under section 471 of Title 40, Public Buildings, Property, and Works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 667c, 667d of this title.

By Mr. CHURCH:

S. 2888. A bill to authorize the Secretary of Labor to make grants for the conduct of older Americans home-repair projects, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

OLDER AMERICANS HOME REPAIR ASSISTANCE ACT

Mr. CHURCH. Mr. President, I introduce for appropriate reference the Older Americans Home Repair Assistance Act.

For most aged persons, the home is their only major asset. But today, large numbers of older Americans are finding themselves financially paralyzed by rapidly rising maintenance costs. Many now live in dilapidated housing which is oftentimes structurally unfit for human occupancy. And in some rural areas, running water, indoor toilets, and screened windows—accessories which are taken for granted in most cities—are the exception, rather than the rule.

In far too many cases, vital home repairs must be postponed because there is insufficient income to meet the elderly's daily personal requirements, such as food, clothing, and medicines. Others cannot perform these tasks because failing health makes it impossible. And some, especially elderly widows, simply do not have the requisite skills.

As a consequence, their living quarters continue to deteriorate further. In fact, it is estimated that perhaps 30 percent of all housing occupied by persons 65-and-older is either dilapidated, deteriorating, or lacking important facilities.

The bill that I introduce today is designed to make home-repair services available for elderly homeowners who would have difficulty in paying for these costs. In carrying out this proposal, the Secretary of Labor would be authorized to enter into contracts with public agencies and private nonprofit organizations sponsoring home-repairs projects, which would provide new and gainful employment opportunities for individuals 55 and older. Under this proposal, the elderly property owner would be required to furnish the supplies and materials. But the labor would be available without charge. Appropriate safeguards are also included in the bill to assure that these projects will not result in the displacement of employed workers or impair existing contracts.

The National Council of Senior Citizens and the National Farmers Union, I am pleased to say, have strongly supported this concept in their "Platform for the Seventies for All Older Americans." For example, one of their key recommendations called for "the rehabilitation of housing units inhabited by older people which are being ruined by deterioration and decay."

Equally important, this measure would provide productive employment for older workers in a wide range of useful activities, such as repairing leaky roofs, rebuilding porches to make them safe again, replacing rotten floors, and installing window glass.

Moreover, this bill would provide a basis for building upon the successful programs under Operation Mainstream, such as the Green Thumb project. Today nearly 3,000 Green Thumbers, ranging in age from 55 to 94, have already left their mark on America by planting over 4 million trees to beautify our countryside, building hundreds of roadside parks, and restoring numerous historical sites. Additionally, these elderly participants have performed valuable repair work in public housing units. However, existing Department of Labor regulations preclude repairs on private homes. But under my bill, Green Thumb and other similar community service projects would be able to provide these important services for homeowners who would not be able to pay for these costs.

Pilot projects such as Green Thumb have clearly demonstrated that there are many older Americans who are ready, willing, and able to perform services benefiting their localities. Greater utilization of their skills and experience would not only help the elderly jobseeker but the public as well.

Today, safe and decent housing is absolutely essential for a full, satisfying life for all elderly persons. And enactment of the Older Americans Home Repair Assistance Act can be an important step forward in making this goal a reality.

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

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

S. 2888

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 "Older Americans Home Repair Assistance Act of 1971."

DEFINITIONS

SEC. 2. For the purposes of this Act—

(1) "eligible individual" means an individual who is at least 55 years of age, who has an income, as determined by the Secretary, not in excess of 125 percent of the income for poor individuals established for that fiscal year under the Economic Opportunity Act of 1964, and who has or is determined reasonably likely to have difficulty in securing employment;

(2) "home-repair project" means any work determined by the Secretary to be appropriate for eligible individuals to perform with respect to the repair of a home of any adult categorical assistance recipient and includes carpentry, painting, masonry, plumbing, wallpapering, and electrical work;

(3) "eligible homeowner" means any person aged 65 or older whose income is not in excess of the intermediate budget for a retired couple in urban areas of the United States, as determined by the most recent data available to the Secretary;

(4) "Secretary" means the Secretary of Labor;

(5) "State" means the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

APPROPRIATIONS AUTHORIZED

SEC. 3. There are hereby authorized such sums as the Congress shall deem appropriate for carrying out the purposes of this Act.

PROGRAM AUTHORIZED

SEC. 4. (a) In order to promote work opportunities for unemployed or underemployed persons who are at least 55 years of age and who have poor employment prospects and to assist eligible homeowners to repair their homes, the Secretary is authorized, in accordance with the provisions of this Act, to enter into contracts with public or private nonprofit agencies or organizations for the conduct of home repair projects.

(b) The Secretary shall not enter into any contract under this Act unless he determines that such project—

(1) will provide work opportunities for eligible individuals who do not have opportunities for other suitable paid employment;

(2) will provide work for such individuals only on a home-repair project;

(3) will result in an increase in employment opportunities for eligible individuals and will not result in the displacement of

employed workers or impair existing contracts;

(4) will utilize methods of recruitment and selection which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project to be assisted;

(5) will include such short-term training as may be necessary to make the most effective use of the skills and talents of those eligible individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

(6) will assure that reasonably safe and healthy conditions of work will be provided, and will assure that persons employed under such programs will be paid at rates comparable to the rates of pay prevailing in the same labor market area for persons employed in similar work, but in no event shall any person employed under such programs be paid at a rate less than that prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, or the appropriate State minimum wage, whichever is higher;

(7) will be administered with the advice of persons who are knowledgeable with regard to the needs of older persons; and

(8) will authorize pay for transportation costs of eligible individuals which may be incurred in employment in any project assisted under this Act in accordance with regulations promulgated by the Secretary.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 5. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance among the States and between urban and rural areas under this Act. In developing such criteria the Secretary shall consider, among other relevant factors, the ratios of population, unemployment, and income levels.

LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 6. (a) Federal financial assistance to any program carried out pursuant to this Act shall not exceed 90 per centum of the cost of such program, including costs of administration. The Secretary may, however, approve assistance in excess of that percentage if he determines, pursuant to regulations establishing objective criteria for such determinations, that it is necessary to further the objectives of this Act to pay such excess. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

(b) Payments under this Act may be made in advance or by way of reimbursement, and in such installments and on such conditions as the Secretary determines necessary to carry out the objectives of this Act.

INTERAGENCY COOPERATION

SEC. 7. The Secretary shall consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this Act with other public and private programs or projects of a similar nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this Act and in promoting the identification and interests of individuals eligible for employment in projects funded under this Act.

PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 8. Eligible individuals who are employed in any project assisted under this Act shall not be considered to be Federal employes as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

ADMINISTRATION

SEC. 9. (a) The Secretary shall prescribe regulations to assure that programs assisted under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds received under this Act.

(b) The Secretary may prescribe such additional rules and regulations as he deems necessary to carry out the provisions of this Act.

(c) In carrying out his functions under this Act, the Secretary is authorized to utilize, with their assent, the services and facilities of Federal agencies without reimbursement, and with the consent of any State or political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivision without reimbursement.

REPORT

SEC. 10. The Secretary shall transmit, as a part of the annual report required of the Department of Labor, a detailed report setting forth the activities conducted under this Act.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2889. A bill to amend section 5 of the act of September 21, 1968 (82 Stat. 860), relating to preparation of a roll of persons of California Indian descent and the distribution of certain funds. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, by request, I send to the desk for appropriate reference a bill to provide for the preparation of a roll of persons of California Indian descent and the distribution of certain judgment funds, on behalf of myself and the Senator from Colorado (Mr. ALLOTT).

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the proposal from the Secretary of the Interior be printed in the RECORD at this point in my remarks.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., November 17, 1971.

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

DEAR MR. PRESIDENT: Enclosed is a proposed bill to amend section 5 of the Act of September 21, 1968 (82 Stat. 860), "To provide for the preparation of a role of persons of California Indian descent and the distribution of certain judgment funds."

Section 5 of the Act provides that not more than $325,000 in all shall be available under the Act for the costs of roll preparation and the distribution of shares. Our proposal increases that limitation to $475,000.

Following approval of the 1968 Act regulations were issued which established December 31, 1969, as the deadline for filing applications for enrollment to share in the funds. More than 75,000 persons did so. Due to the flood of requests for forms and applications being filed, actual review of the applications could not begin until November of 1969. Since that time determinations have been made as to the eligibility of approximately 35,000 of the applicants. The Bureau of Indian Affairs has made every effort to complete the Indians of California roll and distribute the funds at the earliest possible date. To accomplish this objective the Bureau is undertaking an accelerated plan to review the remaining 40,000 applications.

The volume and complexity of the work on the California roll is overwhelming. In many cases an applicant's ancestry is derived exclusively from one or more of the tribes with claims for lands lying both within and without the State of California. Since these tribes, referred to as "splinter groups," have filed claims for compensation for lands in California as well as lands in adjoining states, they are excluded from sharing in the $29.1 million awarded "Certain Indians of California." Consequently, in addition to determining whether an applicant is entitled to share in the residual balance of the 1944 Court of Claims award, also being distributed under the 1968 Act, it is necessary to determine whether his tribal or band affiliation is with one of the "splinter groups" named in the Act. Identification of band affiliation was not a requirement under previous legislation providing for preparation of rolls of California Indians, and consequently, that information is not readily available from the previous rolls. This necessary research has slowed the review and determination of applications.

The last roll of Indians of California was prepared pursuant to the Act of May 24, 1950 (64 Stat. 189), which amended previous legislation relating to enrolling Indians of California and authorized distribution of $150 to each enrollee. That roll was completed on June 30, 1955. The roll currently being prepared has not been merely an updating of the 1950 roll but the compilation of an entirely new roll based upon the applications filed. While previous enrollment records have been helpful, their use has not obviated and of the work required to determine the eligibility of more than 75,000 applicants.

The cost of the 1950 roll was $245,000. We are now faced with preparing a roll almost twice the size some 20 years later with an increase in allowable costs of only $80,000. The Consumer Price Index of goods and services for California rose from 81.6 in 1950 to 132.1 in December of 1969. Inflation gives partial explanation of our failure to more accurately estimate the cost of preparing the California roll.

Every effort has been made to keep administrative costs to a minimum. In the category of major equipment only typewriters were purchased. Other items such as furniture and file cabinets were obtained from another Bureau within the Interior Department.

The bulk of the cost of preparing the roll has been and will continue to be the salaries of the staff working on the roll. However, there is no substitute for the human element involved in the review of the records to arrive at the results contemplated in the 1968 Act. Much of the costs of the Bureau's accelerated program are being absorbed by the Bureau of Indian Affairs. However, the Bureau's budget cannot absorb the costs now being borne by the judgment money. We see no alternative but to request that the enclosed proposal be enacted.

A history of the California claims awards and current financial statements of the $29.1 million judgment and the residual balance of the 1944 award are enclosed.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

HISTORY OF AWARD MADE IN 1944 TO THE "INDIANS OF CALIFORNIA" BY THE COURT OF CLAIMS AND THE AWARD MADE IN 1964 TO "CERTAIN INDIANS OF CALIFORNIA" BY THE INDIAN CLAIMS COMMISSION

In 1928, Congress enacted legislation (45 Stat. 602) which permitted a class of Indians known as the "Indians of California" to bring suit against the United States for "lands taken from them * * * by the United States to compensate them for their interest in lands * * * which the United States appropriated to its own purposes without the consent of said Indians * * *."

The 1928 act defined the Indians of California as "all Indians who were residing in the State of California on June 1, 1852, and their descendants now living in said State * * *." Pursuant to the 1928 act, the Secretary of the Interior prepared and approved on May 16, 1933, a roll of the Indians of California which contained 23,571 names. This roll included only persons who were alive at the time of the passage of the 1928 act, individuals who were descended from Indians living in California on June 1, 1852, and individuals who resided in California.

Although the legislation which entitled the Indians of California to sue the United States in the Court of Claims was passed in 1928, the court did not render a judgment until 1944, when a net award of $5,024,842.34 was made. This money was not distributed immediately, and in 1948 (62 Stat. 1166), Congress amended the 1928 act to direct the Secretary of the Interior before distribution to delete from the 1933 roll the names of all persons who had died since May 18, 1928, and to add the names of persons living in California who had been born after 1928 to persons listed on the 1933 roll.

While the Secretary was engaged in updating the 1933 roll, Congress in 1950 again amended the 1928 act (64 Stat. 189), this time to direct the Secretary of the Interior to enroll descendants of the previous enrollees who lived outside of California as well as to include persons otherwise eligible who had previously been denied enrollment because they lived outside the State. The 1950 act also permitted the distribution of $150 to each of the persons certified as eligible to be enrolled as Indians of California.

During the early 1950's representatives of the Department of the Interior struggled with developing a roll pursuant to the oft-amended 1928 act, but bogged down in the large number of appeals from enrollees who were unable to establish their entitlement. Finally, in 1954, Congress once more amended the 1928 act (68 Stat. 240), to direct the Secretary of the Interior to resume hearing appeals until June 30, 1955, before finally approving the roll of the Indians of California. This was done, and on the prescribed date, the Secretary approved a roll bearing 36,094 names. Each of these persons received a share of $150. The shares of deceased enrollees were paid to their heirs or legatees.

In 1946, shortly after the Court of Claims handed down its judgment in 1944 in the California case, Congress passed the legislation known today as the Indian Claims Commission Act. Two of the lawsuits filed thereafter with the Indian Claims Commission—those assigned to dockets 31 and 37—were filed on behalf of all the Indians of California. In 1950, the Claims Commission held that the Indians of California in dockets 31 and 37 did not constitute an identifiable tribe, band, or group within the meaning of the 1946 act and dismissed dockets 31 and 37. The petitioners appealed this decision to the Court of Claims. Two years later in 1952, the Court of Claims held that the statutory class defined by the 1928 act as the "Indians of California" was an identifiable group for the purpose of asserting the claims and remanded the case to the Indian Claims Commission to proceed with processing the case.

At this point, the Commission was faced with a serious dilemma. Not only had an identifiable group known as the Indians of California filed a lawsuit relating to all the lands within the State of California, but a number of individual tribes—which were also identifiable in terms of the 1946 Act—had filed lawsuits for particular tracts within the same area. In some cases, these individual lawsuits involved only lands in California; in others they involved lands lying both within and without the State.

During the years between 1952 and 1958, the lawsuits of the California Indians were in a considerable snarl. The lawyers for the Indians of California in dockets 31 and 37 combined their suits and attempted to convince the Claims Comimssion that they should be permitted to represent all the Indians of the State, rather than only those who had not filed individual tribal suits. In 1958 the Commission denied their right to exclusive representation. The petitioners, reserving their right to appeal to the Court of Claims, requested the Claims Commission to divide California into two parts: one to include all lands claimed by the individual tribes and to be known as area A; the other to include the remained of the lands in the State and to be designated area B. The Commission compiled with this request.

Also in 1958, with the concurrence of the attorneys, the individual claims of the Yokiah, Yana, and Shasta tribes were combined with those of the Indians of California. Dockets 176, 215, and 333 were thus merged with dockets 31 and 37.

In 1959, the Indian Claims Commission awarded the Pit River Indians—a tribe which had filed an individual suit—compensable title to 3,386,000 acres of land in California. At roughly the same time, the Commission awarded the Indians of California compensable title to 57 million acres in area B. This latter decision was appealed by the Department of Justice, which again contended that the Indians of California did not constitute an identifiable tribe, band, or group within the meaning of the 1946 act. The claimants in dockets 31 and 37 also cross-appealed seeking review of their claim to exclusive right to represent the Indians of California. This appeal, in turn, affected other tribal claims because of overlap in the areas claimed and inconsistencies between the legal theories of the various cases.

In 1963, the attorneys for the Indians of California in combined dockets 31, 37, 176, 215, and 333 reached an agreement with attorneys for the Department of Justice that the California suit would be settled for $29,-100,000 provided that the Pit River and Mission Indians—the only remaining tribes with tribal or group claims wholly in the State of California—would consolidate their claims with those of the area B group.

The proposed compromise was presented to the Mission Indians in meetings on September 7, 8, 14, and 15, 1963. Of the 3,408 eligible voters, 1,913 (56 percent) cast ballots. The consolidation and settlement was approved by 1,559 or 81.5 percent of those voting.

On September 28, 1963, a meeting was held at Alturas, Calif., to permit voting by the Pit River Indians. Of the 730 eligible voters to whom notices were sent, only 187, or 24.5 percent, cast ballots at the September meeting. It was then decided, after consultation with the Indian Claims Commission, to seek the views of additional Pit River Indians by absentee balloting. The final tally of votes cast at the meeting and through the absentee process was 212 for and 188 against the compromise.

There was considerable bitterness among the Pit River Indians over the close vote and the opponents of the compromise and consolidation, who had held a slight majority at the open meeting, protested the decision to solicit absentee ballots. Their protests were heard by the Claims Commission and were rejected.

From January through March 1964, a series of 15 meetings was held at which other Indians of California voted. Balloting by mail was also permitted. Both in the open meetings and in the case of absentee votes, the proposal to settle the case through compromise passed overwhelmingly. The final tally of votes cast by all three groups was 11,427 for compromise and 3,310 opposed.

In accordance with this vote, the various dockets involving the Indians of California, the Pit River Indians, the Yokiah, Yana, and Shasta Indians, and dockets Nos. 80 and 80–D of the Mission Indians were combined, and the claims of all these groups were settled on July 20, 1964, for a total of $29.1 million. Upon the ratification of the compromise by the Claims Commission, the attorneys for both parties withdrew their appeals in the Court of Claims.

Shortly before the above action took place, the question of the entitlement of Indian tribes or groups with claims lying both within and without the State of California to participate in the Indians of California judgment was settled by the Indian Claims Commission. The Quechan or Yuma Tribe had petitioned to share in the Indians of California claim, but the Commission held that the Quechans were not a proper party to the suit, since they were maintaining a separate claim partly for the taking of lands outside California and partly within California. This decision of the Commission, which came on March 3, 1964, affected also the rights of certain other tribes which had come to be known as the splinter groups. These are the Northern Paiute Nation, the Southern Paiute Nation, the Mohave Tribe, the aforementioned Quechan Tribe, the Chemehuevi Tribe, the Klamath and Modoc Tribes, and the Yahooskin Band of Snakes, the Shoshone Tribe, and the Washoe Tribe. All these groups had filed lawsuits claiming compensation for lands in California taken from them, as well as for lands taken in an adjoining State to which they claimed ownership. Some persons affiliated with these groups had participated in the voting on the compromise issue, but not enough to have affected the result:

CERTAIN INDIANS OF CALIFORNIA AWARD, JULY 20, 1964, S. 21, 37, 80, 80-D, 176, 215, 333, AND 347

STATEMENT AS OF COB JUNE 30, 1971

	14X7426 [1]	14X7926 [2]
AWARD	$29,100,000	
Interest accrued on funds held in the U.S. Treasury through Dec. 31, 1970		$3,721,230.30
Interest accrued on matured investments		6,130,587.71
Total	29,100,000	9,851,818.01
EXPENDITURES		
Attorneys' fees	−2,609,000	
Expenses of enrollment program		−208,274.35
Current investments as of June 30, 1971	−26,491,000	−9,643,543.66
Balance on deposit in the U.S. Treasury	0	0

[1] Awards of Indian Claims Commission, certain Indians of California, award July 20, 1964.
[2] Interest and accruals on interest, awards of Indian Claims Commission, certain Indians of California, award July 20, 1964

CALIFORNIA INDIANS JUDGMENT FUND ACT OF MAY 18, 1928, CH 624, 45 STAT. 602 STATEMENT AS OF COB JULY 1, 1971

	[1] 14X7491	[2] 14X7991
RECEIPTS		
Judgment	$5,024,842.34	
Less litigation costs paid to the state of California	−27,842.50	
Total	4,996,999.84	
Proceeds, sale of portion of Lower Lake Rancheria, Public Law 443, 70 Stat. 58	3,650.00	
Value of land erroneously used as an offset in judgment against the United States obtained by the California Indians Public Law 91-64, 83 Stat. 105	83,275.00	$83,521.40
Interest accrued on funds held in the U.S. Treasury Dec. 4, 1944, through Dec. 31, 1970		2,089,571.95
Interest accrued on matured investments	154,529.29	110,652.13
EXPENDITURES		
Per capita payments	−4,037,130.00	−1,371,500.00
Expenses of per capita payment	+649.60	−245,326.62
Moving and relocating houses	−80,613.39	−18,785.63
Attorneys' fees	−10,000.00	
Attorneys' expenses	−76,639.12	−148,608.42
Expenses of enrollment program		−38,000.00
Judgment fund available	1,034,721.22	461,524.86
Current investment, financial management, Albuquerque, N. Mex.	−1,034,421.22	−461,524.86
Balance on deposit in the U.S. Treasury	300.00	0

[1] California Indians 4 percent judgment fund.
[2] Interest and accruals on interest, California Indians 4 percent judgment fund.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1443 AND S. 1444

At the request of Mr. CHILES, the Senator from Kansas (Mr. PEARSON) was added as a cosponsor of S. 1443, a bill to eliminate the survivorship reduction during periods of nonmarriage of retired employees and Members, and for other purposes; and S. 1444, a bill to increase the contribution by the Federal Government to the costs of employees' health benefits insurance.

S. 2465

At the request of Mr. CHILES, the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Minnesota (Mr. MONDALE), the Senator from Michigan (Mr. HART), and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of S. 2465, a bill to establish the Everglades-Big Cypress National Recreation Area in the State of Florida.

S. 2509

At the request of Mr. SCOTT, the Senator from New Hampshire (Mr. COTTON) was added as a cosponsor of S. 2509, a bill to incorporate Pop Warner Little Scholars, Inc.

S. 2724

At the request of Mr. JACKSON, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 2724, a bill to establish a national Indian education program by creating a National Board of Regents for Indian Education, carrying out of a national Indian education program, and the establishment of local Indian school boards.

S. 2800

At the request of Mr. DOLE, the Senator from Vermont (Mr. AIKEN), the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Kentucky (Mr. COOPER), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Montana (Mr. MANSFIELD), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. TAFT), the Senator from Texas (Mr. TOWER), the Senator from North Dakota (Mr. YOUNG), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2800, the Rural Revitalization Act of 1971.

SENATE JOINT RESOLUTION 177

At the request of Mr. HUMPHREY, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of Senate Joint Resolution 177 relating to the publication of economic and social statistics for Spanish-speaking Americans.

SENATE RESOLUTION 200—SUBMISSION OF A RESOLUTION RELATING TO A COMPILATION ENTITLED "MAJORITY AND MINORITY LEADERS OF THE SENATE" TO BE REPRINTED AS A SENATE DOCUMENT

(Referred to the Committee on Rules and Administration.)

Mr. MANSFIELD submitted the following resolution:

S. RES. 200

Resolved, That a compilation entitled "Majority and Minority Leaders of the Senate", prepared under the direction of the Secretary of the Senate, Francis R. Valeo, by the Senate Parliamentarian, Floyd M. Riddick, shall be reprinted with revisions and certain tables as a Senate document, and that an additional two thousand copies be printed for distribution by the Secretary of the Senate.

SENATE CONCURRENT RESOLUTION 52—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE RIGHTS OF THE MENTALLY OR PHYSICALLY HANDICAPPED

(Referred to the Committee on Labor and Public Welfare.)

Mr. COOK. Mr. President, today I am submitting, with the Senator from Illinois (Mr. PERCY), the Senator from California (Mr. CRANSTON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Utah (Mr. BENNETT), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Alaska (Mr. STEVENS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Massachusetts (Mr. BROOKE), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Ohio (Mr. TAFT), the Senator from Minnesota (Mr. MONDALE), and the Senator from Kansas (Mr. DOLE), a Senate resolution which recognizes the rights of mentally or physically handicapped persons. This resolution recognizes that the mentally or physically handicapped should have the same basic rights as other human beings.

The handicapped are a very significant segment of society. Six million persons in the United States are mentally retarded; 22 million persons have a physically disabling condition severe enough to interfere with their major daily activity; hundreds of thousands either have been crippled in traffic accidents or are disabled veterans. Although a sizable portion of the total citizenry, the mentally and physically handicapped are a hidden population. But no longer can we tolerate this situation in which these human beings are constantly denied their rights.

Less than a century ago, most people looked upon the mentally handicapped and the physically handicapped as hopelessly incapable of being self-sustaining. Today, we know that the majority of mentally or physically handicapped could become self-sustaining contributors to society rather than burdens on society, if education or training were available to them.

One of the most important provisions in this resolution is the recognition that the mentally or physically handicapped person has a right to education or training. It is astounding to learn from the Office of Education that out of a total of 7 million handicapped children, 60 percent are denied the special educational assistance they need and 1 million children are denied entry into public schools. Hundreds of thousands are committed to institutions and other programs where little more than physical sustenance is provided. Such sustenance costs at least $150,000 for the lifetime of a mentally handicapped person. This cost is far in excess of what education or training would cost.

According to the President's Committee on Mental Retardation, much of the under performance being diagnosed in children as mild mental retardation is preventable and reversible if attacked early. Many of the physically handicapped children do have the mental ability to attend public school but are denied that right due to architectural barriers and and-or transportation problems. This is a grave injustice when one considers that handicapped children, even the most severely handicapped, do learn when given the opportunity to participate in educational programs designed to meet their special needs to learn. There are lawsuits in Philadelphia and Washington, D.C., now underway in an attempt to establish that the mentally retarded have a right to education or training.

The means to becoming independent or semi-independent is employment. Although the mentally or physically handicapped person may be capable of working, he is often denied the opportunity.

The handicapped do not want special privileges, just an equal chance to compete for jobs.

In a study reported by the President's Committee on Mental Retardation, over 5,000 mentally retarded workers are employed by the Federal Government in over 100 different wage board classifications. Among these 5,000 employees, absenteeism and recidivism is lower than for nonhandicapped workers and job performance is excellent. The President's Committee on Mental Retardation stated that:

Employers whose original motivation in hiring retarded workers came perhaps from charity rather than business sense have discovered that there are many jobs that the retarded can do well—often better than other workers—and that intelligence is not the only qualification for successful employment.

Today automation and specialization is actually an advantage to the handicapped worker. Cerebral palsy victims are being trained to use precision tools; paraplegics are working productively on assembly lines; one Chicago insurance company has found that deaf mutes make better than average file clerks and checkers; other deaf persons do well as linotype, tabulator, and keypunch operators; blind workers have made superior assemblers, inspectors and sorters in such industries as electronics, aircraft and missile production.

Yet, in many cases the handicapped employee is not paid a fair wage. Even the "protected workshops" set up to help the retarded sometimes fail to compensate the retarded workers adequately. Handicapped persons are capable of participating in community life. This individual should have the right to live with his own family and participate in all aspects of community life, instead of being shunted into an institution. If his handicap is too severe and he must be placed in an institution according to a qualified expert, that institution should provide an atmosphere which allows the handicapped person to develop to his fullest potential.

Our resolution contains recognition of these very basic rights to the handicapped. It amazes me that we even need to take such action and that the handicapped all over the country are not being allowed full rights as a citizen.

Such injustices are not isolated to just the United States, but rather this is a universal problem.

The United Nations has recognized the problem. At the March 1971 meeting of the United Nations Commission on Social Development, 22 countries expressed their support of a declaration of rights for the mentally retarded by the United Nations General Assembly. This declaration will be brought before the General Assembly on November 25, 1971. While our resolution would not eliminate the injustices that the mentally or physically handicapped now face, it represents an expression of congressional support for the United Nations fine effort to bring universal attention to the inequities suffered by these individuals.

Mr. President, we can no longer tolerate these inequities which our handicapped citizens live with everyday. I urge that every Senator back this effort and support this needed resolution. I ask unanimous consent that the text of the concurrent resolution be printed in the RECORD.

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

S. CON. RES. 52

Whereas the universal declaration of human rights, adopted by the United Nations Commission on Social Development, proclaims that all of the human family, without distinction of any kind, have equal and inalienable rights of human dignity and freedom; and

Whereas the declaration of the rights of the child, adopted by the United Nations Commission on Social Development, proclaims the rights of the physically handicapped child to special treatment, education and care required by his particular condition: Now, therefore, be it:

Resolved by the Senate (the House of Representatives concurring), That Congress recognizes the following rights of mentally or physically handicapped persons:

(1) A mentally or physically handicapped person has the same basic rights as another citizen of the same state and same age.

(2) A mentally or physcially handicapped person has the right to proper medical care and physical restoration and to such education, training, rehabilitation, and guidance as will enable that person to develop his ability and potential to the fullest possible extent, no matter how severe his or her degree of disability.

(3) A mentally or physically handicapped person has a right to economic security and to a decent standard of living. He or she has a right to productive work.

(4) A mentally or physically handicapped person has a right to live with his or her own family or with foster parents, to participate in all aspects of community life, and to be provided with appropriate leisure time activities. If care in an institution becomes necessary, such care should be provided in surroundings and under circumstances as close to normal living as possible.

(5) A mentally or physically handicapped person has a right to a qualified financial or legal guardian whenever such a guardian is required to protect the personal well-being and interests of that person.

(6) A mentally or physically handicapped person has a right to protection from exploitation, abuse and degrading treatment. If accused of a crime, the mentally or physically handicapped person has a right to a fair and speedy trial with full recognition being given to his or her degree of responsibility.

SEC. 2. Some mentally or physically handicapped persons may be unable, due to the severity of their handicap, to exercise for themselves all their rights. For others, modification of some or all these rights is appropriate. The procedure used for modification or determination of rights set forth in this concurrent resolution should contain provisions for proper legal safeguards, should be based on an evaluation of the social capability of the mentally or physically handicapped person by qualified experts, and should be subject to periodic reviews. Any decision from these reviews shall be subject to the right of appeal to higher appropriate authorities.

CERTAIN CREDIT FOR NATIONAL GUARD TECHNICIAN SERVICE—AMENDMENT

AMENDMENT NO. 714

(Ordered to be printed and referred to the Committee on Post Office and Civil Service.)

Mr. STEVENS. Mr. President, today I am introducing an amendment to S. 855. S. 855 would amend Title 5 to credit National Guard technician service for Civil Service retirement purposes.

The legislation I am today introducing would similarly provide that members of either the Alaska Territorial or National Guard, who have completed 6 years of Reserve service, be accorded the same benefits as those who have served 2 years of active duty in the armed services.

Guard units in Alaska, particularly the Eskimo Guard of remote northern and western Alaska, are designated for the defense of the State and are, in a sense, on active duty all the time.

During World War II, Lt. Col. Marvin—Muktuk—Marston organized territorial guard units throughout western Alaska. Even though the "tundra army" companies were not federalized at that time, Marston built them into a local defense system in a period when Japanese invasion was a danger and then a reality. Following the Dutch Harbor bombing in the Aleutians in 1942, the Japanese began to make coastal defenses and to develop submarine bases on another Aleutian island. The guard units had thousands of miles of coastline to patrol. They were undoubtedly familiar with every village in Alaska.

These troops proved so efficient during the war that Marston succeeded in having them included in the Alaska National Guard system as "scout battalions."

These and other Alaskans who have loyally patrolled and guarded the tremendous expanse of Alaska during territorial and statehood days for 6 years deserve the same status as those who have served 2 years of active duty.

Mr. President, I urge that my colleagues give their most serious consideration to this amendment and request unanimous consent that it be printed in the RECORD at this point.

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

AMENDMENT NO. 714

On page 3, line 8, insert the following: At the end thereof add the following new title:

TITLE II

SEC. 201. (a) Notwithstanding any other provision of law, any veteran of the Alaska National Guard shall, for the purposes of entitlement to benefits under title 38, United States Code, be deemed to be a veteran of the Vietnam era (as defined in section 101 (29) of title 38, United States Code) and shall be deemed to have met the minimum active duty service and discharge requirements necessary for entitlement to such benefits.

(b) For the purposes of entitlement to educational assistance under chapter 34 of title 38, United States Code, a veteran of the Alaska National Guard shall be deemed to have served on active duty for a period of twenty-four months.

(c) Any veteran of the Alaska National Guard who completed six years of service (as provided in subsection (d)) prior to the date of enactment of this Act shall be deemed for purposes of any delimiting date prescribed in title 38, United States Code, to have been discharged from active service on the date of enactment of this Act; and any person who completes six years of service (as provided in subsection (d)) on or after the date of enactment of this Act shall, for

such purposes, be deemed to have been discharged on the last day of the month in which he completes such six years of service.

(d) As used in this Act, the term "veteran of the Alaska National Guard" means any person who has performed at least six years of service in the Alaska National Guard (including the Alaska Territorial Guard) and such service is creditable under section 1332 (a) (2) of title 10, United States Code, for purposes of determining entitlement to retired pay under section 1331 of such title.

REVENUE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 715

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

Mr. CURTIS submitted an amendment intended to be proposed by him to amendment No. 692, proposed by Mr. PASTORE, to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

AMENDMENTS NOS. 716 AND 717

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

Mr. DOMINICK submitted two amendments intended to be proposed by him to amendment No. 692, supra.

AMENDMENTS NOS. 721 AND 722

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

Mr. WEICKER submitted two amendments intended to be proposed by him to amendment No. 692, supra.

AMENDMENT NO. 728

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

Mr. COOPER (for himself, Mr. COOK, Mr. GURNEY, Mr. BAKER, Mr. WEICKER, Mr. JAVITS and Mr. SCOTT) submitted an amendment intended to be proposed to amendment No. 692, proposed to H.R. 10947, supra.

AMENDMENTS NOS. 734 THROUGH 737

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

Mr. FANNIN (for Mr. GOLDWATER) submitted four amendments intended to be proposed to amendment No. 692 to the bill (H.R. 10947), supra.

WHOLESOME FISH AND FISHERY PRODUCTS ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 718 AND 719

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

Mr. COTTON submitted two amendments intended to be proposed by him to the bill (S. 2824) to regulate interstate commerce by amending the Federal Food, Drug, and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1972—AMENDMENT

AMENDMENT NO. 720

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

Mr. JACKSON submitted an amendment intended to be proposed by him to the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

AMENDMENT NO. 731

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

Mr. DOMINICK. Mr. President, I ask unanimous consent that an amendment I intend to offer to H.R. 11731, the Department of Defense Appropriations bill for fiscal year 1972, which restores funds to the Navy's Surface Effect Ship program, be printed at this point in the RECORD.

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

AMENDMENT No. 731

On page 23, line 26, and page 24, line 1, strike out "$2,281,319,000" and insert in lieu thereof "$2,299,619,000".

On page 24, after the period in line 4, insert the following: "Of the $2,299,619,000 appropriated in the preceding sentence, not less than $33,689,000 shall be available for research and development in connection with the surface effect ship program."

VOTER REGISTRATION ACT AMENDMENTS OF 1971—AMENDMENTS

AMENDMENTS NOS. 723 THROUGH 727

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

Mr. ERVIN (for himself and Mr. ALLEN) submitted five amendments intended to be proposed by them jointly to the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

MARINE PROTECTION AND RESOURCE ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 729 AND 730

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

Mr. CASE submitted two amendments intended to be proposed by him to the bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes.

DISTRICT OF COLUMBIA REVENUE ACT OF 1971—AMENDMENT

AMENDMENT NO. 732

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

Mr. SPONG. Mr. President, I am today submitting an amendment to the District of Columbia revenue bill.

In 1966, Congress granted its consent to the Washington Metropolitan Area Transit Authority Compact and to the participation of the District of Columbia in that compact. In enacting that legislation, it declared as policy that costs of the regional transit system, to the extent that they were not covered by user charges, would be shared equally among participating jurisdictions, including the District of Columbia. Three years later, the Congress enacted the National Capital Transportation Act which authorized the Commissioner of the District to enter into a capital contributions agreement with the Transit Authority and the other participating jurisdictions in the area.

The purpose of my amendment is to reaffirm that policy and the commitments undertaken by the District government to share the cost of building the Metro system. It is a way of assuring the people of this area that no matter what temporary delays there may be in congressional action, the Congress is not going to turn its back on the subway project and it is not going to ignore the obligations it has assumed.

Yesterday, President Nixon called on the Congress to take immediate steps to end the delays that threaten the future of the Metro system. "Obedience to the law is at stake," he said. And so it is.

A great deal has been said over the past few years about the legal obligation of the District of Columbia to build certain highways and related projects in the District. Little has been noted, however, of the legal obligations of Congress, acting as the legislative body for the District of Columbia, to honor its own contractual obligations. Yet they are there and they are as binding on the Congress as anything applying to the District government.

Mr. President, I have had prepared an extensive legal memorandum on the nature of this legal obligation and I will ask that it be printed in full at the conclusion of my remarks. Suffice to note here that under the terms of the statutes which I have referred to, under a ruling of the Supreme Court and under an opinion by the U.S. Attorney General, there is no question of the obligations of the Congress to appropriate the District's contribution to the subway project.

But there is far more than a legal issue at stake here. The Congress rightly saw the necessity for some means of mass transit to serve the growing transportation needs of the residents of this National Capital area. It agreed to that project and on the strength of that agreement the jurisdictions of northern Virginia and of Maryland have contributed many millions of dollars. They have scrupulously abided by the compact they entered into. The Congress has a moral as well as a legal obligation to do not less.

Mr. President, it is time we acted to sweep away the obstacles which have been placed in the path of Metro. It is time, as the President has said, that responsible men join in responsible action to end this impasse and to salvage public faith in the honor of a congressional commitment.

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

NATURE OF THE OBLIGATION OF THE CONGRESS TO FUND THE CAPITAL CONTRIBUTIONS OF THE DISTRICT OF COLUMBIA TO THE TRANSIT AUTHORITY

The failure of the Congress to appropriate funds for the District of Columbia annual contributions for 1970 and 1971 to the Transit Authority has placed the District of Columbia Government in a position of default under its Capital Contribution Agreement with the Transit Authority, is now causing a slow-down in the Transit Authority's construction schedule and threatens to invalidate the complex inter-governmental arrangements for financing the regional transit system. In view of this situation, it is pertinent to consider what obligations, if any, are imposed upon the Congress by the Compact and related legislation to fund the contractual obligations of the District of Columbia to the Transit Authority.

The Congressional Consent Legislation for the Compact (P.L. 89–774, November 6, 1966, 80 Stat. 1324) and the National Capital Transportation Act of 1969 (P.L. 91–143, December 9, 1969, 83 Stat. 320) are the principal relevant enactments.

OBLIGATIONS ARISING FROM THE COMPACT

Congress acted in a dual role in the adoption of the Compact. As the national legislative body, Congress, pursuant to the provisions of the Article 1, § 10, cl. 3, of the Constitution, granted its consent to the Compact. In addition, Congress, exercising its exclusive jurisdiction under Article 1, § 8, cl. 17 of the Constitution to legislate on all matters pertaining to the District of Columbia, enacted the Compact for the District of Columbia. The enacting clause of the Consent Legislation provides, as follows:

". . . that the Congress hereby consents to, adopts and enacts for the District of Columbia an amendment to the Washington Metropolitan Area Transit Regulation Compact, for which Congress heretofore granted its consent (Public Law 86–794, 74 Stat. 1031 as amended by Public Law 87–767 76 Stat. 764) by adding thereto Title III, known as the Washington Metropolitan Area Transit Authority Compact . . ."

In *State of West Virginia ex. rel. Dyer* v. *Sims* (341 U.S. 22, 95 L.ed. 713), which involved the Ohio River Valley Water Sanitation Compact (54 Stat. 752), the Supreme Court considered the nature of the obligation of a State to comply with the commitments imposed by a Compact. The State contended that the provision of the Compact requiring West Virginia to appropriate funds for the Compact Agency contravened several provisions of the State's Constitution and was, therefore, invalid. In a five to four decision, with two separate concurring opinions, the Supreme Court held that West Virginia was obligated to honor the commitment it assumed under the Compact to appropriate for the expenses for the Compact Agency.

The factual situations in *Dyer* and in our case present the same issue. In *Dyer*, Article X of that Compact required the participating States "to appropriate for the salaries, office and other administrative expenses, their proper proportion of the annual budget as determined by the Commission, and approved by the Governors of the Signatory States . . ." The State Legislature made the appropriation but the Auditor of the State refused to issue a warrant upon the treasury for the payment of the appropriation. In our situation, Section 18(c) of the Compact, provides that the commitment for financial participation by the District of Columbia "shall be created by appropriation or in such other manner, or by such other legislation, as the Congress shall determine". In response to this requirement, Congress, in Section 4(a) of the National Capital Transportation Act of 1969, authorized the Commissioner of the District of Columbia "to contract with the Transit Authority to make annual capital contributions". Pursuant to this Congressional directive, the District of Columbia entered into the Capital Contributions Agreement with the Transit Authority. Congress, however, has failed to make the necessary appropriations to fund the obligation.

A complicating factor in our situation is that the District of Columbia has the status of a municipal corporation (District of Columbia Code, 1967 ed., § 1–102) and is regarded for many purposes as an entity separate and distinct from the United States. That factor, however, has no relevance in determining the responsibilities of the Congress under the Compact. Congress, as the legislative body for the District of Columbia, has all the legislative powers which a State may exercise over its affairs (*Berman* v. *Parker*, 1954, 348 U.S. 26, 99 L.ed.27; *District of Columbia* v. *John R. Thompson Company*, 1953, 346 U.S. 100, 97 L.ed.1480; *Neild* v. *District of Columbia*, 1940, 110 F.2d 246, 71 App. D.C. 306) and these powers are exercised by the Congress as the legislature for the Union (*Cohen* v. *Virginia*, 1821, 19 U.S. 264, 5 L.ed.257; Washington Aqueduct, 1855, 7 Op.Atty.Gen.115; *Winkler* v. *Daniels*, D.C. Va. 1942, 43 F. Supp. 265). Thus, in determining the responsibilities of the Congress under the Compact, the question is not whether the District of Columbia is a governmental entity separate and distinct from the Federal Government but the relationship of the Congress to the District of Columbia. Viewed in that context, there is no rationale under the doctrine of *Dyer* which would relieve Congress as the legislative body for the District of Columbia from the obligation to make the appropriation for the District of Columbia required by the Compact.

In permitting the District of Columbia to enter into the Compact, the Congress, in substance and effect, represented to Maryland and Virginia that the District of Columbia would be able to meet the obligations imposed upon it by the Compact. Only Congress, as the legislative body for the District of Columbia, has the power to fulfill this representation. Under the doctrine of *Dyer*, Congress may not unilaterally abrogate its representations by withholding funds to meet the Compact obligations of the District of Columbia. In doing so, Congress places itself in the discredited posture taken by West Virginia in the Ohio River Valley Water Sanitation Compact.

OBLIGATIONS ARISING FROM THE CAPITAL CONTRIBUTIONS AGREEMENT

The National Capital Transportation Act of 1969 and the Capital Contributions Agreement executed by the District of Columbia pursuant thereto, also must be considered to determine whether they impose any responsibilities upon the Congress separate and apart from the responsibilities arising from the Compact itself. As stated above, Section 4(a) of the 1969 Act authorized the District of Columbia to make "annual capital contributions" to the Transit Authority and the Capital Contributions Agreement provided for such annual capital contributions.

The United States Housing Act of 1937 provides for a similar arrangement for annual contributions to local public housing agencies (50 Stat. 888, § 10, 42 U.S.C. 1410). The Attorney General of the United States has expressed the view that a contract between the United States Public Housing Authority and a local public housing agency to pay such annual contributions is a valid and binding obligation of the United States (41 Op. A.G. 138, 1953). A copy of that Opinion is annexed hereto. The rationale of the Opinion is found in the following excerpt:

"I conclude that an Annual Contributions Contract entered into pursuant to the terms and limitations set forth in the act constitutes a valid and binding obligation of the United States. Article I, Section 8, Clause 1 of the Constitution authorizes the Congress to 'pay the debts' of the United States. This 'grant implies the power to incur debts, a power which would in any event be inherent in sovereignty in the absence of express constitutional prohibition.' 37 Op. A. G. 241, 247 (1933). The fact that the debt is incurred by contract entered into by the PHA makes it no less valid since the 'Congress may create or use such agencies, * * * as it may deem appropriate to aid in carrying into execution any of the powers which the Constitution confers upon Congress.' *Ibid.* at p. 245.

There can be no doubt that the Capital Contributions Agreement creates a valid and binding obligation.

As pointed out above, the responsibility of Congress to fund the obligation is unaffected by whether the obligation is considered to be that of the United States or of the District of Columbia.

The Opinion of the Attorney General recognizes that Congress may utilize any agency subject to its control "to aid in carrying into execution any of the powers which the Constitution confers" upon it. Since the District of Columbia is no less subject to the legislative power of the Congress than the Housing Authority, Congress derives no greater insulation from the consequences of its legislation when it chooses to act through the District of Columbia rather than through a Federal agency.

The Opinion of the Attorney General was based on the finding that "Congress desired to authorize the PHA to enter into contracts for annual contributions . . . and to pledge the faith of the United States to the payment of the contributions thereby undertaken" (*supra*, at p. 142). In reaching this conclusion, the Attorney General stated" . . . that one of the primary purposes of the act was to obtain private financing of low rent housing projects through the sale of bonds by the local agencies and that the annual contributions are intended to provide a basis for protection of investors" (*supra*, at p. 141). The Capital Contributions Agreement was designed to perform a comparable function in the plan for financing the Transit Project. In setting the governing financial policy, Congress declared "The costs of the necessary facilities [should be] financed as far as possible by persons using or benefiting from such facilities and the remaining costs shared equitably among the Federal, State, and local governments" (See, preamble to the Consent Legislation for the Compact). This standard is incorporated in the Compact as Section 16.

In conformance with this standard the Authority's financial plan estimates that revenue bonds would be sold to provide approximately 30% of the cost of the regional system, with the balance of approximately $1.7 billion to be contributed as grants by the Federal Government and the local Political Subdivisions on a two-thirds to one-third matching basis. Such contributions are essential not only to provide the portion of the costs to be borne by the participating Governments but also to make the Authority's revenue bonds salable. The Capital Contributions Agreement provides assurance to the bond purchaser that the participating Governments will make the capital contributions required by the financial plan. Without such assurance the bonds would not be salable. It is, therefore, clear that Congress intended by the Capital Contributions Agreement to encourage both public and private investment.

In Section 18(c) of the Compact, Congress recognized that the District of Columbia, under the current governmental structure, does not have the financial capability, without Congressional support, to assume the obligation to make the required capital grants. The second sentence of Section 18(c) clearly re-

flects the understanding of the compacting parties that the District of Columbia was not to undertake the commitment solely on its own credit to provide its share of the capital grants unless the Congress granted it "plenary powers to create obligations and levy taxes". This qualification recognized that the District of Columbia has no power to incur any obligations without the approval of Congress (D.C. Code, 1967, et., § 1–801) and that the existing powers of taxation of the District of Columbia are inadequate to cover the required capital contributions out of general revenue.

In so far as it relates to the District of Columbia, Section 4(a) of the National Capital Transportation Act of 1969 provides the necessary legislative authorization for the District of Columbia to enter into the Capital Contributions Agreement and Section 4 (b) increased the authority of the District of Columbia to borrow from the United States Treasury to cover the authorized commitment. The District of Columbia has carried out these legislative provisions by entering into the Capital Contributions Agreement. The seven participating Political Subdivisions in Maryland and Virginia also have executed the Agreement to provide their proportionate share of annual contributions. The obligations of the parties, however, were expressly conditioned upon the enactment by "the 91st Congress of Federal legislation authorizing the District of Columbia to enter into this Agreement. . . ." (Capital Contributions Agreement, Article V).

The Political Subdivisions in Maryland and Virginia, relying on the commitment of the District of Columbia in its Capital Contributions Agreement, as the Congress clearly intended that they should, made their capital contribution for fiscal 1971 in the aggregate approximate sum of $56 million and have already paid in approximately $20 million, representing one-half of the fiscal 1972 commitment, with the balance due in January, 1972. The aggregate obligation of the District of Columbia for fiscal years 1971 and 1972 is approximately $72 million, none of which has been paid as a consequence of the failure of the Congress to appropriate the funds.

With respect to the funding of the annual contributions, neither the United States Housing Act of 1937 nor the National Capital Transportation Act of 1969 appropriated funds but simply authorized their appropriation. The Opinion of the Attorney General relies in substantial part on the fact that the Annual Contributions Contract was to be utilized by the local housing agencies to obtain funds in the public market. Congress clearly intended that the Capital Contributions Agreement should serve not only to encourage the Political Subdivisions to enter into commitments to make their proportionate share of capital contributions but to make possible the sale to the public of the Authority's revenue bonds. The feasibility of the Authority's Financial Plan, which Congress approved in the 1969 Act, was predicated on the execution by all of the participating Political Subdivisions of the Capital Contributions Agreement. All have done so and all have honored their commitments, except the District of Columbia which cannot meet its obligations until Congress makes the necessary appropriations.

Clearly, the situation presented in the Transit Project is comparable in all material respects with the problems considered by the Attorney General in his Opinion in the Housing Act. There, the statutory provisions were designed to foster the Congressional Policy to provide low-rent housing. Here, the 1969 Act and the Capital Contributions Agreement were designed to carry out the Congressional policy for a regional transit system. There and here, the PHA and the District of Columbia are subject to the sole legislative control of the Congress. There and here, Congress authorized PHA and the District of Columbia to enter into a contract to make annual contributions to an agency of State Government. There and here, PHA and the District of Columbia, pursuant to Congressional authorization, entered into a contract to make annual contributions. There, the contract was designed to induce private investors to buy the bonds of the local public housing agencies on terms more favorable than otherwise would be obtainable. Here, the Capital Contributions Agreement was designed to induce private investors to purchase the revenue bonds of the Transit Authority, which otherwise would not be salable. Here, unlike there, the 1969 Act and the Capital Contributions Agreement was designed to induce the Political Subdivisions to enter into the Capital Contributions Agreement and to make capital grants. Here, unlike there, (so far as appears from the Opinion of the Attorney General), the Political Subdivisions have made substantial capital grants to the Transit Authority in reliance upon the 1969 Act and the execution of the Capital Contributions Agreement by the District of Columbia.

Thus, it is apparent that the facts relied on by the Attorney General in the Housing Opinion are comparable and the reasoning fully applicable to the situation presented in the Transit Project. Only one difference is to be noted. In the Housing Act, the "faith of the United States is solemnly pledged to the payment of all annual contributions contracted for . . .". The pledge, however, did not create the obligation—that was created by the annual contributions contract. The pledge simply is a recognition and affirmation of the obligation created by the contract, provides a waiver of immunity from suit and, as the word implies, is a security device. That such a pledge is not essential to the creation of an obligation is established by the many contracts entered into by the Federal Government which contain no such peldge in either the contracts or the enabling legislation.

In view of the foregoing, it is to be concluded that Congress, on two separate bases, is under a legal obligation to make the appropriations required to fund the District of Columbia commitment to the Transit Authority. Under the doctrine ennunciated in *Dyer*, the obligation arises from the Compact by virtue of the fact that the Congress is the legislative body for the District of Columbia. Under the rationale of the Opinion of the Attorney General the obligation arises, not from the Compact, but from the 1969 Act and the Capital Contributions Agreement. The Opinion of the Attorney General establishes that the Congress may not unilaterally absolve itself from the obligations arising from contracts of its agencies which it has authorized them to execute.

The legal issues must be viewed in the context of the practical aspects of the problem. Cooperative federalism is being increasingly relied upon to handle important domestic programs. The success of this essential political process depends in large measure upon the reliability of the financial commitments made by the participating governments at all levels. If Congress differentiates its obligations in such programs from those of the other participating political entities, such a policy would have regressive consequences for cooperative federalism as a useful tool and would be counter-productive to developing concepts of federalism. With respect to the District of Columbia, such a policy would raise grave doubts as to the acceptability of the District of Columbia as a participant in any future compacts or other cooperative programs in light of the Congressional control of the purse strings for the District of Columbia.

ANNUAL CONTRIBUTIONS TO LOCAL PUBLIC HOUSING AUTHORITIES UNDER UNITED STATES HOUSING ACT

The United States Housing Act of 1937, as amended, is valid and constitutional.

A contract to pay annual contributions entered into by the Public Housing Administration in conformance with the provisions of the act is valid and binding upon the United States.

The faith of the United States has been solemnly pledged to the payment of such contributions in the same terms its faith has been pledged to the payment of its interest-bearing obligations.

MAY 15, 1953.

The PRESIDENT.

MY DEAR MR. PRESIDENT: I have the honor to comply with your request for my opinion upon certain questions submitted by the Administrator of the Housing and Home Finance Agency relating to the liability of the United States for the payment of annual contributions under contracts entered into between the Public Housing Administration (hereinafter referred to as "PHA") and certain local public housing agencies.

I am advised that, pursuant to authority conferred on it by the United States Housing Act of 1937, as amended (50 Stat. 888; 52 Stat. 820; 55 Stat. 759; 61 Stat. 704; 62 Stat. 752; 63 Stat. 413; 64 Stat. 48; 65 Stat. 647; 65 Stat. 705; 42 U.S.C. 1401), PHA [1] has entered into contracts (herein called "Annual Contributions Contracts") with a large number of public housing agencies for annual contributions to assist in achieving and maintaining the low-rent character of certain housing projects identified in such contracts. Each Annual Contributions Contract is in substantially the standard form prescribed by PHA, such form being in two parts and identified as (1) Annual Contributions Contract, Part One (Form PHA–2171, Rev. September 1, 1951), and (2) Terms and Conditions Constituting Part Two of an Annual Contributions Contract (Form No. PHA–2172, Rev. September 1, 1951).

In accordance with the terms of the Annual Contributions Contracts many local public housing agencies have issued and sold bonds (known as "New Housing Authority Bonds") to the public to finance their housing projects. In turn, the agencies have pledged the contributions to which they are entitled under the contracts as security for the payment of the principal of and interest on the obligations represented by the bonds. In each case the bonds have been authorized by a bond resolution or ordinance in substantially the standard form recommended by the PHA (Form PHA–2188, October 1951). I am advised that, although in a few cases variations have been made from the standard form of the Annual Contributions Contract or from the bond resolution or ordinance, such variations are minor in character and are immaterial for the purposes of this discussion.

[1] The act confers authority upon the United States Housing Authority. However, pursuant to section 1 of Reorganization Plan No. 3 of 1947 (61 Stat. 954; 5 U.S.C. Supp. V, 133y-16 Note), the United States Housing Authority together with its functions was consolidated into the Housing and Home Finance Agency. The section provides that, "There shall be in said Agency constituent agencies whch shall be known as the Home Loan Bank Board, the Federal Housing Administration and the Public Housing Administration." Section 4 provides: "The Public Housing Administration shall be headed by a Public Housing Commissioner * * *. There are transferred to said Commissioner the functions—(a) Of the Administrator of the United States Housing Authority (which agency shall hereafter be administered and known as the Public Housing Administration) * * *."

1. *The Constitutionality of the Act:*

The constitutionality of the act was settled by *Cleveland* v. *United States*, 323 U.S. 329. There its validity was challenged on the theory that the Congress has no power under the Constitution to establish low-cost housing projects. A majority of the lower court held the act authorized by the Constitution on the ground that "even though the evils of bad housing are local in their origin, their effect may become so widespread as to create a menace to the national welfare and that Congress is empowered to deal with the subject in that aspect." 323 U.S. at p. 331. The Supreme Court adopted this view concluding that "Challenge of the power of Congress to enact the Housing Act must fail." In doing so it emphasized the policy of the act "to promote the general welfare of the Nation by employing its funds and credit to assist the States and their political subdivisions * * * by improving housing conditions." *Ibid*, at p. 333.

While the *Cleveland* case, decided in 1945, passed only on the validity of the United States Housing Act of 1937, before its amendment by the Housing Act of 1949 (63 Stat. 413), the latter act did not change the basic legislation in any way which would affect the decision, but only refined the method of paying annual contributions, made certain other changes regarding loans by PHA, changed tenancy requirements, and revised the cost limitations applicable to the construction of housing projects. Under the original act local housing authorities were required to comply with certain conditions in order to avoid a reduction or cancellation of their rights to receive annual contributions. After the 1949 amendment, PHA was authorized to contract for the unconditional payment of annual contributions if the alternative methods of enforcement provided under section 22 (namely, delivery of possession or conveyance of a title to PHA subject to redelivery or reconveyance) were agreed to by the housing authorities and PHA. In short, the 1949 amendments did no more than modify the conditions under which the United States would thereafter employ "its funds and credit to assist the several States and their political subdivisions." Accordingly, I am of the view that the act in its present form must be considered valid and constitutional.

2. *Liability of the United States for annual contributions:*

Sections 10, 14, and 22 of the act authorize the PHA to enter into contracts to pay annual contributions, subject to conditions and limitations as set out in the act and, subject to the same conditions and limitations, to pay such contributions. Section 10(f) of the act provides that:

"Payments under annual contributions contracts shall be pledged, if the Authority so requires, as security for any loans obtained by a public housing agency to assist the development or acquisition of the housing projects to which the annual contributions relate."

Section 420 of the Annual Contributions Contract does so require. The basic purpose of this pledge is to "make possible the permanent financing of substantially all of the capital cost of low-rent housing by the sale of bonds to private investors, * * *.

"The sale of bonds for the permanent financing of low-rent projects at low interest rates has been made possible through a pledge of the Federal annual contributions as security for the bonds." H. Rept. No. 590, 81st Cong., 1st sess., p. 45. See also S. Rept. No. 84, Pt. 2, 81st Cong., 1st sess., p. 11.

It is true that section 22(a) of the act provides that the Annual Contributions Contracts may provide that a local public housing agency, in the event of substantial default in its covenants to the PHA, shall convey title to, or transfer possession of, the project to which the contract relates to the PHA, subject to redelivery or retransfer as provided in the section. However, pursuant to the congressional desire to secure the bondholders, section 22(b) provides that, if the contract contains provisions which the PHA, in such contract, determines are in accordance with section 22(a), and the local public housing agency has pledged the annual contributions as security for the payment of its obligations, "the Authority (notwithstanding any other provisions of this act) shall continue to make annual contributions available for the project so long as any of such obligations remain outstanding * * *." The authors of the act describe the purpose of these provisions as follows:

"After taking title or possession, PHA would continue to make annual contributions for the project, but not in excess of the amounts contracted for pursuant to statute. This would assure both (1) that the project will continue to operate as a low-rent housing project, and (2) that investors who have furnished the capital funds for its construction in reliance upon the continuance of its low-rent character and the making of annual contributions therefor during the entire life of the loan, will have their investment adequately protected." H. Rept. No. 590, *supra*, p. 46; see also H. Rept. 84, Part 2, *supra*, p. 11.

It is clear that one of the primary purposes of the act was to obtain private financing of low-rent housing projects through the sale of bonds by the local agencies and that the annual contributions are intended to provide a basis for protection of the investors. In accordance with this purpose section 10 (e) provides that "The faith of the United States is solemnly pledged to the payment of all annual contributions contracted for pursuant to this section," and section 14 prohibits amendment or superseding of the Annual Contributions Contracts "in a manner which would impair the rights of the holders of any outstanding obligations of the public housing agency involved for which annual contributions have been pledged." It appears, therefore, tht the Congress desired to authorize the PHA to enter into contracts for annual contributions subject to the conditions and limitations set forth in the act and to pledge the faith of the United States to the payment of the contributions thereby undertaken.

I conclude that an Annual Contributions Contract entered into pursuant to the terms and limitations set forth in the act constitutes a valid and binding obligation of the United States. Article I, Section 8, Clause 1 of the Constitution authorizes the Congress to "pay the debts" of the United States. This "grant implies the power to incur debts, a power which would in any event be inherent in sovereignty in the absence of express constitutional prohibition." 37 Op. A. G. 241, 247 (1933). The fact that the debt is incurred by contract entered into by the PHA makes it no less valid since the "Congress may create or use such agencies, * * * as it may deem appropriate to aid in carrying into execution any of the powers which the Constitution confers upon Congress." *Ibid.* at p. 245. Of course, any delegation of congressional powers is subject to "the limitation of a prescribed standard." *United States* v. *Chicago, Etc., R. Co.*, 282 U.S. 311, 324, but the standards in the act appear, without question, to be of sufficient precision.

In reaching the conclusion that an Annual Contributions Contract creates a valid and binding obligation of the United States, it is pertinent to note that the language of section 10 (e), italicized herein, *"the faith of the United States is solemnly pledged to the payment* of all annual contributions contracted for pursuant to this section," is identical with language used by R. S. 3693 (31 U.S.C. 731) with respect to the interest-bearing obligations of the United States. It would be appropriate to conclude therefrom that the Congress intended to place on a similar footing the obligation to pay annual contributions contracted to be paid pursuant to the terms of the act.

In summary, I am of the view that:

(1) The United States Housing Act, as amended to this date is valid and constitutional; and

(2) A contract to pay annual cotributions entered into by the PHA in conformance with the provisions of the act is valid and binding upon the United States, and the faith of the United States has been solemnly pledged to the payment of such contributions in the same terms its faith has been pledged to the payment of its interest-bearing obligations.

Respectfully,

HERBERT BROWNELL, Jr.

EDUCATION AMENDMENTS OF 1971—AMENDMENT

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

Mr. EAGLETON. Mr. President, I offer an amendment to S. 659, a bill to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes, and ask that the amendment be ordered to lie on the table and be printed.

The purpose of this amendment, Mr. President, is to relieve the acute financial pressure affecting a great many school districts throughout the country because of the transfer of property from the General Services Administration to the newly created U.S. Postal Service. As a consequence of this transfer, children who have in the past been considered "federally connected" for purpose of Public Law 874—the impact aid program—no longer qualify as such and the schools that they attend are no longer eligible to receive Federal funds on their behalf under the impact aid program.

My amendment would authorize a 2-year grace period for these school districts in order to permit them to receive Federal funds which they already have budgeted for the coming year and to permit 1 additional year for an orderly phaseout of this portion of the impact aid funding.

Congressman ROMAN PUCINSKI has introduced a similar bill in the House, H.R. 11809, and I ask unanimous consent that a list prepared at the behest of Congressman PUCINSKI showing the affected school districts 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:

POST OFFICE BUILDINGS TRANSFERRED TO POSTAL SERVICE JURISDICTION

Attached is a listing, by State and Congressional District, of Post Office Buildings *claimed in prior years* which have been transferred to the jurisdiction of the U.S. Postal Service and have been declared ineligible for the 1971–72 school year under the definition of Federal property contained in section 303(1) of P.L. 81–874. The P.L. 874 applicants claiming them are indicated with each.

Other Post Office Buildings were transferred but, to date, have not been claimed or have been determined ineligible under P.L. 874 prior to the transfer. Not all buildings that were transferred will become ineligible.

ALASKA

At large

Cordova City S.D.
1606 Ketchikon Gateway Borough S.D.
2 Greater Sitka Boro S.D.
805 Wrangell Pub. Schs.

ARKANSAS

Fourth Congressional District

Camden S.D. No. 35, Quachita County.

CALIFORNIA

First Congressional District

Old Adobe U.S.D., Petaluma.
Tamalpais U.H.S.D., Larkspur (also 6th Cong. Dist.)
Larkspur S.D. (also 6th Cong. Dist.).
Marlin Jr. Col. District, Kentfield (also 6th Cong. Dist.).
San Rafael S.D. (also 6th Cong. Dist.).
San Rafael H.S.D. (also 6th Cong. Dist.).
Dixie S.D., San Rafael (also 6th Cong. Dist.).
Novato Unif. S.D. (also 6th Cong. Dist.).

Third Congressional District

Rio Linda U.S.D.
Sacramento City Unif. S.D.
Los Rios Jr. Col. Dist., Sacramento.
Robla S.D., Sacramento.

Fourth Congressional District

Washington Unif. S.D., North Sacramento.
Marysville Jr. Unif. S.D.
Fairfield Suisun Unif. S.D.
Martinez Unif. S.D.

Fifth Congressional District

San Francisco Unif. S.D. (also 6th Cong. Dist.)
Catati Elementary S.D., Sonoma County.

Sixth Congressional District

Larkspur S.D. (also 1st Cong. Dist.).
Marlin Jr. Col. District, Kentfield (also 1st Cong. Dist.).
Tamalpais U.H.S.D., Larkspur (also 1st Cong. Dist.).
San Rafael S.D. (also 1st Cong Dist.).
San Rafael H.S.D. (also 1st Cong. Dist.).
Dixie S.D., San Rafael (also 1st Cong. Dist.).
Novato Unif. S.D. (also 1st Cong. Dist.).
San Francisco Unif. S.D. (also 5th Cong. Dist.).

Eighth Congressional District

San Leandro Unif., S.D.
Berkeley Unif. S.D.
Fremont Unif. S.D.
Pleasanton, Jr. S.D.
Amador Valley Jt. U.H.S.D., Pleasanton.
Oakland Unif. S.D.
Murray S.D., Dublin.
S Co. Jr. Coll. Dist., San Leandro.
Hayward Unif. S.D.
San Lorenzo Unif. S.D.
Peralta Jr. Col. Dist., Oakland.
Castro Valley Unif. S.D.
Emery Unif., S.D., Emeryville.

Tenth Congressional District

Palo Alto Unif. S.D.

Eleventh Congressional District

Laguna Salada U.S.D., Pacifica.
Jefferson S.D., Daly City.
Jefferson U.H.S.D., Daly City.
San Mateo U.H.S.D.

Thirteenth Congressional District

Los Angeles Unif. S.D. (also 17th, 20th, 21st, 22d, 24th, 26th, 27th, 28th, 29th, 30th, and 31st Cong. Dists.).

Fourteenth Congressional District

Pittsburg Unif. S.D.
Mt. Diablo Unif. S.D., Concord.
Lafayette S.D.
Richmond Unif. S.D.
Walnut Creek S.D.
Orinda U.S.D.
Acalanes U.H.S.D., Lafayette.
Moraga Sch. Dist.
San Ramon Valley Unif. S.D., Danville.

Fifteenth Congressional District

San Joaquin Delta Jr. College, Stockton.

Seventeenth Congressional District

Twentieth Congressional District

Twenty-First Congressional District

Twenty-Second Congressional District

Twenty-Fourth Congressional District

Twenty-Sixth Congressional District

Twenty-Seventh Congressional District

Twenty-Eighth Congressional District

Twenty-Ninth Congressional District

Thirtieth Congressional District

Thirty-First Congressional District

Los Angeles Unif. S.D.

Thirty-Fifth Congressional District

Oceanside U.S.D.
Chula Vista City S.D.
Santee S.D.
Grossmont U.H.S.D.
Cajon Valley S.D., El Cajon.
Escondido U.S.D.
S. Bay U.S.D., Imperial Beach.
Lakeside U.S.D.
Sweetwater U.H.S.D., Chula Vista.
Lemon Grove S.D.
La Mesa Spring Valley, S.D.
San Diego Unif. S.D.
Orange Glen S.D.
Jamul Las Flores U.S.D.
Grossmont Jr. Col. Dist.
Sweetwater Jr. Col. Dist., Chula Vista.
San Diego Comm. Col. Dist., San Diego County (also 36th and 37th Cong. Dists.)

Thirty-Sixth Congressional District

Thirty-Seventh Congressional District

San Diego Comm. Col. Dist., San Diego County (also 35th Cong. Dist.).

COLORADO

First Congressional District

S.D. No., Denver.

Second Congressional District

Jefferson Co. S.D. No. R1, Lakewood.
Englewood S.D. No. 1.
Adams Arapahoe Jt. S.D. No. 28, Aurora.
Adams Co. S.D. No. 14, Commerce City.
S.D. No. 6, Littleton.
Westminster S.D. No. 50.
S.D. No. 12, Denver.
Mapleton Pub. S.D. No. 1, Denver.
St. Vrain Valley S.D. Re. 1J, Longmont.

Third Congressional District

Colo. Springs S.D. No. 11.

Fourth Congressional District

Roaring Fork S.D. Re. 1, Glenwood Springs.
Garfield S.D. Re. 2, Rifle.

CONNECTICUT

Second Congressional District

Town of East Lyme Bd. of Ed.
Town of Colchester Bd. of Ed.
New London Bd. of Ed.
Town of Salem S.D., Norwich.

Third Congressional District

Milford Public Schs.
City of W. Haven Bd. of Ed.
Derby Bd. of Ed.
Orange Co. Bd. of Ed., Orange.
New Haven Bd. of Ed.
Town of Oxford Bd. of Ed.
City of Waterbury Bd. of Ed., New Haven County.

Fourth Congressional District

Bridgeport Bd. of Ed.
Town of Stratford Acting as a S.D.
Shelton Bd. of Ed.
Trumbull Bd. of Ed.
Town of Monroe Bd. of Ed.

Sixth Congressional District

Windsor Locks Public S.D.
Granby Bd. of Ed.
Enfield Bd. of Ed., Thompsonville.
Windsor Bd. of Ed.
Hartford Bd. of Ed.
Town of Suffield Bd. of Ed.
Bloomfield Bd. of Ed., Hartford Co.

DISTRICT OF COLUMBIA

At large

D.C. Public Schools.

FLORIDA

Ninth Congressional District

Tenth Congressional District

Broward Co. Bd. of Pub. Instr., Ft. Lauderdale.

Eleventh Congressional District

Twelfth Congressional District

Dade Co. Bd. of Pub. Instr., Miami.

GEORGIA

Third Congressional District

Muscogee Co. S.D., Columbus.
Harris Co. Bd. of Ed., Hamilton.
Houston Co. Bd. of Ed., Perry.
Crawford Co. Bd. of Ed., Roberta.
Twiggs Co. Bd. of Ed., Jeffersonville.
Pulaski Co. Bd. of Ed., Hawkinsville.

Fourth Congressional District

De Kalb Co. Bd. of Ed., Decatur.
City Schs. of Decatur.
Atlanta Pub. Sch. System (also 5th Cong. Dist.).
Fulton Co. Bd. of Ed., Atlanta (also 5th Cong. Dist.).

Fifth Congressional District

Atlanta Pub. Sch. System (also 4th Cong. Dist.).
Fulton Co. Bd. of Ed., Atlanta (also 4th Cong. Dist.).

Sixth Congressional District

Clayton Co. Bd. of Ed., Jonesboro.
Bibb Co. Bd. of Ed. & Orph., Macon.
Henry Co. Bd. of Ed., McDonough.
Carroll Co. Bd. of Ed., Carrollton.
Fayette County School System, Fayette County.
Monroe Co. Bd. of Ed., Forsythe.

Seventh Congressional District

Cobb Co. Bd. of Ed., Marietta.
Douglas Co. Bd. of Ed., Douglasville.
Paulding Co. Bd. of Ed., Dallas.

Ninth Congressional District

Cherfokee Co. Bd. of Ed., Canton.

HAWAII

First Congressional District

Second Congressional District

Bd. of Ed. of State of Hawaii, Honolulu.

ILLINOIS

First Congressional District

Second Congressional District

Third Congressional District

Chicago Public Schools No. 299 (also 5th, 6th, 7th, 8th, 9th, 10th, & 11th Cong. Dist.).

Fourth Congressional District

Posen Robbins Sch. Dist. No. 143½, Cook County.

Fifth Congressional District

Sixth Congressional District

Seventh Congressional District

Eighth Congressional District

Ninth Congressional District

Chicago Public Schools No. 299 (also 1st, 2d, 3d, 10th, & 11th Cong. Dists.).

Tenth Congressional District

Chicago Public Schools No. 229 (also 1st, 2d, 3d, 5th, 6th, 7th, 8th, 9th, & 11th Cong. Dists.).
Melrose Park Broadview S.D. No. 89, Maywood.
Park Forest S.D. No. 163.
Rich Twp. H.S.D. No. 227, Park Forest.
Proviso Twp. H.S.D. No. 209, Maywood.
Cook Co. E.S.D. No. 102, La Grange Park.
Komarer S.D. No. 94, North Riverside.
Harvey Pub. Schls. Dist. No. 152, Cook Co.
West Harvey Dist. Schl. Dist. No. 147, Cook Co.

Eleventh Congressional District

Chicago Public Schools No. 299 (also 1st, 2d, 3d, 5th, 6th, 7th, 8th, 9th, & 10th Cong. Dists.).

Twelfth Congressional District

Mundelein Cons. H.S.D. No. 120.
Twp. H.S.D. No. 110, Highland Park.
Mundelein E.S.D. No. 75.
Grayslake Comm. H.S.D. No. 127.
Community Unit S.D. No. 60, Waukegan Lake Co.

Fourteenth Congressional District

Lisle E.S.D. No. 70.
Maercker S.D. No. 60, Clarendon Hills.
Downers Grove H.S.D. No. 99.
Downers Grove E.S.D. No. 58.
Naperville Comm. H.S.D.
Naperville E.S.D. No. 78, Wheaton.
Lace Marion Hills S.D. No. 61, Wheaton.
Goodrich S.D. No. 68, Woodridge.
Comm. Cons. S.D. No. 181, Hinsdale.
Hinsdale Twp. H.S.D. No. 86.
Darien Pub. Sch. Dist. No. 61, DuPage Co.
Joliet Pub. S.D. No. 86 (also 17th Cong. Dist.).
Joliet Twp. H.S.D. No. 204 (also 17th Cong. Dist.).
Plainfield Comm. Cons. S.D. No. 202 (also 17th Cong. Dist.).
Lockport E.S.D. No. 96 (also 17th Cong. Dist.).
Lockport Twp. H.S.D. No. 205 (also 17th Cong. Dist.).
Community Consolidated Schools, DuPage Co.

Seventeenth Congressional District

Georgetown E.S.D. No. 177.
Joliet Pub. S.D. No. 86 (also 14th Cong. Dist.).
Joliet Twp. H.S.D. No. 204 (also 14th Cong. Dist.).
Plainfield Comm. Cons. S.D. No. 202 (also 14th Cong. Dist.).
Lockport E.S.D. No. 96 (also 14th Cong. Dist.).
Lockport Twp. H.S.D. No. 205 (also 14th Cong. Dist.).

Nineteenth Congressional District

Rock Island S.D. No. 41.
Moline S.D. No. 40.
East Moline Pub. S.D. No. 37.
Hampton E.S.D. No. 29.
Comm. Unit S.D. No. 200, Sherrard.
Geneseo Comm. Unit S.D. No. 228.
Rockridge Comm. Unit S.D. No. 300, Taylor Ridge.
Comm. Unit S.D. No. 115, Oquawka.

Twenty-Second Congressional District

Comm. Unit S.D. No. 335, La Harpe.

INDIANA

Sixth Congressional District

Clark Pleasant Comm. Sch. Corp., Whiteland.
Mooresville Cons. Sc. Corp.
Metropolitan S.D. of Martinsville.
Franklin Comm. Sch. Corp.
Comm. Sch. Corp. of Southern Hancock Co., New Palestine.
Greenwood Comm. Sch. Corp.
Center Grove Comm. Sch. Corp., Greenwood.

Seventh Congressional District

Avon. Comm. Sch. Corp., Indianapolis.
Plainfield Comm. Sch. Corp.

Eighth Congressional District

Metropolitan S.D. of Mt. Vernon.

Ninth Congressional District

Metropolitan S.D. of Vernon Twp., Crothersville.
Scott Co. S.D. No. 2, Scottsburg.
Salem Comm. Schs.

Eleventh Congressional District

Metropolitan Sch. Dist. of Lawrence Twp., Indianapolis.
Metropolitan S.D. of Warren Twp.
Indianapolis Pub. Schs.

IOWA

First Congressional District

Bettendorf Comm. S.D.
The Davenport Comm. S.D.
Pleasant Valley Comm. S.D.
Burlington Comm. S.D.
Danville Comm. S.D.
Mediapolis Comm. S.D.

Sixth Congressional District

Sergeant Bluff Luton Comm. S.D.
Westwood Comm. S.D., Sloan.
Sioux Comm. S.D.
Lawton-Bronson Comm. Sch. Dist., Woodbury Co.

Seventh Congressional District

Lewis Central Comm. Schs., Council Bluffs.
Council Bluffs Comm. S.D.

KANSAS

Second Congressional District

Unif. S.D. No. 437, Topeka.
Unif. S.D. No. 501, Topeka.
Unif. S.D. No. 343, Perry.
Unif. S.D. No. 340, Meriden.
Unif. S.D. No. 337, Mayetta.
Oskalooka Unif. Sch. Dist. No. 341.
Shawnee Heights Unif. S.D. No. 450, Tecumseh.
Unif. S.D. No. 464, Ronganoxie.

Third Congressional District

Shawnee Mission Rural H.S.D. No. 6.
Common S.D. No. 110, Overland Park.
Antioch C.S.D. No. 61, Overland Park.
Shawnee Common S.D. No. 27.
Roeland C.S.D. No. 92, Shawnee Mission.
Prairie S.D. No. 44.
Valley View C.S.D. No. 49, Overland Park.
Olathe Unif. S.D. No. 233.
Unif. S.D. No. 231, Gardner.
Bonner Springs Unif. S.D. No. 204.
Unif. S.D. No. 500, Kansas City.
Stanley Unif. S.D. No. 229.
Shawnee Mission Unif. S.D. No. 512.

Fourth Congressional District

Haysville Unif. S.D. No. 261.
Valley Center Unif. S.D. No. 262.
Unif. S.D. No. 260, Derby.
Maize Unif. S.D. No. 266.
Unif. S.D. No. 259, Wichita.
Unif. S.D. No. 265, Goddard.
Unif. S.D. No. 263, Mulvane.

Fifth Congressional District

Leon Unif. S.D. Jt. No. 205.
Douglass Unif. S.D. No. 39.
Rose Hill Unif. S.D. No. 394.
Andover Unif. S.D. No. 385.
Unif. S.D. No. 353, Wellington.
Unif. S.D. No. 356, Conway Springs.
Arkansas City Unif. S.D. No. 470.
Belle Plaine Unif. S.D. No. 357.
Osage City Unif. S.D. No. 420.
Unif. S.D. No. 434, Overbrook.
Unif. S.D. No. 454, Burlingame.
Marais Des Cygnes Valley D. No. 456, Melvern.
Lawrence Unif. S.D. No. 497.

KENTUCKY

Third Congressional District

Louisville Public Schools.

Sixth Congressional District

Berea Ind. Sch. Dist.
Fayette Co. Bd. of Ed., Lexington.
Clark Co. Bd. of Ed., Winchester.
Georgetown I.S.D.
Paris I.S.D.
Courbon Co. Bd. of Ed., Paris.

LOUISIANA

First Congressional District

St. Bernard Parish Sch. Bd., Chalmette.
Orleans Parish Sch. Bd., New Orleans (also 2d Cong. Dist.).

Second Congressional District

Orleans Parish Sch. Bd., New Orleans (also 1st Cong. Dist.).
Jefferson Parish Sch. Bd., Gretna.

Sixth Congressional District

St. Tammany Parish Sch. Bd., Covington.

MAINE

First Congressional District

S. Portland Bd. of Ed.
Old Orchard Beach Sch. Dist.
Biddeford Suptg. Sch. Comm.
Cape Elizabeth Sch. Dept.
Portland Pub. Schs.
Yarmouth S.D.
Town of Jefferson Sch. Committee, Windsor.
Sch. Adm. Dist. No. 57, East Waterboro.
Maine Sch. Adm. Dist. No. 35, South Berwick.

Second Congressional District

Calais Sch. Dept.
Vanceboro Sch. Dept., Danforth.
Sch. Admin. Dist. No. 19, Lubec.
City of Bangor Sch. Committee.
Town of Machias S.D.

MARYLAND

First Congressional District

St. Marys Co. Bd. of Ed., Leonardtown.
Calvert Co. Bd. of Ed., Prince Frederick.

Third Congressional District

Fourth Congressional District

Bd. of Ed. of Balt. Co., Towson (also 7th Cong. Dist.).

Fifth Congressional District

Prince Geo. Co. Bd. of Ed., Upper Marlboro
Bd. of Ed. of Charles Co., La Plata.

Sixth Congressional District

Bd. of Ed. of Fred. Co., Frederick.
Bd. of Ed. of Washington Co Hagerstown.
Bd. of Ed. of Howard Co., Ellicott City (also 8th Cong. Dist.).

Seventh Congressional District

Bd. of Ed. of Balt. Co., Towson (also 3d and 4th Cong. Dists.)

Eighth Congressional District

Bd. of Ed. of Mont. Co., Rockville.
Bd. of Ed. of Howard Co., Ellicott City (also 6th Cong. Dist.).

MASSACHUSETTS

First Congressional District

Town of Hatfield Sch. Comm.

Second Congressional District

Wilbraham Sch. Committee.
Hampden Wilbraham Reg. S.D.
Ludlow Sch. Comm.
City of Springfield Sch. Comm.
Sch. Comm. of the City of Chicopee.
City of Holyoke Sch. Comm.
Twn. of W. Springfield Sch. Comm.
Westfield Sch. Comm.

Third Congressional District

Shrewsbury Sch. Committee.
Southboro Sch. Comm.
Milford Pub. Schs.

Sixth Congressional District

Nahant Sch. Committee.
Middleton Sch. Committee.
Saugus Sch. Committee.
Danvers Sch. Comm.
Lynnefield Sch. Committee.
Rowley Sch. Comm., Georgetown.
Lynn Sch. Comm.
Masconomet Reg. S.D., Boxford.
Swampscott Pub. Sch.
Salem Public Schools.

Seventh Congressional District

Town of Wakefield, S.D.
City of Revere Sch. Comm.
Marlborough Sch. Comm.

Tenth Congressional District

New Bedford Sch. Comm.
Fairhaven Sch. Comm.
Town of Dartmouth Sch. Comm.
Acushnet Pub. Sch.

Twelfth Congressional District

Falmouth Sch. Comm.
Bourne Sch. Comm.
Town of Barnstable Sch. Committee.
Town of Sandwich Sch. Committee.

MICHIGAN

Second Congressional District

Pub. S.D. of City of Ann Arbor, Washtenaw Co.

Seventh Congressional District

Sch. Dist. of the City of Flint, Genesee Co.

Eighth Congressional District

Lansing Sch. Dist., Inham County.

MINNESOTA

First Congressional District

I.S.D. No. 196, Rosemount.
I.S.D. No. 191, Burnsville.

Third Congressional District

I.S.D. No 14, Fridley
I.S.D. No. 12, Circle Pines.
Anoka Hennepin I.S.D. No. 286.
I.S.D. No. 16, Minneapolis
Brooklyn Center I.S.D. No. 286.
Special S.D. No. 1, Minneapolis.
I.S.D. No. 281, Robbinsdale.
I.S.D. No. 271, Bloomington.

Fourth Congressional District

I.S.D. No. 621, New Brighton.
I.S.D. No. 625, St. Paul.
North St. Paul Maplewood S.D. No. 622, N. St. Paul.
I.S.D. No. 624, White Bear Lake.
I.S.D. No. 831, Forest Lake.
I.S.D. No 833, Cottage Grove
I.S.D. No. 623, St. Paul.

Sixth Congressional District

I.S.D. No. 724, St. Cloud.
I.S.D. No 742, St. Cloud.
I.S.D. No. 912, Milaca.
Princeton I.S.D. No. 477.
I.S.D. No. 728, Elk River, Sherburne Co.

Eighth Congressional District

I.S.D. No. 137, Lindstrom.
I.S.D. No. 136, Lindstrom.
I.S.D. No 139, Rush City
I.S.D. No. 138, North Branch.
I.S.D. No. 578, Pine City.

MISSISSIPPI

Fifth Congressional District

Biloxi Mun. Sep. S.D.
Ocean Springs Mun. Sep. S.D.
Gulport Mun. Sep. S.D.
Bay St. Louis Mun. Sep. S.D.
Jackson Co. Unit S.D., Pascagoula.
Harrison Co. S.D., Gulfport.
Laurel Municipal Sep. S.D., Jones Co.

MISSOURI

Fourth Congressional District

Cons. S.D. No. 2, Raytown.
Reorg. S.D. No. 7, Lees Summit.
Grain Valley S.D. No. 4.
Ft. Osage S.D.R. 1, Independence.
S.D. of the City of Independence.
Blue Springs Reorg. S.D. No. 4.
Wellington Napoleon Schs. R. 9.
S.D. of Kansas City.
Grandview Cons. S.D. No. 4.
Hickman Mills Cons. S.D. No. 1.
Reorg. S.D. No. 7, Odessa.
S.D. of Harrisonville R. 9.
Kingsville S.D.R. 1.
Center S.D. No. 58, Kansas City.
Midway Reorg. S.D. No. 1, West Line.
Belton S.D. No. 124.
Raymore Peculiar S.D.R. 2.
Warrensburg S.D.R. 6.
Cass Co. S.D. No. R. 8, Creighton.
Archie Pub. Sch. Reorg. Dist. R. V, Archie.
Miami Reorg. S.D. No. 1, Bates Co.

Sixth Congressional District

Clay, N. Kansas City S.D. No. 74.
Liberty Publ. S.D. No. 53.
Richmond S.D.R. 13.
St. Joseph S.D.
Polo Public S.D.R. 7.
Excelsior Springs S.D. No. 40.
Reorg. S.D. No. 2, Kansas City.
Norborne S.D.R. 6.
Lawson Reorg. S.D.R. XII.

Seventh Congressional District

S.D. of Springfield R. 12.
Willard S.D.R. 2.
Republic S.D.R. 3.
Fair Grove S.D. No. R 10.
Greene County S.D. R–8. Greene Co.

MONTANA

Second Congressional District

Billings E.S.D. No. 2.
Billings H.S.D.
H.S.D. No. 1A, Great Falls.
E.S.D. No. 1, Great Falls.
Vaughn S.D. No. 74.

NEBRASKA

Second Congressional District

S.D. of Omaha.
Rapillion Pub., S.D. No. 27.
Ralston S.D.
S.D. of the City of Bellevue.

NEW HAMPSHIRE

First Congressional District

City of Portsmouth Bd. of Ed.
Oyster River Coop. S.D., Durham and Madbury.
Rollingsford S.D.
City of Dover S.D. No. 11.
Timberland Regional Sch. Dist., Atkinson.
North Hampton S.D.
S.D. of the Town of Exeter.
Nottingham Cooperative S.D.
Winnacunnet Coop. S.D., Hampton.
Concord U.S.D.
Newmarket S.D.
Epping S.D.
Raymond S.D.
Londonderry S.D.
Derry Coop. S.D. No. 1.
Manchester S.D. No. 37.
Goffstown S.D.
New Boston S.D.
Merrimack S.D.
Candia S.D.
Hooksett S.D., Suncook.
Allanstown S.D., Suncook.
Hudson S.D.

Second Congressional District

Gorham S.D.
Berlin Sch. Dist. No. 3, Coos Co.

NEW JERSEY

First Congressional District

Brielle Bd. of Ed.
Boro of Freehold Pub. Schs.

Second Congressional District

Bloomfield Mun. S.D. No. 6.

Third Congressional District

South Belmar Bd. of Ed. Monmouth Co.
Middletown Twp. Bd. of Ed.
City of Perth Amboy Bd. of Ed., Middlesex Co. (also 15th Cong. Dist.).

Fourth Congressional District

Trenton Bd. of Ed.
Hamilton Twp. Bd. of Ed.

Fifth Congressional District

Morris Hills Reg. H.S.D., Rockaway.

Sixth Congressional District

Bd. of Ed., Cinnaminson Twp.
Burlington City Bd. of Ed.
Burlington Twp. Bd. of Ed.
City of Beverley Bd. of Ed.
Riverside Twp. Bd. of Ed.
Westhampton Twp. Bd. of Ed., Mt. Holly.
Edgewater Park Twp. Bd. of Ed., Beverley.
Florence Twp. Bd. of Ed.
Burlington Co. Voc. Bd. of Ed., Mt. Holly.
Pemberton Twp. Bd. of Ed., Browns Mills.
Moorestown Twp. Bd. of Ed.

Seventh Congressional District

Hackensack Publ. Sch., Bergen Co.

Eighth Congressional District

Passaic Bd. of Ed., Passaic Co.

Tenth Congressional District

Bd. of Ed. of Newark (also 11th Cong. Dist.).

Eleventh Congressional District

Bd. of Ed. of Newark (also 10th Cong. Dist.).
Essex Co. Voc. Schs. Essex Co.

Thirteenth Congressional District

Jersey City Bd. of Ed., Hudson Co. (also 14th Cong. Dist.).
Bayonne S.A.

Fourteenth Congressional District

Jersey City Bd. of Ed., Hudson Co. (also 13th Cong. Dist.).

Fifteenth Congressional District

City of Perth Amboy Bd. of Ed., Middlesex Co. (also 3d Cong. Dist.).

NEW MEXICO

Second Congressional District

Clovis Municipal S.D. No. 1, Curry Co.

NEW YORK

First Congressional District

C.S.D. No. 5 Twn of Brookhaven, Holbrook.
U.F.S.D. No. 5 Twn of Islip, Bayport.
U.F.S.D. No. 2 Twn of Babylon, Huntington.
C.S.D. No. 5 Twn of Smithtown, Kings Park.
U.F.S.D. No. 1 Twn of Huntington, Elwood.
U.F.S.D. No. 12 Twn of Islip, Brentwood.
U.F.S.D. No. 3 Twn of Islip.
Ctr. S.D. No. 7 Twn of Brookhaven, Centereach
S.U.F.D. No. 10 Twn of Huntington, Commack.
U.F.S.D. No. 3 Twn of Brookhaven, Port Jefferson Station.
U.F.S.D. No. 1 Twn of Babylon, Dix Hills.
U.F.S.D. No. 9 Twn of Islip.
U.F.S.D. No. 5 Babylon, Suffolk Co. (also 2d Cong. Dist.).

Second Congressional District

U.F.S.D. No. 5 Babylon Suffolk Co. (also 1st Cong. Dist.).
U.F.S.D. No. 21 Twn of Oyster Bay.
U.F.S.D. No. 2 Twn of Hempstead, Uniondale.
U.F.S.D. No. 22 Twn of Farmingdale.
U.F.S.D. No. 17 Town of Oyster Bay, Hicksvills.
Town of Hempstead, East Meadow, Nassau Co. (also 4th and 5th Cong. Dists.).
Central S.D. No. 4, Town of Oyster Bay, Nassau Co. (also 4th and 5th Cong. Dists.).

Fourth Congressional District

Fifth Congressional District

Town of Hempstead, East Meadow, Nassau Co. (also 1st Cong. Dist.).
Central S.D. No. 4, Twn of Oyster Bay, Nassau Co. (also 1st Cong. Dist.).

Sixth Congressional District

Seventh Congressional District

Eighth Congressional District

Ninth Congressional District

Tenth Congressional District

Eleventh Congressional District

Twelfth Congressional District

Thirteenth Congressional District

Fourteenth Congressional District

Fifteenth Congressional District

Sixteenth Congressional District

Seventeenth Congressional District

Eighteenth Congressional District

Nineteenth Congressional District

Twentieth Congressional District

Twenty-First Congressional District

Twenty-Second Congressional District

Twenty-Third Congressional District
Twenty-Fourth Congressional District
School District of the City of New York, Brooklyn.
Twenty-Fifth Congressional District
City S.D. of the City of Peekskill.
City S.D. of Yonkers, Westchester Co.
Thirty-Fourth Congressional District
Thirty-Fifth Congressional District
S.D. of the City of Syracuse.

NORTH CAROLINA

Third Congressional District
Onslow Co. Bd. of Ed., Jacksonville.
Fifth Congressional District
Forsythe Co. Schs., Winston-Salem.
Sixth Congressional District
High Point City Schs., High Point, Guilford Co.
Seventh Congressional District
Fayetteville City Bd. of Ed.
Cumberland Co. Bd. of Ed., Fayetteville.
Hoke Co., Bd. of Ed., Raeford.
Eighth Congressional District
Rowan Co. Admin. Unit S.D., Salisbury.

OHIO

Fourth Congressional District
Bethel Local S.D., Miami Co.
Seventh Congressional District
Mad River Twp. Local S.D., Dayton.
Dayton City Bd. of Ed.
Vandalia Butler City Schs.
Fairborn City S.D.
Northbridge Local S.D., Dayton.
New Carlisle Bethel Local S.D.
Kettering City S.D.
Xenia City S.D.
Washington Twp. Local Schs. Centerville.
Beavercreek Local Bd. of Ed., Xenia.
Springfield City S.D.
Madison Twp. Local S.D., Trotwood.
Jefferson Twp. Local S.D., Dayton.
W. Carrollton City S.D.
Northeastern Local S.D., Springfield.
Urbana City Sch.
Eleventh Congressional District
Exempted Village S.D., Windham.
Thirteenth Congressional District
Akron City S.D.
Fourteenth Congressional District
Barberton City Schs., Summit Co.
Sixteenth Congressional District
Seventeenth Congressional District
Canton City Bd. of Ed., Stark Co.
Twenty-Fourth Congressional District
Middletown City S.D., Butler Co.

OKLAHOMA

First Congressional District
Broken Arrow I.S.D. No. 3.
Skiatook I.S.D. No. 7.
Sand Springs I.S.D. No. 2.
Sapulpa I.S.D. No. 33.
Jenks I.S.D. No. 5.
Union I.S.D. No. 9, Broken Arrow.
Owasso I.S.D. No. 11.
Tulsa I.S.D. No. 1.
Kiefer I.S.D. No. 18.
Liberty I.S.D. No. 14, Mounds.
Sperry I.S.D. No. 8.
Second Congressional District
Pryor I.S.D. No. 1.
Catoosa I.S.D. No. 2.
Claremore I.S.D. No. 1.
Coweta I.S.D. No. 17.
Inola I.S.D No. .5.
Sequdyah I.S.D. No. 6, Claremore.
Cleveland I.S.D. No. 6.
Wagoner I.S.D. No. 19.
Omulgee I.S.D. No. 1.
Mannford I.S.D. No. 3.
Oilton I.S.D. No. 20.
Lone Star Dep. S.D. No. 8, Sapulpa.
Porter I.S.D. No. 3.
Third Congressional District
Krebs D.S.D. No. 9.
Wilburton I.S.D. No. 1.
Panola I.S.D. No. 4.
Stigler I.S.D No 20.
Sixth Congressional District
Elk City I.S.D. No. 6.

OREGON

Second Congressional District
Creek Co. S.D. No. 2, Creek Co.
Fourth Congressional District
Eagle Point S.D. No. 9.
Jackson Co. S.D. No. 91, Butte Falls.
Medford Sch. Dist. No. 549C.
Central Point S.D. No. 6, Jackson Co.

PENNSYLVANIA

Tenth Congressional District
Blakely Borough S.D., Peckville.
Valley View S.D., Peckville.
Mid Valley Sch. Dist., Olyphant.
Lakeland Sch. Dist., Lackawanna Co.
Old Forge Sch. Dist.
North Pocono S.D., Moscow.
S.D. of the City of Scranton.
Riverside S.D., Taylor.
Dunmore Pub. S.D.
Eleventh Congressional District
Pittston Area S.D.
Wyoming Area S.D., West Pittston.
Wilkes Barre City S.D.
Dallas Sch. Dist., Luzerne Co.
Wyoming Valley S.D., Kingston.
Plains Jt. S.D., Plains Wilkes Barre.
Greater Nanticoke Area S.D.
Ashley Sugar Notch Jt. Schs., Ashley.
Twelfth Congressional District
Susquentia Area S.D., Duncannon.
Fourteenth Congressional District
Penn Hills Township, Allegheny Co. (also 20th and 27th Cong. Dists.).
Wilkinsburg Borough Sch. Dist., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists.).
Churchill Area Sch. Dist., Allegheny Co. (also 18th, 20th, and 27th Cong. Dist.).
Keystone Area Sch. Dist., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists.).
Duquesne Sch. Dist., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists.).
Braddock Borough Sch. Dist., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists.).
South Fayette Twp. Sch. Dist., Allegheny Co. (also 18th, 20th and 27th Cong. Dists.).
Clariton S.D., Allegheny Co. (also 18th, 20th, and 27th Cong. Dists.).
S.D. of Pittsburgh (also 20th and 27th Cong. Dists.).
Sixteenth Congressional District
Palmyra Area S.D.
Annville Cleona S.D.
Cornwall Lebanon Sub. Jt. Sch. Sys.
North Lebanon S.D., Fredericksburg.
Eighteenth Congressional District
Wilkinsburg Borough Sch. Dist., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.).
Churchill Area Sch. Dist., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.).
Keystone Oaks Sch. Dist., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.).
Duquesne Sch. Dist., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.).
Braddock Borough Sch. Dist., Allegheny Co. (also 14th, 20th, and 27th Cong. Dists.).
South Fayette Twp. Sch. Dist., Allegheny Co. (also 14th, 20th, and 27th Cong. Dists.).
Clariton S.D., Allegheny Co. (also 14th, 20th and 27th Cong. Dists.).
Twentieth Congressional District
Penn Hills Twp, Allegheny Co. (also 14th and 27th Cong. Dists.).
Wilkinsburg Borough Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
Churchill Area Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
Keystone Oaks Sch. Dist., Allegheny Co. (also 14th, 18th, and 27th Cong. Dists.).
Duquesne Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
Braddock Borough Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
South Fayette Twp. Sch. Dist., Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
Clariton S.D. Allegheny Co. (also 14th, 18th and 27th Cong. Dists.).
McKeesport Area Sch. Dist., Allegheny Co.
S.D. of Pittsburgh (also 14th and 27th Cong. Dists.).
Twenty-First Congressional District
New Kensington-Arnold Sch., Westmoreland Co.
Twenty-Fourth Congressional District
Farrell Area Sch. Dist., Mercer Co.
Twenty-Sixth Congressional District
Peters Twp. S.D., McMurray.
Connelsville Area Sch. Dist., Fayette Co.
Twenty-Seventh Congressional District
Penn Hill Twp., Allegheny Co. (also 14th & 20th Cong. Dists.).
Wilkinsburg Borough Sch. Dist., Allegheny Co. (also 14th, 18th & 20th Cong. Dists.).
Churchill Area Sch. Dist., Allegheny Co. (also 14th, 18th & 20th Cong. Dists.).
Keystone Oaks Sch. Dist., Allegheny Co. (also 14th, 18th & 20th Cong. Dists.).
Duquesne Sch. Dist. Allegheny Co. (also 14th, 18th & 20th Cong. Dists.).
Braddock Borough Sch. Dist., Allegheny Co. (also 14th, 18th & 20th Cong. Dists.).
South Fayette Twp. Sch. Dist., Allegheny Co. (also 14th, 18th & 20th Cong. Dists.).
Clariton S.D., Allegheny Co. (also 14th, 18th & 20th Cong. Dists.).
Sto-Rex Sch. Distr., Allegheny Co.
Carlynton S.D., Carnegie.
Bethel Park S.D.
Montour S.D., McKees Rocks.
West Allegheny S.D., Imperial.
Fox Chapel Area S.D., Pittsburgh.
South Park S.D., Library.
Baldwin Whitehall S.D., Pittsburgh.
Brentwood Boro S.D., Pittsburgh.
Chartiers Valley S.D., Pittsburgh.
West Jefferson Hills S.D., Pittsburgh.
S.D. of Pittsburgh (also 14th & 20th Cong. Dists.).
S.D. of the Twp. of Upper St. Clair, Bridgeville.

RHODE ISLAND

Second Congressional District
S. Kingstown Sch. Comm., Wakefield.

SOUTH DAKOTA

First Congressional District
Brookings I.S.D. No. 122.
Lennox I.S.D. No. 100.
West Central I.S.D. No. 154, Hartford.

TENNESSEE

First Congressional District
Sullivan Co. Bd. of Ed., Bloutville.
Kingsport City Sch. Sys.
Sevier Co. Bd. of Ed., Sevierville.
Second Congressional District
Knox Co. Bd. of Ed., Knoxville.
Blount Co. C.D., Maryville.
Knoxville Bd. of Ed.
Maryville City Schools.
Alcoa City S.D.
Third Congressional District
City of Chattanooga Bd. of Ed.
Marion Co. Bd. of Ed., Jasper.
Hamiltno Co. Bd. of Ed., Chattanooga.
Fourth Congressional District
Warren County Bd. of Ed., McMinnville.
Anderson Co. Bd. of Ed., Clinton.
Fifth Congressional District
DeKalb Co.

Sixth Congressional District
Franklin Co. Bd. of Ed., Winchester.

TEXAS

First Congressional District
Daingerfield I.S.D.
Cason I.S.D.

Third Congressional District
Grand Prairie I.S.D.
Irving I.S.D.
Duncanville I.S.D.
Lancaster I.S.D.
Cedar Hills I.S.D.
De Soto I.S.D.
Dallas I.S.D.

Fourth Congressional District
Howe I.S.D.
Terrell I.S.D.

Sixth Congressional District
Red Oak I.S.D.
Midlothian I.S.D.

Tenth Congressional District
San Marcos I.S.D.
Lockhart I.S.D.
Blanco I.S.D.
Hays Cons, I.S.D., Kyle.

Eleventh Congressional District
Conally Cons. I.S.D., Waco.
La Vega I.S.D., Bellmead Branch, Waco.
Waco I.S.D.
Midway I.S.D., Waco.
Robinson I.S.D., Waco.
Crawford I.S.D., No. 901.
China Spring I.S.D.
Mart I.S.D. No. 101 908.
Lorena I.S.D.
Bosqueville I.S.D., McLenna County.
Rosebud Lott I.S.D., Rosebud, Falls County.

Twelfth Congressional District
Birdville I.S.D., Ft. Worth.
White Settlement I.S.D., Fort Worth.
Hurst Euless Bedford I.S.D.
Arlington I.S.D.

Thirteenth Congressional District
Lewisville I.S.D.
Lake Dallas I.S.D.
Bridgeport I.S.D.
Denton I.S.D.

Seventeenth Congressional District
Coahoma I.S.D.
Forsan Co. Line I.S.D.

Twentieth Congressional District
Harlandale I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
S. San Antonio I.S.D. (also 21st & 23d Cong. Dists.).
Southside I.S.D. No. 912, San Antonio (also 21st & 23d Con. Dists.).
Edgewood I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
Southwest I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
East Central I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
San Antonio I.S.D. (also 21st & 23d Cong. Dists.).
North East I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
Somerset I.S.D. (also 21st & 23d Cong. Dists.).
Northside I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
Alamo Hts. I.S.D., San Antonio (also 21st & 23d Cong. Dists.).
Judson I.S.D. No. 916, Converse (also 21st & 23d Cong. Dists.).

Twenty-first Congressional District
Harlandale I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
S. San Antonio I.S.D. (also 20th & 23d Cong. Dists.).
Southside I.S.D. No. 912, San Antonio (also 20th & 23d Cong. Dists.).
Edgewood I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
Southwest I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
East Central I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
San Antonio I.S.D. (also 20th & 23d Cong. Dists.).
North East I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
Somerset I.S.D. (also 20th & 23d Cong. Dists.).
Northside I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
Alamo Hts. I.S.D., San Antonio (also 20th & 23d Cong. Dists.).
Judson I.S.D., No. 916, Converse (also 20th & 23d Cong. Dists.).
Boerne Co. Line I.S.D.
Comal Co. I.S.D., New Braunfels.

Twenty-third Congressional District
Harlandale I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
S. San Antonio I.S.D. (also 20th & 21st Cong. Dists.).
Southside I.S.D. No. 912, San Antonio (also 20th & 21st Cong. Dists.).
Edgewood I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
Southwest I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
East Central I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
San Antonio I.S.D. (also 20th & 21st Cong. Dists.).
North East I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
Somerset I.S.D. (also 20th & 21st Cong. Dists.).
Northside I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
Alamo Hts. I.S.D., San Antonio (also 20th & 21st Cong. Dists.).
Judson I.S.D. No. 916, Converse (also 20th & 21st Cong. Dists.).
Devine I.S.D.
Schertz Cibolo I.S.D.
Floresville I.S.D.
Potect I.S.D.
Marion I.S.D.
Laredo I.S.D.
United Cons. I.S.D., Laredo.

VIRGINIA

Second Congressional District
Fredericksburg City Schs.
City of Alexandria Sch. Bd.
City of Fairfax Sch. Bd.
Portsmouth City Sch. Bd.
Sch. Bd. of the City of Norfolk.
Sch. Bd. of the City of Virginia Beach.
Sch. Bd. of the City of Chesapeake.

Third Congressional District
Co. Sch. Bd. of Chesterfield Co.

Fourth Congressional District
Co. Sch. Bd. of Prince George Co., Prince George.
Sch. Bd. of Nansemond Co., Suffolk.
Sch. Bd. of Isle of Wight Co., Isle of Wight.
Co. Sch. Bd. of Prince William Co., Manassas.

Sixth Congressional District
Co. of Roanoke Sch. Bd., Salem.
Roanoke City Pub. Schs.

Tenth Congressional District
Co. Sch. Bd. of Arlington Co.
Co. Sch. Bd. of Fairfax Co., Fairfax.

WASHINGTON

Second Congressional District
Edmonds S.D. No. 15, Lynnwood.

Third Congressional District
Newport Cons. Jt. S.D. Nos. 56, 417.
Peninsula S.D. No. 401, Gig Harbor.
Vancouver S.D. No. 37.

Fourth Congressional District
Walla Walla S.D. No. 140.
Daytona S.D. No. 2.
Yakima S.D. No. 7.
Clarkson S.D.
Union Gap S.D. No. 2.
Moxee S.D. No. 90, Yakima.
Naches Valley S.D. Jt. No. 3.
Zillah S.D. No. 205.
Selah S.D. No. 119.

Fifth Congressional District
Mead S.D. No. 354.
Spokane S.D. No. 81.
Cheney Jt. Cons. S.D. No. 360, 316.

Sixth Congressional District
N. Kitsap S.D. No. 400, Poulsbo.
Clover Pk. S.D. No. 400, Lakewood Center.
Franklin Pierce S.D. No. 402, Tacoma.
Eatonville S.D. No. 404.
Bremerton Cons. S.D. 1000.
Uni. Place S.D. No. 83, Tacoma.
Steilacoom S.D. No. 1.
Bethel S.D. No. 403, Spanaway.
Tacoma S.D. No. 10.
Sumner S.D. No. 320.
Puyallup S.D. No. 3.
Fife S.D. No. 417, Tacoma.

Seventh Congressional District
Kent S.D. No. 415.
Highline S.D. No. 401, Seattle.
Seattle S.D. No. 1.
Northshore S.D. No. 417, Bothell.
Bellevue S.D. No. 405.
Fed. Way S.D. No. 210.

WEST VIRGINIA

Second Congressional District
Jefferson Co. Bd. of Ed., Charles Town.
Tucker Co. Bd. of Ed., Parsons.

Fourth Congressional District
Cabell Co. Bd. of Ed., Huntington.
Wayne Co. Bd. of Ed., Wayne Co.

WISCONSIN

Second Congressional District
Jt. S.D. No. 8, City of Madison.
Jt. S.D. No. 2, Sun Prairie.
McFarland C.S.D., Jt. No. 8.
Jt. S.D. No. 10, Village of Arlington, Poynette.

Third Congressional District
Jt. S.D. No. City of Prescott.
Jt. S.D. No. 9, City of Elroy.

Eighth Congressional District
Jt. S.D. No. 1, City of Green Bay.
Jt. S.D. No. 2, West De Pere.

Tenth Congressional District
Jt. S.D. No. 1, City of Hudson-Troy, St. Croix Co.

NOTICE OF HEARING ON NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, November 23, 1971, at 10 a.m., in room 2228, New Senate Office Building, on the following nomination:

Levin H. Campbell, of Massachusetts, to be U.S. district judge, district of Masachusetts, vice Charles E. Wyzanski, Jr., retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McCLELLAN), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

NOTICE OF HEARING ON NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hear-

ing has been scheduled for Monday, November 29, 1971, at 10:30 A.M., in room 2228, New Senate Office Building, on the following nomination:

Robert L. Kunzig, of Pennsylvania, to be an associate judge of the U.S. Court of Claims vice Don N. Larmore, retiring.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arknasas (Mr. McCLELLAN), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

ADDITIONAL STATEMENTS

PEKING'S DELEGATES ARRIVE AT UNITED NATIONS

Mr. ALLEN. Mr. President, remarkably candid speeches delivered on the occasion of the Peking delegation's arrival at the United Nations, by the Soviet delegate, Mr. Yokou A. Malik, and China's Deputy Foreign Minister, Chiao Kuan-Hua, leave little room for doubt about the future thrust of United Nations actions.

For one thing, Mr. Malik reminded us that as a result of Russia's advocacy of the policy of universality in the United Nations, it has been able "to achieve the admission into the United Nations of a large number of socialist states including Albania," which nation offered the resolution to seat Red China and kick out Taiwan, a charter member of the United Nations.

As for Mr. Chiao, no words were minced in outlining the intentions of Communist China as a member of the United Nations and of the Security Council. He hailed the General Assembly vote to seat Communist China and oust Nationalist China as "a victory for Chairman Mao Tse-tung's revolutionary line in foreign affairs." He also laid it on the line with respect to the future of Taiwan. He said:

> The Chinese people are determined to liberate Taiwan and no force on earth can stop us from doing so.

In addition, he told the United States and the world what must be done in South Vietnam, Cambodia, and Laos. In his foreign policy prescriptions for the United States he let it be known that we must bow to Red China's demand for unification of Korea and then informed us what would be required to settle the Middle East tensions as well as the problems in Asian, African, and Latin American countries which together now constitute a voting majority in the United Nations.

Mr. President, the message is loud and clear. Communist China now not only has a voice, a vote, and a veto in the United Nations, but it also has majority backing in the General Assembly. There is no reason to doubt that Communist China intends to use that power to promote revolutionary objectives throughout the world. These objectives differ only slightly from those espoused by Soviet Russia. They are differences of means and not of ends.

Mr. President, the New York Times of November 13, 1971, published an article by Jefferson St. John, entitled "The U.N. Deserves a Decent Burial." Mr. St. John presents revealing insights and judgments on the United Nations organization.

Only those who are emotionally tied to a post era will take offense at suggestions that the time is at hand to reevaluate the United Nations as an institution. The evidence is in—its catastrophic failures have been cataloged. It is time now to question its intentions—its methods—its ends—its utility and also to dispassionately examine the consequences of our continued participation and support of this organization. I am satisfied that we can promote the ends of world peace by more effective institutional means than by reliance on a flawed and incapacitated United Nations organization.

Mr. President, in support of this judgment, I ask unanimous consent that Mr. St. John's article be printed in the RECORD, together with published results of a recent Gallup poll which reveal that the prestige of the United Nations has dropped to an alltime low.

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

[From the New York Times, Nov. 13, 1971]

THE U.N. DESERVES A DECENT BURIAL

(By Jeffrey St. John)

"This is not the time for cynicism," observed Secretary General Thant a few days before the ouster of Taiwan from the U.N. "This is the time when member states should honor their pledges. . . ."

One pledge was to honor the U.N. charter, clearly compromised when a founding member, Taiwan, was expelled. This hypocrisy is only one of a host of reasons why the United States should allow the world organization to commit suicide. Further U.S. moral and monetary support for the U.N. would be like giving life support fluids to a patient whose brain waves and vital body functions have failed.

During the debate over Red China's representation we were urged to "face reality." The reality of the U.N. today is that it is philosophically and financially bankrupt: The U.S. will only complicate its future conduct of foreign policy if it persists in the dangerous delusion that the moribund U.N. can work or is worth saving. The most honest and courageous act we can perform is to give the global organization a decent burial by paying for the U.N. to relocate in that graveyard of international conferences, Geneva.

The U.S. Senate faced reality when it voted to scuttle the American foreign aid program. It is superficial and shallow to say that the action was out of anger at the U.S. defeat over the China representation issue. It was, in reality, a not clearly identified revulsion against the chaos created by a quarter century of American international altruism.

As we have failed to be the policeman of the planet, so we have failed as welfare workers of the world via our own efforts and those of the United Nations. The worldwide hostility we have unleashed as paternalistic policeman and alms-giver to the globe was perfectly reflected in the unprecedented "glee" of U.N. members when they handed the U.S. its stunning defeat by ousting Taiwan. Only a country with a hideous capacity for self-flagellation would subject itself to a climate of hostile and irrational gang rule.

What doomed the U.N. from the very first for its false philosophical foundation, the assumption that nations would renounce their nationalistic self-interest in the name of a greater global good. Mr. Thant and others have berated member nations for indulging in "nationalistic self-interest" in an age when nationalism is the dominant reality. One of the first laws of nature and of nations is self-preservation and survival, the sisters of "selfishness" or self-interest. United Nations apologists have explained away every failure of the U.N. because of "hypo-nationalistic sins of greed and pride." This is not only an evasion, but a revolt from the reality that nations are offered nothing but a vague set of glittering generalities to replace their own deep-rooted institutions, traditions and boundaries.

During the last quarter century the Soviets and their allies have consistently served their own self-interest and sovereignty by working an obstructionist will within the world organization. In contrast, the U.S. has consistently subordinated its self-interest, never wanting to believe the specific goals the Soviets had in mind when manipulating the machinery of the United Nations. It has been, and continues to be, the goal of the Soviets, now to be aided by the Red Chinese, to use the U.N. as a psychological and propaganda weapon to isolate the West and particularly the United States from the uncommitted world. The weakness the U.S. has shown in the face of this quarter-century campaign has contributed to the loss of respect and of the American leadership role in the U.N.

Current and future attempts to make the U.N. "work" will fail as long as we refuse to face two central issues. One, that the world organization is used as a weapon against the West and its principal patron, America. Second, the U.N. has been unable to fashion a system of cooperation that works with, not against, the natural self-interest of men and nations.

We need a genuine dialogue and debate over whether the United States should further support or participate in a world organization that has failed in its stated goals and has too often become an instrument for fermenting peace-breaking rather than peacekeeping. Let U.N. supporters attempt to defend the indefensible and answer the proposition whether in fact it would be more humane to give the world organization a decent burial.

GALLUP SAYS U.S. PUBLIC RATES U.N. PRESTIGE AT A RECORD LOW

The prestige of the United Nations has dropped to an all-time low in the United States, the Gallup Poll reported yesterday.

The poll was conducted Oct. 29 to Nov. 1, after the United Nations rejected the United States' two-China policy. The Gallup organization said 1,562 persons had been interviewed in more than 300 localities.

It said a downward trend in the United Nations' prestige began in 1967, when 49 per cent of the Americans surveyed said they felt the United Nations was doing a good job. In the latest poll 43 per cent said it was doing a poor job.

The following question was asked during the most recent poll:

"In general, do you think the United Nations organization is doing a good job or a poor job in trying to solve the problem that it has faced?"

TREND SINCE 1967

Here are the latest results and trend since 1967:

[In percent]

	Good	Poor	No opinion
Latest	35	43	22
1970	44	40	16
1967	49	35	16

Some of the current bitterness toward the United Nations was attributed to its inability to bring about peace in Vietnam, the

Middle East and, most recently in the Pakistani-Indian conflict.

Republicans are less favorable disposed toward the United Nations than are Democrats, the Gallup Poll said. Among all age groups, persons under 30 give the organization the highest rate of approval.

RESULTS BY GROUPS

The following table shows the results by political identification, education and age groups:

[In percent]

	Good	Poor	No opinion
National	35	43	22
Republicans	31	48	21
Democrats	39	39	22
Independents	32	48	20
College	33	54	13
High school	37	41	22
Grade school	31	40	29
Under 30	41	40	19
30 to 49 years	34	43	23
50 and over	32	46	22

The United Nations started out in 1945 with overwhelming support, with the American public in favor of Senate ratification of its charter by a 20-to-1 ratio.

Since the late nineteen-fifties and early nineteen-sixties the organization's popularity has slipped steadily, according to the Gallup Poll.

A TRIBUTE TO TWO DISTINGUISHED OREGON CITIZENS

Mr. PACKWOOD. Mr. President, one of Oregon's outstanding citizens is R. W. deWeese of Portland. In Oregon, Bill deWeese is regarded his own man. He has an outstanding record of achievement in business and an equally outstanding record of accomplishments as a civic leader. That is why I am particularly proud and my home State is particularly honored to have President Nixon name Bill deWeese of Portland as chairman of the committee on State and Local Government Cooperation, an advisory panel to the President's Cost of Living Council, Price Commission and Pay Board.

The Advisory Committee is part of the post-freeze apparatus President Nixon outlined in his October 7 message on the economic stabilization program.

The committee will advise the Cost of Living Council in the application of the economic stabilization program to State and local governments, their subdivisions, and their employees. Appointment of the Board reflects administration interest in enlisting the assistance and cooperation of State and local governments in achieving the anti-inflation goals of the economic stabilization program.

Bill deWeese is 60 years old, but he has the spirit of a man half that age. He believes in this country and he believes in hard work. As the former vice president for marketing of the ESCO Corporation, Bill deWeese made a remarkable impact in the business world. He still serves as a member of the board of directors of ESCO, and is a director of the Cascade Corp., Great Western National Bank and Oregon Metallurgical Corp. He also is a technical counselor for Oregon State University and is a director of district No. 1 of the Portland Public Schools. He serves on the Portland Metropolitan Area Urban Coalition and is director of the Citizens Coalition for Responsibility. He is a graduate of Stanford University.

Let me add some personal thoughts about Bill deWeese.

I have known Bill a long time. There is no wasted motion about this man. He is superbly prepared and extraordinarily disciplined. As a result, Bill deWeese can accomplish in a few minutes or a few hours what it would take most of us many, hours or many days to accomplish. This committee will not fail because Bill deWeese will not let it fail. He will bring to this committee the leadership and inspiration which are essential if the job is to be accomplished as it should be. I know that all of Oregon joins me in applauding the naming of Bill deWeese to this significant job of responsibility. A better choice could not have been made.

Oregon is indeed honored to have a second distinguished person serving on this same panel. She is Dr. Eleanor Beard, a member of the Oregon State Board of Education.

It has been my pleasure to work with Dr. Beard on community programs. I know of her great interest in her community, in her State, and in her Nation. She has held office in State and local units of the League of Women Voters and the American Association of University Women. Mrs. Beard is a resident of Lake Oswego near Portland. She is indeed a credit to that community and to all of Oregon. I know she will do an outstanding job.

THE ICC MOVES TO HELP RECYCLING

Mr. MOSS. Mr. President, recently the Interstate Commerce Commission took an action that will help make recycling economically feasible. It ruled that carriers that wish to transport recycled material will no longer have to pay expensive filing fees and go through lengthy hearings to get ICC certification. Since many of these carriers are small companies, the old rules were a tremendous burden, which has now been lifted. The ICC action will help to relieve the acute shortage of carriers for recycled materials and will stimulate competition to keep transportation rates low.

Economical transportation is an essential element of any successful recycling program. Without it, such programs will die on the vine, and materials in our solid waste simply will never get reclaimed. Our national interest demands increased recycling, and the ICC decisions reflected this realization.

This move was significant, not for the total amount of recycling it will stimulate, but for the new awareness it represents on the part of the ICC on this issue. In part, the ruling reads:

Pollution threatens our existence. An aware nation is attempting to save and restore an ailing environment.

Programs have arisen throughout the land, sponsored by Government, industry, charitable groups and others. The success or failure of many of these programs depends on the availability of adequate transportation. This commission must authorize carriers to allow them to make such transportation available. Although certain carriers and carrier organizations believe that their interests may be adversely affected to some extent, failure to become part of the "team" fighting to halt pollution might seriously affect the future, not only of the trucking industry, but all American industry—We earnestly hope that all motor carriers will desire to join the national effort to save and restore our American environment.

The ruling is, I believe, in response to pressure that I and others have applied to the ICC in recent months to get it to wake up to its environmental responsibilities. Last month I introduced an amendment to S. 1729, the Fast Freight Car bill, to require railroads to eliminate discriminatory freight rates on recycled materials. Our special subcommittee on Freight Car Shortages inquired of the ICC what it is doing on the matter. To date we have received no response.

Congressman DINGELL has been carrying on a running correspondence with the Commission on this matter. The language of the commission's most recent response, dated October 6, 1971, is, in part, as follows:

This commission has no authority to exercise specific planning functions with regard to the environment . . . We are anxious to participate in implementing the spirit of the Declaration of National Environmental Policy. However, in view of past litigation regarding the matter of scrap materials in ex parte Nos. 265 and 267, in the pending proceeding ex parte No. 270, it would be unwise in my opinion to invest any more of our limited resources at this time on this particular issue.

Seen in the light of the Commission's past reluctance in this area, the action last week is certainly a great leap forward.

It is less certain exactly what effect the ruling will have on the movement of recycled materials. For one thing, it will apply only to "waste" products ruling as part of a "recognized pollution control program." The meaning of the phrase "recognized pollution control program" is unclear, despite the Commission's attempt at clarification. I hope it will be construed broadly so that all good faith efforts to recycle solid wastes will be eligible. A stricter interpretation of the phrase would seriously undermine the spirit of the new ruling.

On the other hand, the definition of "waste" proposed by the Commission is an excellent one. The Commission makes it clear that what we are talking about is postconsumer solid waste. We would not be giving a windfall to manufacturers who are already reclaiming materials as a regular part of their production processes.

This is the same definition for recycled materials that I am requiring in my bills. Only if we aim our recycling incentives at the postconsumer solid waste will we be accomplishing our most important objectives.

The Commission is to be congratulated on its excellent initiative in this area. With its newfound environmental awareness, the Commission should now move to consider the environmental impact of discriminatory railroad freight rates on recycled materials. I urge that other Federal agencies such as the Government

Printing Office follow the Commission's lead.

It is time that all agencies in the Federal Government move to encourage the maximum possible amount of recycling. Our solid waste problems, and our resource scarcity problems, demand no less.

CAB CHAIRMAN SEEKS FINANCING AGENCY

Mr. DOLE. Mr. President, we are all greatly concerned about the balance of payments problem and our position in the world's marketplace.

From the time that Wilbur and Orville Wright had their success at Kitty Hawk, the United States has led the world in the exploration of inner space and in the development and sale of vehicles for that purpose.

The recent achievements of the Boeing Co. with the 747, the McDonnell Douglas achievement of the DC–10, and Lockheed's efforts toward the L–1011 and the C–5, not to mention the spectacular achievements of our recent Apollo moon missions, still have us in a position of world leadership in aerospace.

However, there are now in the Nation, under development, no new air frames or powerplants, but these are under development in other nations. In some cases this foreign development is using American ingenuity and technology as a result of agreements with U.S. manufacturers. We are at the threshold of exporting our technology.

Secor D. Browne, a noted figure in the aviation community, an engineer and Chairman of the Civil Aeronautics Board, has foreseen the danger of continuing down the present path and is proposing a way of combating this burgeoning technology drain.

I ask unanimous consent that the text of Mr. Browne's recent remarks before the American Institute of Aeronautics and Astronautics Conference in Washington, D.C., be printed in the RECORD.

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

REMARKS BY SECOR D. BROWNE, CHAIRMAN, CIVIL AERONAUTICS BOARD, AT THE AMERICAN INSTITUTE OF AERONAUTICS AND ASTRONAUTICS CONFERENCE, OCTOBER 28, 1971

Thank you, Mr. Chairman. I think the panel has done a remarkable job of defining the alligators in which we are up to the hips. I'm not sure that I agree in quite the same way with the statement about how we get rid of them. I don't want to just plan; I think we've got to move and move fast. I'm not sure we can wait for a totally integrated national-industrial plan.

Although I agree about our deteriorating international competitive position in all our industries, I believe we should begin at the beginning, and the beginning is the air transport market—a market that is, if not our greatest balance of payments earner, then certainly one of the key ones.

What we have to have is a new government entity to produce the next generation of aircraft. We certainly are going to have a requirement for more airplanes despite what some of my friends in charge feel as of today. I don't want to buy A–300–B air buses. The question is not will the A–300–B—and other foreign aircraft—be sold here, they *must* be unless we work out a system of developing and financing our own aircraft.

It is simply beyond the resources of Boeing or Douglas or Lockheed or perhaps the three of them put together even with the aid of a prudent financial community—and they must be prudent—to carry us through another transport air frame and engine program. The new 20,000 pound thrust class, high by-pass, clean, quiet engine will be made in France with GE technology (and some from Pratt & Whitney as well) and with the full support of the French Government for a French company.

As many of you have heard me say, I don't think that retrofit is technically feasible. In terms of time it makes no sense at all. If you are going to schedule retrofits, by the time you retrofit the airplanes most of them have been written off.

Likewise the economics of retrofit do not make sense. But, there is some possibility of re-engining. If we re-engine, it looks like we will re-engine with French engines. So, how do we get off the hook. . . .

Again, I come back to some sort of new government-supported entity. One of the great sorrows of the loss of the SST Program was not only the airplane but the loss of the beginnings of an entity which would make such a program possible again. I think in all candor that the SST Program suffered from the fact that it was just one office in a department with other pressures and duties.

I also feel there was a barrier between the airlines and the manufacturers. There seemed to be a lack of adequate communication or perhaps a kind of general trust in what was being done.

What I am asking for is some sort of new government entity which would be economic rather than technical. You could call it a national development bank or a finance corporation. Its job would be to apply the resources to move ahead with competitive programs to a point where airlines could carry on with their own money. There is the possibility that such a program could be carried further with the participation of the airlines to the point where aircraft could be shipped and would begin to pay for itself. In other words, pay the public back.

Now I have said time and time again that I can't conceive of a worse airline management team than the Civil Aeronautics Board. With all due deference to all kinds of government agencies, I don't think that they make very good design teams either. I think that manufacturers—not government officials—ought to design airplanes and engines. And I think that manufacturers should design to meet carrier needs—not what some government representative *thinks* the carriers need. One of the reasons that Russian airplanes are heavier and less efficient than ours, or have been so far, is that they are for the most part designed by government teams. It's difficult to get creativity or boldness from a government design team.

But, as I look at the list of government offices that are involved with worrying about what is going to happen with the aerospace industry, I come up with DOT, FAA, NASA, the National Aviation and Space Council, the Office of Science and Technology, the Domestic Council, the Council of Economic Advisors, the Treasury, the Justice Department and the Department of Defense. I don't want any of them either designing the airplane or running its financial program. So as I say, I obviously haven't refined my thoughts but I feel this very strongly.

Now turning to some other points that were raised. The first was rationalization of route structures. There is no question in my mind that we have too much capacity. This is in part because in the mid-60's it looked like more route awards made sense. It made sense to the carriers who asked for the routes and to the Board which granted the routes, and to the carriers who bought the equipment to service those routes. The awards were made and the carriers loaded up with new equipment.

And as a matter of hard fact without changing the statute there is no way for the Civil Aeronautics Board to kick anybody off a route. Internationally, it might help Pan Am and TWA to cut the competition between New York and Paris but I don't think that the French would like us to kick Air France out of New York. So, in the real world what the CAB can do is limited.

In the matter of supplementals being acquired by scheduled carriers, or the supplementals acquiring scheduled carriers, this is another difficult problem. It would take legislation to bring it off. In Europe, it's different. The supplementals are often the instruments of the scheduled carrier which in itself is state owned. So that simply means that the national governments of Europe and elsewhere in the world can wear any one of three hats if they want to: The government, the scheduled carrier or the supplemental carrier. They also have the great advantage of flying the same airplanes on both systems.

The third point is the matter of labor legislation to balance the equation. This is an urgent need and I can't emphasize it too much. I have spent a lot of time talking with people in the Administration and with influential members of Congress about this problem. It is an area which will trouble all of us unless something can be done.

Next was the point about freedom of pricing. There was a recent editorial in the Wall Street Journal that took the Board to task and pointed out that George Spater of American had said that what we need is price flexibility—freedom to price. I don't normally write letters to newspapers, but I did write in that case. I pointed out that in the Domestic Passenger Fare Investigation and decision of last April, we decided that the present level was wrong and some pricing flexibility should be given the carriers. We said the carriers can go out and raise their fares up to 6 per cent in each market. In response everybody, including my friend Mr. Spater, rushed out and raised fares the *full* 6 per cent *in each market;* yet, they had a range of pricing flexibility available to them between the former level and 6 per cent above it. I simply say that pricing flexibility is a dandy idea, and I wish the carriers would use it. As far as I am concerned I am for flexibility of pricing and I am for, and I believe that the Board is for, the exercise of more managerial initiative. While the Board has come up with standards in the fare case, they are not rigid rules. They are guidelines for the carriers to follow in pursuing their own responsibilities.

Another pressing matter is short-haul services. I have very strong feelings about the Northeast Corridor and other high-density transportation corridors.

I do not think they should be served by any type of government subsidized, fixed guideway system. By fixed guideway I mean the monorail, tracked air-cushion vehicle, or improved trains. I simply think that the European and Japanese experience with subsidizing state railway systems is not attractive to the American scene particularly when we appear to have the capability of mounting an efficient, economic, short-haul air service. In my judgment the example will be set for us by the Canadians. They have automatically solved some of the problems we're unable to wrestle with simply because they are subsidizing a suitable STOL vehicle and we are not. It may not be the greatest in the world but the DeHaviland machine is a short-haul machine designed for that purpose and the Canadian Government is supporting it. The Canadian Government happens to own their air traffic control systems so they can put in air navigation and the other elements that are part of a total STOL system. They own the airports, so they can take care of the decisions of whether you

build STOL strips in or not. The Canadian Government has, I believe, announced that they are going to work on the STOL project in other places besides their big airports. And, of course, they own an airline. So, they have all the things they need to mount a STOL system and at the time they do it, we'll probably still be talking about it and doing nothing.

I know that the Board is unique among regulatory agencies in that it has a responsibility to promote air transportation.

I understand of course that Mr. Volpe has a different charter but I still am a little disturbed about the continued amounts of money apparently required to subsidize Amtrak's rail services and advertising campaigns directed against what is essentially a free enterprise transportation system.

The final point goes to priorities. This has disturbed me greatly. It disturbed me during the SST debate when there was much talk about a choice between the SST and other things like poverty programs and other welfare programs. But, the truth is that it is not a matter of a choice between social programs and something else. It is a choice between social programs and the ability to support social programs. Obviously, the economy cannot be made self-supporting if the economy is not a generator of goods. Without generators of wealth, there can be no social programs. Over and over again I say there is no such thing as a free lunch. The way we are going we cannot survive, because no one can survive as a Nation of service industries and that's the way we are going—a Nation that does nothing but take in each other's laundry.

COMMUNISM VERSUS CAPITALISM

Mr. ALLEN. Mr. President, the Honorable John C. Pearson, an attorney at law in Tuscaloosa, sent me an article from the Presbyterian Journal of October 27, 1971. The article bears the intriguing title "America's Darkest Hour" and was authored by Jack E. Noble, pastor of the Riverside Independent Methodist Church of Jackson, Miss.

The Reverend Mr. Noble quotes from Lenin, who predicted:

> First we will take Eastern Europe; next the masses of Asia. Then we shall encircle the last bastion of capitalism, the United States of America. We shall not have to attack; it will fall like an overripe fruit into our hands.

The author documents the manner in which the policy enunciated by Lenin has been implemented over the past two decades. The events he describes leads us to concur in his judgment that the United States may well be facing its darkest hour.

Mr. President, in view of current developments with respect to Communist nations, I believe that Senators and the public in general will find the article timely, informative, interesting, and challenging. I ask unanimous consent that it be printed in the RECORD.

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

NOT THE WINTER AT VALLEY FORGE, BUT THIS VERY DAY—AMERICA'S DARKEST HOUR

(By Jack E. Noble)

As Americans we have the greatest heritage of any nation on earth. I can remember when our history books showed pictures of veterans standing with tears running down their cheeks as the flag went by. To them it was not just a piece of cloth. In that flag they saw the dreams and ideals of all this country hoped to be, the dream for which their fellow countrymen had died.

I can remember when we pledged and covenanted anew that we would die ourselves, if need be, to preserve that great dream which was on its way to becoming reality, a dream which had begun on the East coast and stretched across this continent to the Pacific: to create a land where men and women could worship God together in the church of their choice, where people of all nationalities would come together to mold a great nation.

A GREAT HERITAGE

We have a great heritage, and the time has come in our history when we need to take it seriously. In recent years our young people have not been taught about their heritage. In only very few of our schools and churches have the things which were given to us as a sacred trust been taught to our young people. In the average history book today, our great patriots such as Patrick Henry, Samuel Adams and other leaders of the War for Independence, are cast in the role of radicals, and what is written of them reflects not much, if any, credit upon these famous men.

The Pilgrims came to this country from the security of Europe with its walled cities and paved streets to carve out of the wilderness a new life in which they could worship God and build a community of freedom.

Yet much of the modern teaching about the Puritans emphasizes only their hanging of witches. This dark episode in time, however, must not obscure the great heritage which they left us: their determination to keep the Sabbath holy, respect for the dignity of work and service to their country, and their concern to be law abiding citizens, to rear children who feared and respected God.

Today these characteristics of the Puritans are not emphasized. Our children have been denied from kindergarten through the university a right view and presentation of the heritage they have as Americans.

A people that have lost contact with their past and have no knowledge of their heritage will not continue to carry on the ideals nor perpetuate that which is dear and worthy. America is facing the greatest challenge in its history. The Communists have made the statement that on America's 200th anniversary they are going to pull down the Stars and Stripes and raise the Red flag.

If you were to poll the American people, I am sure a great percentage of them would say this will never happen, that the claim is ridiculous. But if we judge the next five years by the past ten years, we not only know that it is real, they will even have to slow down in order to postpone it for five years.

Lenin said, "First we will take Eastern Europe; next the masses of Asia. Then we shall encircle the last bastion of capitalism, the United States of America. We shall not have to attack; it will fall like an overripe fruit into our hands."

We only have to look at history to see how successful this strategy has been. Eastern Europe fell soon after World War II, then China went into the Communist camp. In 1961 Cuba became a Communist dominated island influencing the Western hemisphere. Chile is ruled by a Marxist president and is fast moving to become a totally Communist nation.

All we have to do is to look at the events of the last 20 years to see how well the Communists have been successful in carrying out the policies enunciated by Lenin. As for falling into their hands, we are getting riper all the time. We are losing our moral perspective. We have anarchy in the streets; lawlessness and all the elements of dissolution are growing beyond our imagination. We know any newly published FBI report will tell of the increase in the crime rate. The only surprise is the size of the percentage it has risen since the last report.

When I was teaching high school history in the '50's, I taught my class that America's darkest hour was at Valley Forge. All of us have a mental picture of George Washington praying at Valley Forge. We know it was a dark hour in the history of this republic.

DAYS OF OUR YOUTH

The Continental Congress was an unwieldy body which lacked direction, and the only thing that held us together at that time was the pressure of the war. Desertions were on the increase, Congress was not supplying Washington with food and clothing or the necessary equipment for his army. It was said that when he marched, a thousand men were barefoot and could be tracked through the snow from the blood of their bleeding feet.

In those days not all were patriots in America; some sold their produce to the British for hard cash because they were afraid the Continental currency would be worthless, and while Washington was at Valley Forge with his army, the social elite were entertaining the British in Philadelphia.

It was a bleak and a barren hour in the history of this nation, but we had one asset: Washington served our nation as a leader, as a general in the army, and later as a devoted statesman. Time and time again he told those who were nearest him, "We are going to win because we are right and because it is God's will."

During those days at Valley Forge, days which would have broken an ordinary man, Washington would leave camp in the early morning and journey into the woods. An old Quaker noted that when he returned his face was always brighter and showed a greater sense of determination. He knew he was going to win. One morning the Quaker followed Washington and discovered that each morning he was going to pray alone and ask God for the strength and direction it would take to bring fulfillment to the dreams in which he believed.

BASED ON GOD'S LAW

Our government was based from the beginning on God's law. God was acknowledged and His will was sought. The early patriots realized the odds that were against them; they knew there would be suffering and hardship but they also realized that if they hoped to bring about the realization of their endeavors, it would come only through the blessing of God. Their leader was a godly man, and their government and their hopes were based and placed upon God's Word.

We see another illustration of this shortly after the war ended in victory. The Articles of Confederation, because of its looseness, was falling apart and it seemed that anarchy would reign. The Constitutional Convention was called. Each man was a strong individualist and each one was trying to do the most for his section of the country. Different philosophies were represented at the convention; some believed in almost a pure democracy and others believed in a strong central government.

Day after day they debated during the summer heat, the only thing being accomplished that tempers were growing shorter. Benjamin Franklin suggested that they have prayer, that they look to God and seek His guidance. After that, each session was opened with prayer and from that time on progress began, and as a result we have our Constitution.

Our forefathers pledged not only their honor, but also their properties and their very lives in many instances. Many times all they had left was their honor. They invariably lost their property.

Although today the charge is made that it was wealthy men who wanted to preserve and form a new country so that they could have "advantages," the greatest advantage

they had was the fulfillment of their dreams to form a country under God wtih freedom and justice, and the right to liberty and the pursuit of happiness.

NATIONAL SCHIZOPHRENIA

Now we have been told for the last 20 or 25 years that Communism is our enemy. This would be a most logical assumption because the Communist system is militantly atheistic and we are a Christian nation. They are a socialist nation and we are built upon the premise of free enterprise, they rule by tyranny, and we rule by freedom and liberty, and the direction of the government is in the hands of the people under law. From all their publications we know the Communists are set on world conquest. We have always been a nation that has believed in and strived for the self-determination of all nations.

On this assumption we have spent billions in defense and many billions in foreign aid, supposedly to contain Communism. Over 100,000 American lives have been lost since World War II fighting Communism. Now if we are really fighting Communism, we are suffering from a national schizophrenia because we sat by and allowed China to fall, and then we fought a no-win war in Vietnam. When Russia was weak militarily we were armed to the teeth and spent billions each year for new weaponry. Now that Russia is equal to us, or ahead in every area, we are pursuing a policy of unilateral disarmament.

We are becoming more and more demoralized at home. The only freedom we have left, it seems, is the freedom to sin and break laws. We talk about our problems, but our problem is basically spiritual and will require a spiritual answer.

We have millions of dreamers every four years. The American people believe they can elect the right man for president who will go to Washington and make everything right. This is an idle dream. We have educational programs and social programs which we hope will solve our ills, and we hope economic pressures will change, but these things will never be the answer. There will have to be a revival at the grass roots. We, the American people, will have to care enough, be willing to sacrifice enough and be willing to do what has to be done to rebuild.

This country has moved from God. In Psalm 127, verse 1, we read, "Except the Lord build the house, they labor in vain that build it; except the Lord keep the city, the watchman waketh but in vain," and in the 33rd Psalm, verse 12, "Blessed is the nation whose God is the Lord." All our efforts will come to naught without God."

BUILT ON ROCK OR SAND?

The reason we became the most powerful nation in the world, the reason we were able to help more people in the world than any other nation was because we were a nation that acknowledged God and built our nation on His Word.

I remember hearing a Korean when I was in college. He said that as he and another Korean were traveling from the East to the West coast, through the great grain fields of the Midwest and out through the majestic Rockies of the West, his traveling companion asked, "Why is it that God has so richly blessed this country and has not blessed ours?"

Our speaker challenged us by telling us that his answer was, "These people came to these shores seeking God and His will. This is why this nation was so blessed. They sought God." Then the young Korean speaker further challenged us by saying, "Are you going to continue to serve God?"

Our heritage has been created by people who were seeking the will of God. The model for our Constitution was the Mayflower Compact. It was a document under God whereby free people covenanted together so they could be ruled by men whom they had appointed themselves, who would look to God for the final answer and be directed by Him. It was never the intention of our forefathers that this nation would be a nation that would be free from God; they founded a nation that was to be obedient under God.

Benjamin Franklin said, "I have lived, sir, a long time, and the longer I live the more convincing proof I see of this truth that God governs the affairs of men."

We can read the documents, the speeches and the statements of our forefathers and find their dependence upon God clearly shown. They acknowledged Him all the way. Yet the pronouncements from our high court today reflect nothing to indicate that spiritual considerations enter into any decision. We are fast becoming a nation that is known to be a nation free from God. We have created and encouraged a permissive society.

We were in our original intent a nation ruled by law and not by men. The law was derived from God and so therefore the law was transcendent and above any man. It was objective and all men, the educated, the uneducated, the high and the low, were judged alike by the laws derived from God's Ten Commandments.

TIME IS RUNNING OUT

When man moves away from this foundation to make judgments based on his own understanding, and on psychology and sociology, no longer does he have an objectivity but a subjectivity whereby one man's ideas and thoughts are of equal weight to any other. This will inevitably lead to anarchy, a condition which existed in Israel at its lowest period. We read in Judges 17:6, "In those days there was no king of Israel, but every man did that which was right in his own eyes." Out of anarchy there is always the prayer for a king or dictator to restore order.

The day of apathy and complacency in America is running out. We have to be blind and we have to be foolish not to see that things cannot go on indefinitely as they are. If America is going to have a free 200th anniversary, there will have to be a change of direction. We are at the midnight hour.

If God's people, and I would certainly like to think we are among them, will come into His house to repent and confess their sins, to ask Him for a rebirth of freedom and be willing to do what is necessary to make the sacrifice, God can turn the midnight hour into a bright and shining morning. We will never return to anything better until we have a revival in this nation.

There are some encouraging signs among our youth and among other elements which I never expected to see. These are good signs, but we need not wait. Where we live is here. What we do will be here. The hour is at hand when we must act. Do we feel the responsibility enough to be willing to say, "God here am I, send me; work through me. Make me be an instrument to Thy glory."

MILITARY COUP IN THAILAND

Mr. MOSS. Mr. President, once again we learn of a military takeover in Southeast Asia that serves as another grim reminder of the failure of the Nixon doctrine to support freedom and democracy in that part of the world. Thailand's loss of parliamentary government and blatant assertion of military rule can only reenforce Senate opposition to continuing involvement in Southeast Asia.

Three times in recent weeks the Nixon doctrine of using U.S. military and economic aid to assist Asian countries in maintaining democratic rule has suffered severe setbacks. On October 3, democracy was suspended in South Vietnam by the uncontested reelection of President Thieu. Cambodia's national assembly was suspended on October 20. And now we witness a return to absolute rule in Thailand. And yet in all three countries, the United States has been the major military and economic supplier.

The Senate has taken a firm stand in the revised foreign aid bill against continued U.S. support of Thai mercenaries fighting in Laos. Estimates are that some $200 million was spent in such assistance last year alone. Justification for Thai support has frequently been founded on arguments that Thailand serves as the model in Southeast Asia for the Nixon doctrine. The House is now provided with evidence as to the soundness of the Senate stand.

I recommend to Senators three timely articles dealing with the military coup in Thailand and ask unanimous consent that they be printed in the RECORD.

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

[From the New York Times, Nov. 18, 1971]

COUP IN THAILAND

Thailand's reversion to absolute rule under its long-time Premier, Field Marshal Thanom Kittikachorn, reflects the mounting pressure of changing American policies on one of this country's closest allies in Asia.

Because Marshal Thanom and his associates have cast their lot heavily with the United States since they first came to power in a military coup d'état in 1957, turning their backs on an ancient Siamese tradition of neutrality, it is most unlikely that the new Government will cut ties with Washington. But the abrupt dismissal of a Parliament that never posed any serious threat to the ruling élite suggests that Bangkok has been severely shaken by the evolving Nixon Doctrine of self-sufficiency for Asian allies, gradual withdrawal of American troops from Vietnam and United States overtures to Peking.

In addition, the reauction of American personnel and military spending in the area and a threatened Congressional cutback in aid, coupled with a weakening in the markets for Thailand's principal exports of tin, rubber and rice have generated mounting economic problems for the regime. Economic stringencies have fed social unrest, especially in the cities where the impact of heavy American spending, and heavy-spending American troops, has upset traditional Thai values, including a tradition of acquiescence to authority.

This abrupt upheaval in Bangkok should give the Administration second thoughts about Thailand as a model for the Nixon Doctrine and a stable base for what is looking more and more like a policy of victory through air power in neighboring Indochina.

[From the Washington Post, Nov. 18, 1971]

FRAGILE DEMOCRACIES

(By Murrey Marder)

Thailand's loss of parliamentary government yesterday was the third setback in just over six weeks to the hazardous life-span of democratic rule in Southeast Asia.

For the Nixon administration, caught in an unprecedently intense struggle with Congress over foreign aid, the retrogression could not come at a more inopportune time.

Each setback has supplied new ammunition to the administration's adversaries on Capitol Hill to challenge the effectiveness of the Nixon Doctrine in supporting freedom and democracy: South Vietnam's uncontested re-election of President Nguyen Van Thieu on Oct. 3, the suspension of Cam-

bodia's national assembly on Oct. 20, and now the military takeover in Thailand.

In each case, there has been embarrassment for the United States, which is the major military and economic supporter of all three nations. But in the case of Thailand yesterday, as in the previous instances, American officials indicated that no variation in U.S. policy is expected or likely.

Present U.S. strategy in the Indochina war, these sources point out, virtually locks in American policy to support the existing, pro-American, military power structures in all three countries while American troop withdrawals from South Vietnam continue.

President Nixon, in effect, pronounced the grin-and-bear-it attitude of his administration over the disappointments for democracy in Southeast Asia when he commented defensively about the South Vietnamese election outcome.

"We would have preferred . . . a contested election somewhat along the lines that would meet our standard," the President said on Oct. 12. However, he added, if the United States refused to send representatives to the inaugurations of winners of uncontested elections around the world," we would have only one-third as many delegations to send . . ."

American officials, trying to put the best face on their latest disappointments in Thailand, noted yesterday that the main power figures they have been doing business with over the years are generally still the men in control in Bangkok. At the same time, this also illustrates the shallowness of the roots of democracy in Thailand—which the United States prided itself on nurturing with every possible form of military and economic aid.

Now ousted from office, with all civilian officials, is one who holds a service record as foreign minister (since 1959), Western-trained Thanat Khoman, whose education includes attendance at Harvard University's graduate schools. Thanat provided his own epitaph yesterday for the Western concept of democracy in Thailand: "Somehow or other we have not mastered the political forms of Europe and America."

However, although Westernized democracy has a highly hazardous and erratic short history in Thailand, that nation, more than any other in the region, has been a centerpiece of U.S. policy.

Thailand, an original member of the U.S.-built Southeast Asia Treaty Organization, has provided the United States with major air bases for support of anti-Communist warfare throughout Indochina. It has also supplied 11,000 troops to fight in South Vietnam.

The Thai troops were supplied at considerable U.S. cost, estimated by a Senate Foreign Relations subcommittee last year as adding up to more than $200 million. Thailand also has supplied, clandestinely and later, semi-openly as "volunteers," thousands of its troops for service in Laos.

These Thai forces have been the principal target of recurring "anti-mercenary" legislation initiated in the Senate.

Sens. Stuart Symington (D-Mo.), Clifford P. Case (R-N.J.), J. W. Fulbright (D-Ark.) and other critics have repeatedly charged that the Nixon administration "circumvented" attempts to shut off U.S. payments to these Thai "mercenaries."

Current attempts to close this outlet have been accompanied by the Senate Foreign Relations Committee's protest that: "with continuing reports about U.S. financing of Thais and Cambodian mercenaries in Laos and even Thai mercenaries in Cambodia, it is virtually impossible for the Congress to judge the accuracy of these reports or know how much of the taxpayers' money is being used to support these activities . . ."

The administration is counting on greater sympathy for its strategy among members of the House in Senate-House conference to blunt, if not to remove, Senate limitations on these Thai forces.

[From the Evening Star, Nov. 17, 1971]

THAI TAKEOVER IS BLOW TO ADMINISTRATION FIGHT FOR AID TO ASIA

(By George Sherman)

The military takeover in Thailand today is seen here as another blow to the Nixon administration in its battle with the Senate over American aid to Southeast Asia.

U.S. officials were taken by surprise. They maintained that the decision of Premier Thanom Kittikachorn and his generals to remove the "inefficient" Parliament came from domestic factors—not Thai foreign policy.

But they said they feared repercussions in the U.S. Congress, where the foreign aid program already is under attack.

Both U.S. officials and congressional sources said they saw this latest move against democracy as reinforcing Senate opposition to continuing U.S. involvement in Southeast Asia.

At stake is the Nixon doctrine of using military and economic aid to help Asian countries defend themselves. Regarding Thailand the immediate issue is U.S. financing of Thai irregulars fighting in neighboring Laos.

The Senate has passed an amendment by Sen. Clifford Case, R-N.J., to the revised foreign aid bill forbidding all U.S. funds for such operations.

Sen. Stuart Symington, D-Mo., who has access to classified material, already has informed the Senate that 12,000 Thai forces are being groomed to operate in Laos during the coming dry season.

No exact figures are available on the cost of these operations. Symington said in October that the U.S. budget for these mercenaries—under a Thai general—is 25 percent higher than the whole military aid budget for the Royal Laotian army. That figure was set at $80 million for this fiscal year.

That would put the figure set aside by Washington for the Thais in Laos at about $100 million. The funds are included in budget for the CIA and Defense Department. But the Case amendment would prohibit spending these funds.

The administration says it is not prepared to accept the prohibition. It is resting its hopes on the House, traditionally more sympathetic to American military aid programs.

According to U.S. officials, the strategy has been to have the House pass a version of the new aid bill omitting the language of the Case amendment. Then, in a conference committee session on the over-all measure, administration supporters could fight to remove the Senate structures.

Officials admitted it is an uphill battle. Last year Congress put language into the aid bill forbidding U.S. support to any "foreign forces" in Laos. But the administration has claimed that the Thais are individual "volunteers" not covered by that earlier prohibition.

Case and other Senate critics on the Foreign Relations Committee now have moved to close that loophole. The dismissal of the Thai Parliament and the blatant assertion of military rule in Thailand is bound to strengthen congressional arguments against deeper involvement with still another dictatorship in Southeast Asia.

Experts in the U.S. government claim this argument is exaggerated. Thailand has had a series of military governments since 1932. Parliament was reinstituted in 1969, after 10 years of military government begun under Thanom's predecessor.

During the past two years Thanom has run a predominantly military government which has been at odds with the civilian Parliament. Reports from Bangkok indicate that the final blow came when Parliament recently voted to reduce the military budget.

The Thai military also is reported to be upset about the continuing inability to end the guerrilla insurgency supported by China in Northeast Thailand. A substantial portion of the military budget goes toward that operation.

U.S. officials said Thai-American relations have remained stable despite Senate criticism and Thai moves to open their own dialogue with Peking. U.S. forces there have been reduced from 48,000 to 32,000 under the Nixon doctrine. But that stability is now bound to come under new strain.

THE GENOCIDE CONVENTION AND THE CONSTITUTION

Mr. PROXMIRE. Mr. President, many people who oppose the Genocide Convention do so because they believe that ratification of the convention will deny American citizens their protections under the Bill of Rights. But this is not the case. The Genocide Convention would not infringe on the Constitutional guarantees of the American people.

Article VI of the Constitution says,

This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land.

The Supreme Court in *Reid* v. *Covert* 354 U.S. 1 has made very clear the relationship among the Constitution, acts of Congress, and treaties. All acts of Congress and treaties must conform to the Constitution. Where they do not, they are null and void. Furthermore, the Supreme Court held in the same decision that whenever a treaty and an act of Congress are in conflict the last enacted is controlling. Thus Congress always has the opportunity to reconsider enabling legislation on the Genocide Convention any time it wishes.

Mr. President, the Genocide Convention will not endanger our legal system. I urge the Senate to ratify it as soon as possible.

NOMINATION OF WILLIAM REHNQUIST TO THE SUPREME COURT

Mr. FANNIN. Mr. President, we already have had ample evidence that William Rehnquist was not involved in any attempts to harass voters in Phoenix elections. Allegations made concerning an incident in 1964 have been proven false.

The smear tactics being used in an effort to keep Mr. Rehnquist off the Supreme Court have failed, as smear tactics most often do.

The Phoenix Gazette yesterday published an interview with Vincent Maggiore, who was Maricopa County, Phoenix Democratic committee chairman for the Democrats in 1962.

Maggiore says he is angered that attempts have been made to label Mr. Rehnquist as someone who would abuse anyone's right to vote.

And Mr. Maggiore said: "I would be glad to have him judge me."

Mr. President, I ask unanimous consent to have printed in the RECORD the Phoenix Gazette article which should be of interest to every Senator.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

REHNQUIST CALLED VOTE-ABUSE FOE

(By Lois Boyles)

The man who was chairman of the Maricopa County Democratic Committee in 1962 today labeled William Rehnquist as one he believes "would be totally opposed" to abusing anyone's right to vote.

The belief was cited by Vincent Maggiore, federal bankruptcy referee. "I would say Bill Rehnquist is a very democratic type when it comes to people's rights," Maggiore said. "I am a little angered that people in my own party are bringing this up (charges of harassing voters) and using it as a guise to hurt a very fine man."

Rehnquist—whose nomination to the U.S. Supreme Court is being considered today in Washington by the Senate Judiciary Committee—has been accused by two Phoenix Negroes of approaching several black voters at Bethune Precinct during the 1964 general election and demanding they recite passages from the U.S. Constitution.

Those signing the affidavits—Jordan Harris, 1825 W. Apache, and Robert Tate, 947 W. Watkins—contend they subsequently struggled with the man they said was Rehnquist.

The Justice Department has labeled the charges "false."

Rehnquist supporters have said opponents to the appointment have tacked a 1964 time tag on an incident that actually occurred in 1962 and which did not involve the high court nominee.

Maggiore said, "I definitely know Rehnquist was not involved" in any polling place squabbles in 1962. He discounted the idea the former Phoenix lawyer might have been so involved in 1964.

After the 1962 election Maggiore said he had occasion to talk to Rehnquist and to mention a proposal a bipartisan group get together in the future to check the challenges.

"He was in full agreement that people's rights should be protected," Maggiore said. "He indicated he didn't want any part in anything that would abuse the people's right to vote and that anyone doing so should be prosecuted to the extent of the law."

Maggiore called Rehnquist a "nice man" and said "I would be glad to have him judge me."

As for the 1964 general elections, attorney Tom Murphy, then chairman of the county Democrats, and attorney Wayne Legg, in an identical post with the Republicans, said they had no knowledge of any incidents of any nature involving Rehnquist.

Murphy said, "The only recollection I have is that 1964 was a lot less of a problem year than 1960."

As for a specific recollection of Rehnquist in relation to 1964 voting, Murphy said he had none "other than being aware Bill was working for the Republicans."

He contended, however, "it is traditional, as you know, for the GOP to try to slow down voting lines in heavy Democratic precincts."

AS JAMES J. KILPATRICK SAYS, THE PASTORE AMENDMENT "OUGHT TO BE PASSED. IT MERITS A FAIR TRIAL." LET'S GET ON WITH THE PEOPLE'S BUSINESS

Mr. McINTYRE. Mr. President, the distinguished conservative commentator, James J. Kilpatrick, expressed his views on WTOP television in Washington this morning. He was commenting on the campaign spending amendment offered by the distinguished Senator from Rhode Island (Mr. PASTORE), an amendment now before the Senate.

Although I often find myself in disagreement with views expressed by Mr. Kilpatrick, I nevertheless believe him to be one of the most forceful, responsible, and able exponents of the conservative viewpoint in the Nation.

I happen to think his expressions on campaign spending this morning are worthy of our consideration. I personally might not have quoted George Bernard Shaw as an expert on our democratic process, as Mr. Kilpatrick did, but the Kilpatrick conclusion that we need ways to bring about greater participation by all the people in our campaign process makes such sense to me.

That is why I think Senator PASTORE's amendment makes sense. That is why, as Kilpatrick says, "it merits a fair trial. It ought to be passed." Let us get on with the people's business.

I ask unanimous consent that Mr. Kilpatrick's remarks be printed in the RECORD.

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

REMARKS OF JAMES J. KILPATRICK

"George Bernard Shaw once remarked he never looked upon an election 'without being ashamed of the whole sham democratic routine.' He thought such exhibitions 'were entirely intolerable and disgraceful to human nature and civic decency.' He happened to be speaking at the time in New York—this was in 1933—and he was speaking largely from experience with the electoral process in England. But Shaw's bitter description applies to our own elections today, and especially to our own presidential elections. They are indeed, in many respects, both intolerable and disgraceful.

"This is particularly true in the matter of campaign financing. It is absurd, dangerous, and potentially scandalous that candidates seeking our highest office be dependent upon the kind of massive private contributions that have been required in recent years. It is idle to contend that large gifts create no obligation. Of course they create obligations—and these are equally suspect whether they are obligations to big labor or to big business. A president—any president—enters upon his office a compromised man.

"The proposal suddenly revived in the Senate by which taxpayers could contribute a dollar each to a federal campaign fund, has great merit. The fund would be distributed according to a formula that fairly takes into account minority parties. Fully implemented, the proposal would bar private contributions altogether in presidential campaigns. The approach has its drawbacks—we would abridge one more freedom, the freedom to give—but it has great advantages also. At the very least, the system merits a fair trial. The bill ought to be passed."

FEDERAL CIVIL RIGHTS EFFORT—1 YEAR LATER

Mr. HUMPHREY. Mr. President, this week the U.S. Commission on Civil Rights issued an important progress report, entitled "The Federal Civil Rights Enforcement Effort: 1 Year Later."

In this highly effective followup action on its major analysis of executive branch activities directed at securing compliance with the Nation's civil rights laws, the Commission concluded that the present administration, despite operational improvements, must continue "to get low marks."

I hope this administration will give close attention to the Commission's central argument:

Actual performance in the resolution of problems, not progress in the development of mechanisms alone, is the real yardstick by which the Government's civil rights effort should be measured.

It is no consolation to the black farmer who continues to receive assistance from the Extension Service on a racially separate and unequal basis that the Department of Agriculture is making progress. It is no source of satisfaction to the Mexican American or Puerto Rican job seeker turned down by a Government contractor that the OFCC is gradually improving.

Yes, there has been improvement in the Federal Government in terms of compiling statistics, preparing reporting forms, and planning interdepartmental agreements; but all of this remains preliminary to actually enforcing civil rights policies.

The Commission's report notes the disparities among Federal agencies in the performance of civil rights responsibilities, with the Federal Home Loan Bank Board establishing a program that can be highly effective in preventing discrimination in mortgage lending, while sister financial institution regulatory agencies have declined to undertake similar action, to cite only one example. It is sharply critical of the Law Enforcement Assistance Administration, charging the LEAA with having "barely begun to implement compliance programs."

But I find most disturbing the Commission's conclusion that, too, often, Federal agencies seem determined to avoid upsetting the status quo for the sake of equal rights, or they have undertaken changes in form, but not of substance, to avoid unfavorable publicity. Where can we find any sense of leadership and initiative in all of this, on behalf of firmly establishing equal justice and opportunity for all Americans?

How can we have confidence in an administration where promises to enforce civil rights policies are only rarely being kept? As an example, the Commission cites the agreement, announced last June, between the General Services Administration and the Department of Housing and Urban Development, to assure living accommodations for poor people near new Federal installations. Yet 5 months passed before even regulations were issued, and no installation site housing investigations have been made.

The Commission and, I sincerely believe, the American people, ask nothing more than that Federal officials faithfully execute the law. Only by vigorous and sustained enforcement, can the Federal Government redeem the pledge of equal treatment made in the historic civil rights laws enacted over the past decade.

Mr. President, I ask unanimous consent that the introductory statement by the U.S. Commission on Civil Rights to its latest report on the Federal civil rights enforcement effort, be printed in the RECORD.

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

STATEMENT OF THE U.S. COMMISSION ON CIVIL RIGHTS ON "THE FEDERAL CIVIL RIGHTS ENFORCEMENT EFFORT—ONE YEAR LATER"

The report the Commission is issuing today is a progress report on the status of civil rights enforcement by the Federal Government.

In October 1970 the Commission published a massive study of "The Federal Civil Rights Enforcement Effort." Based on an evaluation of more than 40 departments and agencies with significant civil rights responsibilities, the Commission found that enforcement was characterized largely by inaction, lack of coordination, and indifference. The deficiencies we found were so extensive as virtually to nullify the impact of the important civil rights laws enacted over the last decade and to make a mockery of the efforts of the many men and women who have fought for equal rights.

Last May, the Commission issued a follow-up report to determine what progress, if any, had been made in the seven months since its October 1970 study. Our basic conclusion was that some advances had been made, in the form of tentative first steps combined with promises to do better in the future. As we put it then: "The dinosaur has finally opened one eye."

More than a year has passed since the Commission first spelled out the numerous inadequacies that pervaded the Federal civil rights enforcement effort. Where do we stand today? There is no simple answer to that question. For one thing, the answer depends on the frame of reference used in evaluating the Federal civil rights effort. Thus, when compared to the situation that existed a year ago, the structure of the Government's effort has been improved in a number of important respects.

For example, the President's Council on Domestic Affairs, the key coordinator of executive policy in the domestic area, has established a Civil Rights Committee to focus specifically on civil rights issues of national importance. The Chairman of this Committee is George Shultz, Director of the Office of Management and Budget. A year ago, the Domestic Council had no plans for including the full spectrum of civil rights within the scope of its responsibility. By the same token, the Office of Management and Budget, which plays a central role in assuring effective implementation of national policy, has made a significant start in incorporating civil rights considerations into its entire operation. It was only a year ago that OMB even officially acknowledged that it had any civil rights function.

Nor is the advance limited only to these two agencies, important as they may be. Other agencies—those with more specific civil rights responsibilities—also have moved ahead. Agencies such as the Department of Housing and Urban Development and several of those which have responsibilities under Title VI of the Civil Rights Act of 1964, have improved their civil rights structure and mechanism substantially. Progress clearly is being made.

But judged by the more objective standard of civil rights performance, the Federal Government continues to get low marks. And in the Commission's view, actual performance in the resolution of problems, not progress in the development of mechanisms alone, is the realistic yardstick by which the Government's civil rights effort should be measured.

It is no consolation to the black farmer who continues to receive assistance from the Extension Service on a racially separate and unequal basis that the Department of Agriculture is making progress. It is no source of satisfaction to the Mexican American or Puerto Rican job seeker turned down by a Government contractor that the OFCC is gradually improving. The rights these people are being denied are rights to which they are entitled *now* and the fact that these denials continue cannot be justified on grounds that the Government is gradually gearing up to eliminate them.

Another reason for the difficulty in assessing the current status of Federal civil rights enforcement is the existence of wide disparities in the performance of the many departments and agencies with civil rights responsibilities. Some are taking actions necessary to perform effectively. Others still barely recognize that they have any responsibility at all. This is true even of agencies with the same civil rights responsibilities.

Thus the Federal Home Loan Bank Board, which regulates savings and loan associations, the Nation's major mortgage lending institutions, recently committed itself to an ambitious, and we believe potentially effective, program to assure against discrimination in mortgage lending, which is prohibited by Title VIII of the Civil Rights Act of 1968. But the Board's sister agencies, which regulate commercial and mutual savings banks, also major mortgage lending institutions, have so far declined to adopt similar measures. The Small Business Administration and the Economic Development Administration have been steadily improving their Title VI operation, but the Department of the Interior and the Law Enforcement Assitance Administration still have barely begun to implement compliance programs. . . .

The low grades we have assigned to so many agencies are indicators of lack of effective action on their part in dealing with continuing discrimination in areas where the law clearly prohibits it. And the fact that many agencies still are not organized to carry out the law has increasingly tragic and real implications for the future well-being of this country.

Over the past two years, since the Commission began this extensive study of Federal civil rights enforcement, we have learned a good deal about the impediments that underlie strong civil rights enforcement and about what is necessary to stimulate more vigorous action. Perhaps the principal impediment the Commission has found is inertia on the part of the Federal bureaucracy—in some cases, a blind, unthinking, fidelity to the status quo; in others, a calculated determination to do nothing to advance the cause of civil rights.

For example, last February, the Commission sent out questionnaires to a number of agenices in an effort to find out what changes they had made following the Commission's first report on civil rights enforcement. What we learned was that almost no changes had been made, that agencies, instead of responding affirmatively to the Commission's findings and recommendations, had been sitting tight in an effort to weather the storm. It is unfortunate that only when the Commission decided to announce its findings publicly, a few changes began to be made and a few promises extended. By comparison with the previous period, March was a busy month for civil rights throughout the Federal bureaucracy.

By the same token, when the Commission again questioned agencies in September to find out what additional progress had been made, and particularly, whether those agencies that had made promises were delivering on them, we found that only a handful had done anything of signficance during the preceding months. Again, the actions that were taken followed our announcement that we would report publicly to the Nation on the status of their civil rights enforcement programs. In few cases could the actions taken be ascribed to the self-initiation of the agency. For the most part, they appeared to be taken out of a desire to avoid public embarrassment. In other cases, the possibility of public embarrassment has failed to bring about even the slightest change.

We also have learned that appearances can be deceiving—that the mere establishment of a potentially effective civil rights mechanism does not necessarily mean that stringent civil rights enforcement will follow. For example, last June the General Services Administration and the Department of Housing and Urban Development announced a new cooperative agreement to assure availability of housing for lower-income families, open without discrimination, in any community in which a Federal installation was to be located. It took nearly five months before any regulations were issued, and internal operating instructions still have not been developed. Federal installations still are being located on a business-as-usual basis.

This example is not unique. In response to Commission inquiries, agencies are quick to announce structural changes that they plan to make, or that they have just made. But rarely do they report full implementation of these changes, and more rarely still, can they point to measurable improvements in minority living conditions as a result of them.

In short, most agencies seem determined to avoid upsetting the status quo for the sake of assuring equal rights and, if change must be made, they often will be changes in form, but not in substance.

The lessons we have learned, however, have not all been negative. We have learned that difficult as it may be to stimulate needed change, it can be done. Not all agencies are resistant to the idea of strict civil rights enforcement. There are agencies, including some that occupy key positions in the Federal hierarchy, that have responded affirmatively.

We also have learned that the instruments of continual monitoring of Federal civil rights activities and public reporting of their inadequacies, which are the principal weapons at the Commission's command, can achieve significant results. What this experience suggests is that a greatly expanded monitoring effort, involving resources much greater than those available to the Commission alone, must be undertaken—an effort in which the civil rights activities of Federal agencies will be subjected to close and continuing scrutiny, and agency heads held publicly accountable.

Here, recent developments are encouraging. Of special importance is the fact that Congress, itself, through a Civil Rights Oversight Committee of the House of Representatives, is now engaged in a review of civil rights enforcement to determine how agency performance should be improved. Private groups as well are recognizing the fact that the arena in which the struggle for equal rights is being fought has changed, from that of legislation to the more difficult one of administrative enforcement.

There are some, embittered by the frustrations of dealing with bureaucracy, who may think the Commission is tilting at windmills, that its effort to move the Federal Government to firm enforcement of civil rights laws is futile. The bureaucracy, they contend, responds only to the usual pressures from traditional sources. These pressures are exerted by special interest groups that successfully manipulate Federal programs and Federal officials. They also are exerted by long-time chairmen of key congressional committees and subcommittees—almost always selected by seniority from safe districts—whose power often is used to serve narrow interests, rather than the larger public good. Against these pressures, they are convinced that civil rights advocates can do little.

There are others who see the bureaucracy in a more optimistic light, but nonetheless despair of any progress. From their standpoint, it is all the fault of this Administration. The President's civil rights statements and actions, they contend, have demoralized the bureaucracy and rendered it incapable of positive civil rights action.

The Commission takes a different view. First, we reject the notion that inaction by the Federal bureaucracy is inevitable and we

find totally unacceptable the explanation that political pressures in favor of the status quo are irresistible. The fact that salutary changes already have occurred demonstrates that efforts to stimulate them are not useless, that counsels of despair are not warranted.

Second, we cannot agree with those who claim that the problem lies solely with this Administration or with the President personally. As we have noted previously, problems of inadequate civil rights enforcement did not originate in this Administration, nor was there any substantial period in the past when civil rights laws were enforced effectively. In fact, measured by the structures and mechanisms that have been developed over recent months, we now are much better equipped for civil rights enforcement than we were in the past.

Further, those who keep pinning the blame entirely on the President tend to forget the wide discretion that Federal officials have in performing their duties. Always to point accusingly at the President permits many of these career and politically appointed officials a false excuse for inaction.

This is not to say that the President has no role to play in civil rights enforcement. He represents the ultimate source of policy direction to which the Federal establishment looks for guidance. An expression of firm and unswerving dedication to civil rights law enforcement on his part can do much to steel the Executive Branch to vigorous action. And he is, in the last analysis, responsible for the success or failure of his Administration's civil rights program. Above all, it is to the President that the Nation looks, not merely for efficient administration of the law, but, more important, for leadership in helping to resolve the difficult problems facing it.

The Administration has addressed itself to a number of important civil rights issues. The Commission has agreed with some of the policies the Administration has announced and disagreed with others. Thus the Commission has fully supported the Administration's call for increased staff for civil rights enforcement and the establishment of numerical goals and timetables to expand minority employment opportunities. But the Commission also has taken strong exception to some Administration policies, particularly those concerning techniques to facilitate school integration. Nor is the Commission entirely satisfied with the policy on open housing.

Many of these issues are complex and controversial, and have been the subject of deep concern to the Nation. The President has spoken out on them and this, we think, is important in itself. The President cannot lead the Nation by remaining silent on the important issues troubling its people. Further, such public expressions on the part of the Nation's leader can have the effect of sparking a public dialogue, which is a necessary element in the proper functioning of a democratic society.

Equally important, however, is that the policies adopted by the Administration be of the kind that will unify the country and serve the cause of equal justice. Thus it is imperative that the President's Statements on such subjects as school integration and open housing represent, not the last word, but only the beginning if a continuing public dialogue which will lead the American people to achieving a society in which all can share in the Nation's abundance. That goal is not yet in sight.

The Commission is aware of the strength of the forces that serve to impede progress in civil rights. We also are aware that the American people have grown somewhat weary, that the national sense of injustice, which was the foundation on which the legislative victories of the 1960's were built, has dimmed. We are convinced, however, that it can be rekindled and that through governmental leadership and vigorous action by public and private groups, the Nation's pledge of equality, reflected so brightly in the legislative enactments of the last decade, can be redeemed.

Let us be clear on the basic issue to which the Commission's reports have been addressed. The issue is simply law enforcement. Let us also be clear on what the Commission is asking government to do. We are asking nothing more than that Federal officials fulfill the obligation which our Constitution has imposed upon them—that of faithfully executing the law. This is the touchstone by which they can and must be held accountable. It is the standard by which the Commission will continue to evaluate the Government's performance.

LET US BAN DES, ONCE AND FOR ALL

Mr. MOSS. Mr. President, American consumers are entitled to much much more action than they are now getting. True, we have seen some rumblings down in the executive branch. As a matter of fact, when press officer John T. Walden, of the Food and Drug Administration, gave the public the kind of information it needs about a hazardous product, Alberto-Culver, undoubtedly joined by others in the pharmaceutical-cosmetic-food complex which makes up the backbone of our consumer economy, tried to have him fired. They did not succeed. But other than men like John T. Walden, where are the regulators?

There is very little meaningful regulating going on in either the Food and Drug Administration or the Department of Agriculture. Undoubtedly, there are many responsible men and women in each place who would like to do a tougher enforcement job—but they are being discouraged.

DES — Diethylstilbestrol — has been identified as a carcinogenic agent by Dr. Samuel S. Epstein of Case-Western Reserve University, Drs. Arthur L. Merbst, Howard Ulfelder, and David C. Poskanzer of Massachusetts General Hospital, and Dr. Roy Mertz of Rockefeller University.

When Dr. John N. S. White, formerly a veterinarian in the meat inspection program of the U.S. Department of Agriculture tried to publish articles on the hazards of the drug, Diethylstilbesterol—DES—in 1965, he was threatened with being fired. Outrageous you say?—not at all. Such initiative is consistently blocked in our regulatory agencies.

Did I say 1965? Yes, I did. Imagine, only today we are discussing DES in the Congress when 6 years ago a conscientious employee of the Department of Agriculture was being chastised for telling the medical community of his discovery.

The statistical base from which the Department of Agriculture has drawn its DES samples is atrocious. Just look at the number of samples inspected between 1965 and 1968, when, I am told, approximately 31 million beef cattle were slaughtered annually during this period. In 1965, 2.7 percent of 558 samples had DES residues, in 1966, 1.1 percent of 1,023 samples, in 1967, 2.6 percent of 495 samples, and in 1968, 0.7 percent in 545 samples. As Dr. J. S. Stein of the USDA slaughter inspection division said in an interview with the Associated Press:

Our statisticians would shudder at calling it a statistically valid sample:

Besides, whatever happened to the Delaney amendment?

The crux of the matter is this: If any carcinogenic residues are detected in any meat for human consumption, then that agent must be removed. Obviously, the only way to remove the agent is to terminate its use.

For these reasons, I am wholeheartedly behind S. 2818, which I am cosponsoring with Senators PROXMIRE, BAYH, CASE, MCGOVERN, and RIBICOFF.

This brings me to another point: The pending consumer product safety bill S. 983, which I am cosponsoring with the distinguished chairman of the Commerce Committee (Mr. MAGNUSON). In a current committee print of that bill, we provide for the total elimination of the Food and Drug Administration and the replacement of that agency with a Consumer Safety Agency.

Under the transfer of function title of the legislation we would transfer all property, records, obligations, commitments, unexpended balances of appropriations, allocations, other funds, and employees in grades GS–11 and below. Furthermore, we could transfer authority over the Food, Drug and Cosmetic Act and institute a new product safety standard setting mechanism.

We will transfer authority for nearly all consumer safety problems to the new agency, all assets including persons, but none of the liabilities, specifically, those officials who have made a mockery of protecting the public.

Furthermore, we propose to include in the Consumer Safety Agency a new provision calling for the issuance of critical safety problem reports by any employee of the agency who through research, or investigation, discovers a potentially critical situation which could cause significant injury. If that were the case in 1965, we would not be looking at the DES problem some 6 years after an employee of the U.S. Department of Agriculture is brazenly called on the carpet for trying to tell the truth.

Furthermore, we propose in our legislation, a section on agency employees responsibility permitting mandamus actions against any person in the agency who is alleged to be performing an act or—and I emphasize this, it is so applicable to the current situations—failing to perform an act in violation of a statutory duty imposed upon him.

It will take brave people, instilled with courage to wear the mantle of an employee of the Consumer Safety Agency. Men like John T. Walden and Dr. John N. S. White. But, Mr. President, can we afford to give the American people anything less? I think not.

Mr. President, I ask unanimous consent that several articles and other items on this subject be printed in the RECORD.

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

CANCER FEAR LIES BEHIND DES CONCERN

(By Morton Minz)

At the root of scientific concern about the use of diethylstilbesterol (DES)—either in livestock feed, or by pregnant women to try to prevent threatened miscarriage—is what

one medical specialist has called the "exquisite sensitivity" of animal embryos to carcinogens (cancer-producing agents).

In mice, for example, one carcinogen caused tumors in infants with a dose 1/4000th as large as that required to produce tumors in adults.

The New England Journal of Medicine in recent months has carried reports on 13 young women with vaginal cancer whose mothers had taken DES in pregnancy 15 to 22 years earlier.

Consequently, Dr. Judah Folkman said in an editorial in the Journal on Aug. 12, DES residues in meat are "worrisome."

The human fetus being extremely vulnerable, "there is no way of judging the risk of stilbesterol residue that remains undetected by the current government assay method," he warned.

That method drew criticism from Sen. William Proxmire (D-Wis.) on Monday, when he introduced a bill to ban DES from the diet of cattle and sheep.

The assay method registers the presence of DES residue in meat only if it is present in a ratio of at least two parts per billion (ppb)—even though the food laws prohibit any residue whatsoever of any carcinogen in animals destined for human consumption, Proxmire said.

But no assay in 1971 has detected DES residue in a ratio smaller than 3.7 ppb, Proxmire said. In 10 samples taken in the first six months of this year, from carcasses from nine states, he said, the ratios were 36.9 ppb in sheep and 15.4 ppb in cattle. In mice, DES has caused cancer at a ratio of 6.25 ppb.

Last year, the Agriculture Department sampled only 192 carcasses. The goal for 1971 is 6,000—more than 30 times as many, but still, Proxmire said, "only one-fiftieth of one per cent of the 30 million cattle" expected to have been slaughtered by year's end.

[From the Washington Post, Oct. 27, 1971]

DRUG LINKED TO CANCERS IN DAUGHTERS

(By Morton Mintz)

The Food and Drug Administration has sat for four and one-half months on an appeal aimed at protecting tens of thousands of young women from a risk of vaginal cancer apparently caused by a drug their mothers took to prevent miscarriage, The Washington Post learned yesterday.

The New York State Department of Health made the appeal to the FDA on June 15, after cancer researchers linked 13 cases of the sometimes fatal disease to the ingestion of a synthetic estrogen, diethylstilbesterol (DES). The number of known cases is now 60, medical sources said.

". . . we are officially notifying all physicians in New York State of the danger of estrogen administration during pregnancy," Dr. Hollis S. Ingraham, Commissioner of Health in New York, said in a letter to Dr. Charles C. Edwards, Commissioner of the FDA.

"We also recommend most urgently that the Food and Drug Administration initiate immediate measures to ban the use of synthetic estrogens during pregnancy," the letter said.

Ingraham said the department had begun a program of "continuous surveillance and monitoring" to try to detect the disease—for which surgical removal of the vagina is the standard therapy—as early as possible. Generally, adenocarcinoma of the vagina, as the affliction is called, is detectable only after the onset of menstruation.

"We suggest that similar surveillance and monitoring programs be conducted nationally," Ingraham told Edwards.

Replying eight weeks later on August 10, the FDA chief, through Deputy Commissioner James D. Grant, asked for the records on three fatal and two non-fatal cases discovered by New York State cancer researchers.

The agency also said it was "actively evaluating" the eight original cases that three physicians at Massachusetts General Hospital reported in the New England Journal of Medicine on April 13 that simultaneously were called to FDA's attention.

The use of DES, in heavy doses, to prevent threatened miscarriage began in the late 1940s and peaked in the 1950s.

The FDA letter hinted at the possibility that birth control pills—taken in early pregnancy, either in ignorance of it or as a substitute for DES to prevent miscarriage—also could cause vaginal cancer in the daughters of users.

"Whether this condition would occur with any estrogen substance, steroidal, or nonsteroidal, administered during pregnancy remains to be defined," the FDA said.

The oral contraceptives contain "steroidal" forms of estrogen. These differ substantially in chemical structure, but not so markedly in biological impacts, from the "non-steroidal" estrogen DES.

Scientists dispute the significance of the difference. Some say research sufficient to permit valid conclusions has not been done. Others tend to exonerate birth control pills—on the ground that "steroidal" estrogens break down very swiftly in the body; "nonsteroidal" estrogens do not.

In any event, untold thousands of women took oral contraceptives to preserve threatened pregnancies for the decade starting in 1958, a period when the FDA permitted the labeling to list such a usage. At the National Institutes of Health, an expert source said that many physicians continue to use these pills and even DES for this purpose. Some of the users are diabetics.

The FDA directed drug manufacturers to stop claiming that oral contraceptives could prevent threatened miscarriage after its outside experts on contraception reported in 1966 the evidence of efficacy to be inadequate. Yesterday, the NIH source emphasized to a reporter that the evidence—for either birth control pills or DES—remains insufficient today.

Several scientists not only endorsed the proposals Dr. Ingraham made to FDA, but suggested that the agency send physicians an individual letter similar to one Ingraham sent to 37,500 New York doctors on June 22.

That letter, terming it "likely that more young women will develop" vaginal cancer, said that any young woman "with persistent irregular bleeding should have careful intravaginal inspection to rule out" the possibility that she is afflicted.

These scientists included the NIH source; Dr. Samuel E. Epstein, a Case Western Reserve University specialist in the biological hazards of chemicals; and the three Massachusetts General Hospital physicians who made the stunning discovery of the mother-daughter link, Drs. Arthur L. Herbst, Howard Ulfelder and David C. Poskanzer.

The three researchers said yesterday, "physicians and the public should be informed of these events in a manner similar to that used by the New York Health Department."

In Cranford, N.J., Dr. Edmond R. Kassouf, a practicing physician long concerned with the effects of estrogen, urged, additionally, an FDA alert to all young women with persistent irregular bleeding, or whose mothers took DES or a related substance, dienestrol, to see a physician. "That's the only way they can be given a reasonable chance of protecting themselves," he said.

Dr. Ballin, director of the association's department of drugs, said an editorial with the thrust of the Ingraham letter has been written for the Journal of the AMA, is being reviewed by the editor and should appear within several weeks.

In Chicago, AMA official Dr. John Ballin said of Dr. Kassouf's "dismay" that "he's right."

Dr. Ballin, director of the association's department of drugs, said an editorial with the thrust of the Ingraham letter has been written for the Journal of the AMA is being reviewed by the editor and should appear within several weeks.

On Aug. 24, two weeks after the FDA requested the files on the five New York cases, the state health department forwarded them.

Yesterday, a request for comment from the FDA, made at noon, went unanswered.

Other developments yesterday concerned a growing controversy about the inclusion of DES in cattle and sheep feed, a practice intended to increase the meat yield (Dr. Epstein says its efficacy has not been proved) that is forbidden by 21 countries and that has produced residues in beef despite controls by the FDA and the Agriculture Department.

The House Intergovernmental Relations Subcommittee set Nov. 11 to resume hearings on key aspects of DES, including a department claim, later admitted to be in error, that no DES residues were found in cattle carcasses sampled in the first half of 1971. Investigators may also question why the department, while defending the use of DES in feed, pays farmers not to grow feed grains.

The National Resources Defense Council and the Environmental Defense Fund said they are considering filing a suit to compel the department and FDA to stop use of DES in livestock feed.

THE DANGERS OF DES

With unsettling regularity, alarming reports have been appearing recently on the synthetic estrogen, diethylstilbesterol (DES). It has been established that DES causes cancer in animals, and strong evidence exists that it may cause cancer in the daughters of women who took the drug to prevent miscarriage. In mid-October, the Agriculture Department said it made an "inexcusable" error in telling Congress that no DES residue could be found in beef from cattle that had eaten feed containing the substance. Last June the New York State Department of Health notified all doctors of the danger of DES administration during pregnancy. Cancer researchers linked 60 cases of the disease to ingestion of DES. The New York Commissioner of Health suggested that the Food and Drug Administration begin surveillance and monitoring programs that would try to detect the disease as early as possible. Exact figures are not available on how many persons may be imperiled, but an authoritative estimate is in the tens of thousands.

The response of both the Agriculure Department and the FDA to the DES risk has not been strong. Agriculture continues to insist on the need to allow cattle and sheep raisers to use DES in feed, even though 21 other nations have banned it; moreover, the department long ago banned DES from chicken feed. Although new regulations say that cattlemen should stop feeding the estrogen seven days before slaughter—as against 48 hours in the old regulations—little is changed because voluntary compliance is relied on. Last March, the department revealed its indifference to the problem: less than one per cent of beef carcasses were being tested for DES. Now, Sen. William Proxmire (D-Wis.) and Rep. Ogden Reid (R-N.Y.) have introduced bills to assure that DES cannot contaminate the food supply.

Concerning cancer in young women, the FDA has not done what is most needed—issue a public alert stating that any young woman who knows or suspects that her mother took DES in pregnancy, or who has persistent irregular bleeding, should go to her doctor for a careful examination. In addition, the FDA has not responded to the appeal of the New York State Health Commissioner for a national surveillance and monitoring program. The main response of the agency has been to announce a plan to

advise doctors not to prescribe DES for pregnant patients. This move may prevent future cases from occurring, but it does little to protect those whose health may already be imperiled.

The slow and incomplete response of these two federal bodies illustrates pointedly the need for an independent consumer protection agency that would be empowered to act against such unacceptable bureaucratic behavior; the House recently passed legislation for this agency, but a question exists whether the bill provides the needed muscle to intervene in time in matters like these. With the DES problem fresh in mind, the Senate may decide the House bill is inadequate. Meanwhile, it is puzzling to listen to the Nixon administration's rhetoric on the urgent need to find new ways of curing cancer, when right here with DES, it seems apathetic about fully protecting the public from a known cancer-causing hormone.

By coincidence, at the same time the public's health was being given low priority by the FDA, C. Joseph Stetler, president of the Pharmaceutical Manufacturers Association, was quoted as being elated at the general activities of the FDA. "We have an imaginative and cooperative commissioner of the FDA. Dialogue now between industry and FDA is candid and constant." That's fine, but the FDA is supported by public money not to serve the drug industry but to be "candid and constant" with the public—the millions of citizens who need protection from dangerous drugs.

Cancer Expert Attacks Use of Cattle Fattener

(By Morton Mintz)

A leading cancer specialist testified yesterday that nothing short of a possible "famine situation" can justify continued use of a synthetic estrogen known as DES in cattle and sheep feed to make the livestock heavier.

Calling it a "foolhardy undertaking," Dr. Roy Hertz of Rockefeller University said that the economic benefits of treating feed with DES (diethylstilbesterol)—an estimated saving in meat costs of $3.85 per person per year—are totally insufficient to outweigh even a potential hazard of cancer.

Disagreeing, Commissioner Charles C. Edwards of the Food and Drug Administration contended that no American need fear the possibility of contracting cancer from DES residues in meat.

Tightened controls assure that such residues almost never will occur, Dr. Edwards insisted.

But Dr. Hertz, a former top scientist at two of the National Institutes of Health, termed the controls "impracticable."

The commissioner's assurances, backed by witnesses for the Agriculture Department, failed to erase doubts held by Rep. L.H. Fountain (D-N.C.), chairman of the House intergovernmental relations subcommittee.

Other developments at the hearing concerned FDA's response to stunning reports made in April and August in the New England Journal of Medicine: 13 young women whose mothers had taken DES in pregnancy—to avoid possible threatened miscarriage—developed an extremely rare and sometimes fatal vaginal cancer 15 to 22 years later.

Dr. Edwards termed "premature" a warning sent in June to every doctor in New York State by State Health Commissioner Hollis Ingraham—although FDA itself is now gearing up to send such a warning nationally, after not replying for eight weeks to Dr. Ingraham's appeal for this very action and to his offer to supply case histories.

Edwards, admitting that "perhaps we didn't act soon enough," also conceded under questioning by Delphis C. Goldberg of the Subcommittee staff, that a National Research Council panel had told FDA four years ago that it had no evidence of the efficacy of DES in preventing miscarriages—but that the agency withheld this finding until Wednesday, when it formally ruled the estrogen "contra-indicated" in pregnancy.

Asked why the FDA didn't try to alert all young women to seek a prompt medical examination if their mothers might have taken DES in pregnancy, or if they have irregular vaginal bleeding, the commissioner said the agency had to be "careful . . . not to create an emotional crisis on the part of American women. . . ."

The estimated annual saving of $3.85 per person in meat costs was derived by the subcommittee from Agriculture Department data. Despite the nation's huge corn crop, it costs more to fatten livestock on grain alone than on grain augmented with DES.

The disagreement about the wisdom of allowing DES in livestock feed—a practice banned by 21 other countries but permitted in the United States since 1954—centered on the reliability of controls intended to assure the absence of residues in meat.

Current federal rules, said by Edwards to be 99.5 per cent effective, require discontinuation of feed containing DES two days before slaughter. Under proposed rules, the withdrawal period would be extended to seven days and producers would be compelled to certify compliance.

The law forbids any residue whatsoever of a carcinogen, or cancer-promoter, in meat. DES is a proved carcinogen, having promoted cancer in five animal species. The method used to detect DES residues can establish their presence only if they exceed a ratio of two parts per billion (ppb). Thus far this year, residues of two ppb to 40 ppb have been detected in cattle and sheep livers.

Edwards and Dr. Clayton Yeutter, administrator of the Agriculture Department's Consumer and Marketing Service, emphasized that the human body normally produces estrogenic substances in vastly greater quantity, and that the chances of eating DES-contaminated meat more than once approach the infinitesimal.

But Rep. Fountain questioned the significance of this, partly on the basis of testimony by five physicians: Roy Hertz; Umberto Saffiotti of the National Cancer Institute; Morton Lipsitts, of the National Institute of Child Health and Human Development, and Arthur Herbst and Peter Greenwald, the physicians who reported the link between vaginal cancer and DES.

All of them emphasized that no one knows how tiny an amount of a carcinogen, taken for how short a time, can induce cancer. Perhaps one molecule in the 340 trillion in a five-ounce serving of beef liver can do it.

For that reason, Hertz said, it is "extremely ill-advised" to add carcinogens to a food supply in which such substances already are unavoidably present.

Edwards and Yeutter said they are prepared to ban DES entirely from feed if the controls prove to be ineffective. Hertz contended not only that the controls will prove to be "unfeasible and impracticable," but that the human cancers which may result would not be detectable for 10 to 20 years.

Hertz warned, in addition, that DES powder itself is a hazard to those who handle it, or who are close to those who handle it, and that the excrement of livestock that eat it enters the soil and streams.

Firing of FDA Aide Demanded

(By Nancy L. Ross)

The leading producer of feminine hygiene deodorant sprays has demaded the firing of a government official following disclosure in The Washington Post that the Food and Drug Administration will seek to require warning labels on sprays containing hexachlorophene.

Leonard H. Lavin, president of the Alberto-Culver Company which makes the number one selling spray "FDS," sent telegrams to HEW Secretary Elliot Richardson and FDA commissioner Dr. Charles Edwards demanding that press officer John T. Walden be "fired forthwith" for his "inaccurate, irresponsible and unauthorized statements about certain products containing hexachlorophene." Walden was named as a source in the Post story.

Lavin accused Walden of "impropriety and violation of the ethics of his position." He charged Walden with "apparently helping to create adverse opinion (by making) entirely erroneous statements public without any FDA action or due process."

Informed of Lavin's charges, Walden declined immediate comment. However, another FDA official confirmed that FDA action on hexachlorophene is imminent. He said, "An FDA policy on hexachlorophene and feminine hygiene deodorant sprays will shortly appear in the Federal Register with ample time for comment by all interested parties."

Lavin will meet with Dr. Edwards today at 3:30 p.m. to discuss the matter.

Walden was quoted in the article as saying the FDA believes "there is no medical justification for hexachlorophene in feminine hygiene deodorant sprays." Lavin disputed this statement as "contrary to the results of carefully controlled animal and human studies in the possession of FDA." The studies were made for Alberto-Culver.

The FDA has also commissioned its own tests on hexachlorophene from the National Academy of Sciences. The NAS tests, soon to be published, would serve as the basis for the proposed warnings on sprays. The Wall Street Journal yesterday quoted experts who say that feminine hygiene deodorant sprays, which contain a maximum of 0.2 per cent hexachlorophene, can cause genital irritation because when other components of the sprays evaporate the hexachlorophene concentration can reach 20 per cent.

Lavin, in a telegram to The Washington Post, also charged that statements in the article were "undocumented, uninformed and completely without scientific basis." Sources for the article, in addition to Walden, were Dr. Renate D. Kimbrough's study published in the Archives of Environmental Health, the Journal of the American Medical Association, Medical Letter, a newsletter for physicians, the Cosmetic, Toiletry and Fragrance Association and the National Academy of Sciences.

U.S. Department of Agriculture,
Consumer and Marketing Service,
San Francisco, Calif., June 3, 1965.

Subject: Letter of reprimand.

To: John N. S. White.

Thru: Dr. Schick, Area Ve. In Chg., Area Management Station, MIL, Los Angeles, Calif.

I have before me a file disclosing that you acted contrary to supervisory instructions by offering for publication an article entitled "The Effect of Feeding Stilbestrol to Beef Cattle". Several months ago when you sought clearance, through appropriate channels, to publish this article it was made clear that the agency could neither sanction nor permit you to offer it for publication while in their employ.

The position was taken because your article could have been interpreted as the position or carrying the official sanction of the Department. Those reading your articles would reasonably assume your writings were based on information gained in your official capacity as a Veterinary Meat Inspector. We note you signed your name above the title USDA Veterinary Meat Inspector when offering your article for publication.

The fact that one of the publishers was sufficiently concerned to contact Washington officials of the Department is ample evidence that you have caused embarrassment to the Department.

You are hereby reprimanded for failure to follow supervisory instructions and conduct causing embarrassment to the Department. You are also warned that a repetition of this type of offense could result in severe disciplinary action and very possibly removal.

A copy of this letter will be placed in your OPF.

HANNAH K. DOWELL,
Chief, Personnel Branch, WAA.

NEW POWERS FOR SACB: FREEDOM IN PERIL

Mr. ERVIN. Mr. President, on October 5 and 7, 1971, the Judiciary Subcommittee on Separation of Powers, of which I am chairman, held hearings on S. 2466 and Senate Resolution 163. The bill and resolution seek to eliminate the threat which Executive Order 11605 presents to the constitutional doctrine of separation of powers. By Executive Order 11605, the President, in effect, seeks to legislate by Executive order.

Senate Resolution 163 expresses the sense of the Senate that Executive Order 11605 is an attempt to usurp the legislation powers conferred on Congress by the Constitution and is "an infringement on the first amendment rights of all Americans." It calls on the President to revoke the order or amend or revise it to bring it in line with article I, section 1, and the first amendment to the Constitution.

S. 2466 would make it unlawful for any employee of the Department of Justice or of the Subversive Activities Control Board to carry out or attempt to carry out any of the additional duties, functions, or powers which Executive Order 11605 purports to confer on the Board. The bill provides:

No money appropriated by Congress shall be made available to the Department of Justice or the Subversive Activities Control Board to execute or implement any of the additional duties under Executive Order 11605.

As I said in my opening statement at the hearings, the major provisions of Executive Order 11605 represent an attempt on the part of President Nixon to amend the Internal Security Act of 1950 by bestowing upon the Subversive Activities Control Board new sweeping powers far in excess of those Congress sought to give it.

An editorial in the Greensboro Daily News of Greensboro, N.C., Monday, October 11, 1971, ably points out the dangers inherent in Executive Order 11605. I quote from the editorial:

Rearmed by President Nixon's Executive Order 11605 of last July, [the SACB] now threatens to assume powers to meddle with and monitor the political thoughts and associations of rank and file Americans, whether or not they are applicants for government jobs.

I am happy to announce to the Senate that my Subcommittee on Separation of Powers has reported out favorably S. 2466 and Senate Resolution 163. I am confident that the Judiciary Committee will act on these measures in the very near future.

For the benefit of Members of Congress and all other interested persons, I ask unanimous consent to have printed in the RECORD the bills, my opening statement at these subcommittee hearings, and the editorial from the Greensboro Daily News.

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

S. RES. 163

Resolution expressing the sense of the Senate with respect to the doctrine of separation of powers as it applies to Executive Order 11605, dated July 2, 1971

Whereas the first section of the first article of the Constitution states that "all legislative powers . . . shall be vested in a Congress"; and

Whereas the second article imposes on the President the obligation to "faithfully execute" the laws enacted pursuant to article I, section 1; and

Whereas under the Constitution the President has no constitutional statutory powers to alter by Executive order the content or effect of legislation enacted by Congress; and

Whereas Congress, in exercise of its authority pursuant to article I, section 1, has by statute invested in the Subversive Activities Control Board certain powers, functions, and duties as set forth in the Internal Security Act of 1950, as amended; and

Whereas these functions, powers, and duties as established by law cannot be altered, amended, expanded, or restricted except pursuant to law enacted by Congress; and

Whereas Executive Order 11605 purports to alter and expand the powers, duties, and functions conferred by statute on the Subversive Activities Control Board; and

Whereas the first amendment to the Constitution guarantees the rights of all Americans to free speech, free thought, free expression, and free association; and

Whereas the purpose of the first amendment is to make Americans politically, intellectually, and spiritually free; and

Whereas these rights include the right of every American to advocate ideas no matter how foolish, how unwise, or how abhorrent to the government, the Congress, or to other Americans; and

Whereas any governmental attempt to proscribe the advocacy of unpopular, unwise, or foolish ideas has the effect of restricting the right and ability of Americans to exercise their first amendment freedoms; and

Whereas the functions, powers, and duties purported to be conferred on the Subversive Activities Control Board by Executive Order 11605 are inconsistent with the Bill of Rights, and especially the first amendment: Now, therefore, be it

Resolved, That the Senate disapproves of Executive Order 11605 as an attempt to usurp the legislative powers conferred on Congress by the Constitution;

That the Senate disapproves of Executive Order 11605 as an infringement of the first amendment rights of all Americans;

That the Senate calls on the President to revoke Executive Order 11605, or to amend or revise it to bring it into conformity with article I, section 1 and the first amendment to the Constitution.

S. 2466

A bill to insure the separation of Federal powers and to preserve the constitutional rights of citizens

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

SECTION 1. It shall be unlawful for any employee of the Department of Justice or any employee of the Subversive Activities Control Board to carry out or attempt to carry out any of the additional functions, duties, or powers which Executive Order 11605, dated July 2, 1971 purports or undertakes to confer on the Board.

SEC. 2. No money appropriated by Congress shall be made available to the Department of Justice or the Board to execute or implement any of the additional functions, duties, or powers which Executive Order 11605 purports or undertakes to confer.

STATEMENT OF SENATOR SAM J. ERVIN, JR.

Today, the Subcommittee on Separation of Powers begins hearings on Executive Order 11605, issued on July 2, 1971, which undertakes to grant to the Subversive Activities Control Board new sweeping powers to investigate various organizations and groups in America to determine if they are intellectually or politically dangerous to the security of the Nation.

There are many of us who feel that the promulgation of this Executive Order was beyond the constitutional power of the President. To my mind, it flies directly in the face of article I, sections 1 and 8, of the Constitution, which quite plainly places "all legislative powers" in the Congress.

To remedy the damage done to the doctrine of separation of powers by Executive order 11605, I have introduced two pieces of legislation, both of which are subject to our consideration at these hearings.

The first is S. 2466, which provides that it "shall be unlawful for any employee of the Department of Justice or any employee of the Subversive Activities Control Board to carry out or attempt to carry out any of the additional functions, duties, or powers which Executive Order 11605 . . . purports or undertakes to confer on the Board." The bill also provides that no appropriated monies "shall be made available to the Department of Justice or the Board to execute or implement any of the additional functions, duties, or powers" under Executive Order 1605.

The second is S. Res. 163, a sense of the Senate resolution which would disapprove of Executive Order 11605 as "an attempt to usurp the legislative powers conferred on Congress by the Constitution" and "as an infringement of the First Amendment rights of all Americans." The resolution calls on the President to revoke the Order or "to amend or revise it to bring it into conformity with article I, section 1 and the First Amendment to the Constitution."

THE FIRST AMENDMENT

To discuss Executive Order 11605 and its ramifications, it is necessary first to examine the First Amendment. This is so because the Order obviously is inspired by a lack of faith in the First Amendment freedoms and a fear of their exercise by persons whose thoughts and words are understandably offensive to the established order.

The First Amendment outlaws governmental action which abridges freedom of thought, or freedom of speech, or freedom of the press, or freedom of association, or freedom of assembly, or freedom of petition, or freedom of religion. These freedoms embrace and nourish a kindred freedom, the freedom of dissent.

These freedoms, which may be called First Amendment freedoms, were created to make Americans politically, intellectually, and spiritually free.

The novelist Thomas Wolfe, sensed this when he said:

So, then, to every man his chance—to every man, regardless of his birth, his shining, golden opportunity—to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him—this, seeker, is the promise of America. I do not believe . . . that the ideas represented by "freedom of thought", "freedom of speech", "freedom of press" and "free assembly" are just rhetorical myths. I believe rather that they are among the most valuable realities that men have gained, and that if they are destroyed men will again fight to have them.

The First Amendment grants its freedoms

to all persons within the boundaries of our country without regard to whether they are wise or foolish, learned or ignorant, profound or shallow, brave or timid, or devout or ungodly, and without regard to whether they love or hate our country and its institutions. Consequently, the Amendment protects the expression of all kinds of ideas, no matter how antiquated, novel, or queer they may be.

In the final analysis, the First Amendment is based upon an abiding faith that our country has nothing to fear from the exercise of its freedoms as long as it leaves truth free to combat error. I share this faith.

To be sure, the exercise of First Amendment rights by others may annoy us and subject us at times to tirades of intellectual or political rubbish. This is a small price to pay, however, for the benefits which the exercise of these rights bestows on our country.

THE NATURE OF FIRST AMENDMENT FREEDOMS

The First Amendment protects the expression of ideas, not the commission of acts, and for this reason cannot be invoked to justify criminal or violent deeds.

It is explicit in the First Amendment that the freedom of the people to assemble to petition for the redress of grievances must be exercised peaceably; and it is implicit in it that the other freedoms it secures must be exercised in like manner.

First Amendment freedoms are simply designed to secure to the people a constitutionally protected right to use the means which nature and man's ingenuity afford them to express to others their thoughts, ideas, and desires concerning government, society, religion, and all other things under the sun. Inasmuch as expression has persuasive power, this right must be recognized and exercised if government is to be responsive to the will of the people, and if society is to be free.

Since one of its principal purposes is to make America a politically free society, the First Amendment assures to every person or group of persons the right to express publicly ideas concerning any problem of government or society without prior restraint or fear of ideas are displeasing to government or are subsequent punishment even though the believed by a majority of our citizens to be false and fraught with evil consequences.

Why did the Founding Fathers secure this right to every individual and association and assembly within our borders?

There are two answers to this question, one philosophical and the other pragmatic.

As philosophers, the Founding Fathers believed that free and full debate teaches men the truth that frees them from the worst sort of tryanny, i.e., tyranny over the mind; and as pragmatists, the Founding Fathers believed that free and full debate is vital to the civil and political institutions they established.

The Founding Fathers were right on both counts.

Freedom of thought and speech are the things which distinguish our country most sharply from totalitarian regimes. They enable our country to enjoy a diversity of ideas and programs, and to escape the standardization of ideas and programs totalitarian tyranny requires.

Besides, a free and full interchange of ideas concerning the problems of government and society makes us aware of conditions and policies which need correction, and induce us to make in apt time and in a peaceful way the reforms that changing times demand. As a consequence, violent revolution has no rational or rightful place in our system.

POWER OF GOVERNMENT TO PROHIBIT OR PUNISH SPEECH

Like all freedoms, First Amendment freedoms may be abused.

Society is often disturbed by those who abuse these freedoms to protest, either rightly or wrongly, conditions or policies they deplore.

Society must ordinarily tolerate these abuses by protesters, however much it may hate their thoughts and words.

This is true because the power of government to deal with them is limited by the First Amendment.

It is well that this is so. If it is justified, protest may lead to reform; and if it is unjustified, protest may relieve at least temporarily the tensions of the protesters. In either event, protest has therapeutic value for both protesters and society.

Freedom of thought is absolute, and cannot be limited or punished by government in any way. Other First Amendment freedoms are qualified in the sense that their exercise may be circumscribed by government within narrow limits to protect other overriding social interests.

The general rule, however, is that people may express their ideas freely, and associate or assemble freely to make their ideas effective. But this general rule does not prevail in respect to the exercise of speech, association, or assembly which defames others, invades the privacy of others, constitutes obscenity, incites to crime or violence, obstructs the courts in the administration of justice, amounts to sedition, or imperils the national security.

Government may punish by law past speech, association, or assembly falling within these narrow limits, and under extraordinary circumstances subject it to prior restraint by obtaining injunctions from courts of equity.

Except when it acts within these narrow limits, government violates the First Amendment if it attempts to limit its freedoms by legislation. Moreover, government violates the First Amendment if it engages in conduct which is calculated and intended to stifle the willingness of people to exercise their freedom of speech, association, or assembly. It is to be noted in this connection that the First Amendment was written for the timid as well as the brave.

POWER OF GOVERNMENT TO PROHIBIT OR PUNISH SPEECH ADVOCATING CRIME OR SEDITION

In describing First Amendment limitations on the power of government, the Supreme Court declared in *Terminiello* v. *Chicago*, 337 U.S. 1, 4, that "freedom of speech, though not absolute, is nevertheless protected against censorship or punishment, unless shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest."

Strange as it may seem at first blush, the Amendment protects advocacy of conduct prohibited by law unless it incites action to bring such conduct about and creates a clear and present danger that it will provoke action to that end. This is so because the Amendment protects the expression of ideas, no matter how reprehensible they may be.

Since the doctrine of civil disobedience is invoked with such frequency nowadays, it seems not amiss to emphasize that the Constitution does not countenance civil disobedience which contemplates and produces unlawful acts.

Government has an inherent right to self-protection, and may under some conditions prohibit or punish the advocacy or teaching of the desirability of overthrowing it by violent action.

Judges have used multitudes of words in many cases to define the conditions under which government may exercise its rights of self-protection by limiting speech, association, and assembly.

While the words of some of the judges are sometimes somewhat elusive in meaning and for that reason difficult to comprehend, I interpret these cases to lay down these principles:

1. The First Amendment protects all utterances, individual or concerted, advocating constitutional or political changes, however revolutionary they may be, if the utterances contemplate that the changes are to be achieved by lawful means. Hence, freedom of speech permits an individual or a group to advocate the adoption of communism, fascism, or any other system of government by means of the ballot box.

2. The First Amendment also protects all utterances, individual or concerted, advocating or teaching as an abstract doctrine the desirability of the forcible overthrow of the government. This is true even though such advocacy or teaching is engaged in with intent to accomplish violent overthrow and with the hope that it may ultimately do so.

3. The First Amendment affords no protection, however, to utterances, individual or concerted, advocating or teaching action for the forcible overthrow of government.

4. Inasmuch as the capacity of a group to create danger is greater than that of an individual, the law makes a distinction between the power of government to exercise its right of self-protection against individuals and groups. Government may prohibit or punish utterances of an individual advocating or teaching action for the forcible overthrow of government only if his advocacy or teaching creates a clear and present danger that it will provoke action. But it may prohibit or punish utterances of a group advocating or teaching action for the forcible overthrow of government if their advocacy or teaching takes place under circumstances reasonably justifying apprehension that the action will occur either immediately or at a future time selected by the group.

When it enacted The Smith Act of 1940, Congress made it a felony knowingly or willfully to advocate or teach the desirability of overthrowing the government of the United States or any of its states, territories, districts, or possessions by violence.[1]

In construing the Smith Act, the Supreme Court decided that the words "advocate" and "teach" were not used by Congress in their ordinary dictionary meanings, because they had been construed in prior cases interpreting similar laws "as terms of art carrying a special and limited connotation."[2] By so doing, the Supreme Court adjudged that the principles which I have outlined were embodied in the Smith Act and in consequence such Act is not unconstitutional.

SEDITION LAWS

The Constitution expressly provides two ways to protect our country against domestic danger by civil means. Congress may make punishable as crimes dangerous acts, and, subject to First Amendment limitations, dangerous words; and those of us who esteem our system the best yet devised by man may use our First Amendment freedoms to instruct the ignorant, convert the doubting, and combat the efforts of those who undertake to destroy or injure it.

Justice Brandeis must have had these considerations in mind when he made this statement in his eloquent concurring opinion in *Whitney* v. *California*, 274, U.S. 357, 378:

Among freemen, the deterrents ordinarily to be applied to prevent crime are education and punishment for violations of the law, not abridgment of the rights of free speech and assembly.

Since it was first organized as the nation's legislature, Congress has enacted these sedition laws: the Sedition Act of 1798, which still lives in infamy; the Espionage and Sedition Acts of 1917 and 1918, which Attorney General Palmer grossly abused in his "witchhunts" after the First World War; and the Smith Act of 1940, whose potenti-

[1] 18 U.S.C. 2385.

[2] *Yates* v. *United States*, 354 U.S. 298, 319.

ality for abuse has been restricted by Supreme Court cases, which subject its broad language to First Amendment limitations. Each of these Acts was adopted in a time of great national strain.

By each of these laws, Congress made utterances it deemed dangerous to the common weal punishable as crimes, and thus secured to all against whom the laws were invoked the right to trial by an impartial jury of the vicinage and the other protections created by the Constitution to prevent the punishment of the innocent.

FEARS OF COMMUNISM

From the time of the Russian Revolution until the day on which Russia became an ally of the United States in the Second World War, multitudes of Americans entertained profound fears in respect to the menace which they believed communism presented to peace abroad and security at home. As a result of Russia's intransigence in Europe and the communist take-over of mainland China after the end of the war, these fears were revived and intensified, and they rightly remain until this day insofar as they are based on concern for the threat which communism poses to world peace.

Inasmuch as they were based on concern for domestic security, the fears of communism persisted with intensity until the middle of the 1950's, and they still linger in some quarters.

There is room for dispute as to how substantial the communist threat to our domestic security actually was during the times it was feared most. There was some tangible evidence and plethoric surmise that communists had strongly infiltrated segments of the labor movement and had even penetrated government and the armed forces to a degree. The extent of the threat was exaggerated by a tendency on the part of the fearful to believe that persons of unorthodox views were tainted with communism.

Anyway, the fear of the threat to domestic security produced two pieces of major congressional legislation, the Smith Act of 1940, which has already been mentioned, and the Internal Security Act of 1950, which Congress passed over President Truman's veto.

THE SUBVERSIVE ACTIVITIES CONTROL BOARD

Before the Internal Security Act of 1950 was adopted, our country steadfastly adhered to the principle that government ought not to punish anybody for anything except for crime of which he has been convicted in a constitutionally-conducted trial in a court of justice.

The Internal Security Act injected a novel concept into our system, which is alien to this principle.

This concept may be summarized in this way:

To protect society, our country should maintain a governmental agency to stigmatize publicly organizations the government considers intellectually or politically dangerous, and visit upon such organizations and their members severe penalties.

I use the phrase "intellectually or politically dangerous" to distinguish the stigmatized organizations and their members from organizations and individuals whose legally dangerous acts or words are punishable as crimes under constitutional safeguards.

The Internal Security Act of 1950 created the Subversive Activities Control Board. By the original Act and an amendment of 1954, the Board was given jurisdiction to act on petitions of the Attorney General to identify and require the public registration of communist-action, communist-front, and communist-infiltrated organizations, and members of communist-action organizations.

The Act as amended automatically imposed upon the organizations and the members of the organizations stigmatized by the Board severe penalties. For example, a stigmatized organization was denied the use of instrumentalities of communication unless it plainly revealed that they were being used by it and that it was "a communist organization"; and a member of a stigmatized organization was denied the right to hold any nonelective office or employment under the United States or even to seek such office or employment or employment in any defense facility without revealing his membership in the organization; the right to hold office or employment with any labor organization subject to the National Labor Relations Act; and the right to obtain or use a passport.

The Supreme Court adjudged, in essence, in *Communist Party of the United States v. Subversive Activities Control Board*, 367 U. S. 1, that Congress had the constitutional power to regulate the registration of communist organizations because of its finding that such organizations advocate or teach action for the forcible overthrow of government. It ruled, however, in other cases that the procedures prescribed by the Act to effect the compulsory registration of communist organizations violated the self-incrimination clause of the Fifth Amendment, and that major provisions of the Act relating to membership in communist organizations imposed penalties upon individuals on the theory of guilt by association and could not be reconciled with the First Amendment.

These rulings left the Subversive Activities Control Board with virtually nothing it could constitutionally do.

By an amendment of January 2, 1968, Congress undertook to revive the moribund agency by repealing the compulsory registration provisions of the Internal Security Act, and by conferring upon the Board power to issue declaratory orders determining whether organizations it investigates are communist-action, communist-front, or communist-infiltrated organizations, and whether individuals it investigates are members of communist-action organizations.

The revival was short-lived. On December 12, 1969, the United States Court of Appeals for the District of Columbia Circuit handed down *Boorda v. Subversive Activities Control Board*, 421 F.2d 1142, holding that the provisions of the Internal Security Act and its amendments allowing public disclosure of an individual's membership in a communist-action organization without finding that the individual concerned shares in any illegal purposes of the organization to which he belongs violates the First Amendment.

The Supreme Court refused to review this ruling, and the Board found itself left once again with virtually nothing it could constitutionally do.

RECORD OF THE BOARD

Let us consider the record of the Board during the 21 years of its existence.

During these 21 years, the Board has found only one communist-action organization in all America, and that was the Communist party itself. It was not even able, by constitutional methods, to impose registration upon it.

During these 21 years, the Attorney General filed petitions alleging that 22 other organizations were communist-front or communist-infiltrated. Eight of these petitions were dismissed by the Board, and the other 14 came to naught because the organizations had ceased to exist or the Board was unable for other reasons to compel their registratin.

During these 21 years, the Attorney General filed petitions alleging that 66 individuals—that is, 66 persons out of about 200 million Americans—were members of communist-action organizations. These petitions were frustrated in large measure by the *Boorda Case* and other decisions.

As one who loves America and hates Communism, I take much comfort from the ineffective record of the Board. It corroborates my conviction that despite its enormous efforts to peddle its shoddy ideas, Communism has made few sales in America.

PRESIDENT NIXON'S ATTEMPT TO REVIVE THE BOARD

On July 2, 1971, President Nixon issued Executive Order No. 11605, which attempts to confer on the Subversive Activities Control Board vast power to harass and stigmatize Americans.

President Nixon's Order purports to amend Executive Order No. 10450, which was issued by President Eisenhower on April 27, 1953, to establish loyalty and security requirements for government employment. Hence, we must understand what power the executive department has in this area.

As Justice Frankfurter declared in his concurring opinion in *Garner v. Los Angeles Board*, 341 U.S. 716, 724–5:

The Constitution does not guarantee government employment. City, State, and Nation are not confined to making provisions appropriate for securing competent professional discharge of the functions pertaining to diverse governmental jobs. They may also assure themselves of fidelity to the very presuppositions of our scheme of government on the part of those who seek to serve it. No unit of government can be denied the right to keep out of its employ those who seek to overthrow the government by force or violence, or are knowingly members of an organization engaged in such endeavor.

President Eisenhower's Executive Order applies only to persons presently enjoying or presently seeking employment in federal executive departments and agencies, and requires the Civil Service Commission, the employing department or agency, or the F.B.I. to investigate matters relating to them as individuals, including their individual memberships in subversive organizations, which are relevant to the determination of whether the employment or retention in employment of each of them is clearly consistent with the interests of national security.

Hence, the Eisenhower Order establishes forthright and circumscribed procedures for insuring the loyalty of federal civil servants. Moreover, it merely implements powers vested in the President by the Constitution and Acts of Congress relating to government employment.

President Nixon's Executive Order is a different kettle of fish.

To be sure, it professes itself to be a mere amendment to the Eisenhower Order, and it does alter that Order in one or more insignificant respects.

The major provisions of his Executive Order represent, in reality, an attempt on the part of President Nixon to amend the Internal Security Act of 1950 by bestowing upon the Subversive Activities Control Board new sweeping powers far in excess of those Congress sought to give it.

To this end, the Nixon Order declares in express terms that the Board shall henceforth possess and exercise the power to conduct, on petition of the Attorney General, hearings to determine whether any of the innumerable organizations which claim the membership of millions of Americans who do not enjoy or seek federal employment are (a) totalitarian, (b) fascist, (c) communist, or (d) subversive organizations, or (e) organizations which have the policy "of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any "State," or (f) organizations "which seek to overthrow the government of the United States or any State or subdivision thereof by unlawful means."

The Nixon Order further declares that in making its determinations, the Board shall have power to investigate the activities and objectives of every group in America which commits acts of force or violence; or unlawfully damages or destroys property, or injures persons; or violates laws "pertaining to

treason, rebellion or insurrection, riots or civil disorders, seditious conspiracy, sabotage, trading with the enemy, obstruction of the recruiting and enlistment service of the United States, impeding officers of the United States, or related crimes or offenses."

The Nixon Order provides that the Attorney General will transmit to each federal executive department or agency the names of all organizations condemned by the Subversive Activities Control Board for its use in determining whether persons enjoying or seeking employment by it should be employed or retained in employment.

It is manifest, however, that the real objective of the Order is to empower the Board to brand the organizations and groups specified in it as intellectually or politically dangerous to the established order. It is equally as manifest that such branding of these organizations and groups will place a political or social stigma on their members, and tend to minimize their exercise of freedom of speech, association, and assembly.

I submit that the provisions of the Nixon Order which purport to confer new powers on the Board have no legal force for these reasons:

1. Their promulgation was beyond the constitutional power of the President; it is a direct violation of the doctrine of separation of powers.

2. They are void for overbreadth.

3. They violate the First Amendment and due process rights of all the members of the organizations or groups designated except those who share the illegal aims of the organizations or groups.

What was said by the Supreme Court in respect to President Truman's Executive Order in the steel-seizure case, *Youngstown Sheet and Tube Company v. Sawyer*, 343 U.S. 589, 588, makes it plain that in his attempt to expand the power of the Board, President Nixon undertook to make law.

The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a Presidential policy be executed in a manner prescribed by the President.

It necessarily follows that the major provisions of the Nixon Order are void under Sections 1 and 8 of Article I of the Constitution, which give Congress all the law-making power of the federal government and deny any of it to the President.

I do not question the power of the President under the Constitution and Acts of Congress governing federal employment to establish by executive order procedures to assure the loyalty of federal civil servants. But I do assert with confidence that even if it were a bona fide effort to accomplish an objective, the Nixon Order would be void for overbreadth.

The Order brings within its coverage the organizational memberships of millions of Americans who neither enjoy nor seek employment in the federal establishment. Besides, it applies to the activities and objectives of groups past numbering which have no relationship whatever to the loyalty of federal civil servants.

The President has no power to subject the organizational memberships, activities, or objectives of all Americans to the scrutiny of the Subversive Activities Control Board because some of them may be employed by the federal government or some of them may hereafter seek employment by it.

The Nixon Order also violates the First Amendment and the due process clause of the Fifth Amendment by applying the theory of guilt by association and stigmatizing politically and socially all the members of all the organizations or groups branded by the Subversive Activities Control Board, including those who may be passive or inactive members of such organizations or groups, or those who may be unaware of the unlawful aims of such organizations or groups, or those who may disagree with those unlawful aims.[3]

While I do not care to belabor the points, a pretty good case can also be made for the proposition that some of the powers the Order attempts to allot to the Board trespass upon areas the Constitution reserves to the States, and others offend the First Amendment principle that government cannot touch the mere advocacy of ideas, no matter how reprehensible they may be.

MY FAITH

Apart from its constitutional infirmities, President Nixon's Executive Order is to be deplored because it has no rightful place in our land.

It is not the function of government in a free society to protect its citizens against thoughts or associations it deems dangerous, or to stigmatize its citizens for thoughts or associations it thinks hazardous. Yet that is exactly what the Executive Order undertakes to empower the Subversive Activities Control Board to do.

If America is to be free, her government must permit her people to think their own thoughts and determine their own associations without official instruction or intimidation; and if America is to be secure, her government must punish her people for the crimes they commit, not for the thoughts they think or the associations they choose.

In closing, I affirm my faith in the sanity and steadfastness of the overwhelming majority of all Americans. I shall not fear for the security of my country as long as love of liberty abides in their hearts, and truth is left free to combat error.

As we open these hearings, I would like again to welcome our distinguished professional consultants who have contributed so much to the Subcommittee's successful studies of the separation of powers. With us today are Professors Philip B. Kurland of the University of Chicago School of Law, our chief consultant; Ralph K. Winter, of the Yale Law School; and Arthur S. Miller of the George Washington University National Law Center.

[From the Greensboro (N.C.) Daily News, Oct. 11, 1971]

FUNERAL FOR A FOSSIL

It is no mere coincidence that the Subversive Activities Control Board (SACB) and the frivolous Red-hunting career of the late Sen. Joe McCarthy of Wisconsin had their birth in the same year—1950.

Senator McCarthy faded away in discredit about four years later, when his preposterous attempt to brand the Army as a coddler of subversives backfired and led to his censure by the Senate. But the Control Board, although its powers have been all but nullified by the courts, survives in fossil form to this day. Rearmed by President Nixon's Executive Order No. 11605 of last July it now threatens to assume powers to meddle with and monitor the political thoughts and associations of rank and file Americans, whether or not they are applicants for government jobs.

Before it can pursue this new role, however, the SACB must overcome the formidable opposition of two judicious North Carolinians, Sen. Sam Ervin and Rep. Richardson Preyer.

In a speech September 22 to the American Newspaper Publishers Association, Senator Ervin called attention to the menace of thought-control that is implicit in the President's order.

"The real objective of the order (he said) is to empower the board to brand the organizations and groups specified in it as intellectually or politically dangerous to the established order . . . Such branding of these organizations will place a political or social stigma on their members, and tend to minimize their freedom of speech, association and assembly . . . The order brings within its coverage the organizational memberships of millions of Americans who neither enjoy nor seek employment in the federal establishment. Besides, it applies to the activities and objectives of groups past numbering which have no relationship whatever to the loyalty of federal civil servants . . . The Nixon Order also violates the First Amendment and the due process clause of the Fifth Amendment by applying the theory of guilt by association and stigmatizing politically and socially all the members of all the organizations or groups branded . . . including those who may be passive or inactive members . . . or those who may be unaware of the unlawful aims . . . or those who may disagree with those unlawful aims."

It is a timely warning, whose real value could be emphasized only by a long review of some of the idiocies and injustices committed in the name of security in the era of the 1950s. Suffice it to say that this country needs no revival of the offending practices described by Senator Ervin.

Despite his early zeal in the investigation of defunct spy-rings, it seems likely that Mr. Nixon has bigger fish to fry as President and that the flawed executive order recently effected over his signature was cooked up by Justice Department subordinates with a less than perfect sense of the dangers it involves. Nobody has heard much of the Subversive Activities Control Board, except that it has little to do and that President Johnson underscored its salutary idleness two or three years ago by appointing to the Board the unemployed husband of one of his secretaries. We suspect that more constructive places on the federal payroll could be found for the present Boardmen, if they are otherwise unemployable in private enterprise.

To that end, a bill co-sponsored by Rep. Richardson Preyer makes good sense. The bill would replace SACB with a so-called Federal Employes Security and Appeals Commission, with the limited job of screening applicants for federal jobs while properly safeguarding their rights of due process. Beyond this limited function, this country needs no roving, free-wheeling band of thought policemen, free-loading on the taxpayer, with a hunting license to maintain surveillance of private political thoughts and organizations. At last glance, the FBI had that task well in hand anyway—and did it for the most part with far greater discretion. There is a case for an orderly and responsible agency to protect government from disloyal infiltration.

Between them, then, Senator Ervin and Congressman Preyer point the way to a sane security system that would preserve the integrity of government without duplicating the panicky and unwise measures taken in haste and alarm after the Red scare of the late Forties. The Subversive Activities Control Board is a fossil. It needs a decent funeral.

KEMP'S A COMER

Mr. HANSEN. Mr. President, the Wall Street Journal of November 18 printed some observations by Mr. Alan Otten in his column, "Politics and People," about one of the outstanding freshman Members of the House of Representatives—the Representative from Bulaffo, N.Y.

This recognition by the Journal of a Member of Congress who has a youthful image as well as being youth-oriented to some of today's changing times is most appropriate. For the first time next year on a national scale there will be a new age group of voters, and certainly the attributes of a leader like JACK KEMP will be important to how well these

[3] *United States v. Robel*, 389 U.S. 258; *Scales v. United States*, 367 U.S. 203.

young people will be able to relate to their government.

We in the United States enjoy the greatest system of government thus far devised, and it is vital that this new age group of voters respect and support the democratic values of the Republic.

JACK KEMP, with his personal appearances in a number of States, has caught the imagination of a lot of America's youth, and has shown them convincingly that the system of government by law is well worth preserving.

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:

KEMP'S A COMER

WASHINGTON.—Every two years, anywhere from 35 to 60 new members enter the U.S. House of Representatives. Even before they arrive, two or three are tabbed as "comers"—clever young go-getters who will quickly emerge from the faceless pack to become leaders of the House or move on to the Senate or even beyond.

One of the clear comers in the current freshman crop is a ruggedly handsome, highly articulate conservative Republican from the suburbs of Buffalo, N.Y., Jack F. Kemp. His fellow Republican freshmen chose him as president of their informal group, the 92nd Club. He was one of the three newcomers admitted into the Chowder and Marching Society, that elite group of such present and past House GOP greats as Richard Nixon, Melvin Laird and Gerald Ford.

He was picked by the White House to defend the President's Vietnam policy on the Dick Cavett and David Frost shows in debate with dump-Nixon Rep. Paul McCloskey. A recent trip to Vietnam won him an unusual half-hour audience to report to the President. He's in heavy demand as a speaker to raise money for House Republicans around the country, while Vice President Agnew and other administration bigwigs journey to Buffalo to help raise funds for his own campaign.

"There's no question Jack is the big star of the freshman class," a senior (and non-admiring) colleague ruefully remarks. A closer look at 36-year-old Jack Kemp helps reveal those factors that spotlight one man as a comer while others remain in the shadows.

Certainly it helps to start with instant name recognition—in this case, from 13 years as an all-star quarterback, first for the San Diego Chargers and then, until February 1970, the Buffalo Bills. Mr. Kemp led the Bills to two American Football League championships, was AFL Player of the Year in 1965 and for five years headed the AFL Players Association.

The football reputation, his wholesome good looks and his fluent way with words had long made him a much-sought Republican speaker, particularly on college campuses. People, he admits, were intrigued to find a professional athlete who not only was a conservative Republican but who also could use correctly such words as "bizarre" and "self-flagellation," talk knowledgeably about tax depreciation schedules and sulfur dioxide pollutants, and quote Edmund Burke ("A Representative owes his people not only his industry but his judgment").

Buffalo Republicans had long been hoping for just such a paragon to take on Democratic Rep. Richard McCarthy, and Mr. Kemp was more than willing. His well-financed and professionally guided campaign was helped mightily by Mr. McCarthy's later decision to give up the seat and run for the Senate, but Mr. Kemp still came to Washington with the valuable image of something of a giant-killer.

Still another asset was having good friends in high places. Old California buddies included White House aides Herbert Klein and Robert Finch, House GOP Campaign Chairman Rep. Bob Wilson. Mr. Kemp not only campaigned hard for Richard Nixon for President in 1960 and governor of California in 1962, but spent two weeks traveling with him on behalf of Bob Finch for lieutenant governor in 1966.

These people counsel him, speak in his district, open downtown agency doors for him. A Buffalo newspaper cartoon showed Messrs. Nixon, Klein and Finch in football uniforms blocking for Quarterback Kemp.

(And he repays the favors, as, for example, helping the White House by debating Mr. McCloskey. "My sense of fair play was challenged," he relates. "I don't quarrel with those who say we shouldn't have been in there or should get out faster—I say the latter myself—but to label the military as war criminals and to say the President really doesn't desire peace—that's something else.")

The young Congresman has other hallmarks of the true comer: boundless ambition and a ruthless readiness to put his own needs first; a shrewd instinct for spotting good political openings, and real hustle to follow through and take advantage of them.

When Amtrak cut back rail passenger service west of Buffalo, he quickly organized a House bloc to press for continued service west to Detroit and Chicago, persuaded the area governors to pick up part of any operating deficit, and finally got "provisional" service restored. He has taken the lead in a well-publicized push for a House resolution calling for United Nations debate on the Soviet Union's refusal to permit Jews to leave the country. Mr. Kemp says he seeks to dramatize the Soviets' disregard for human rights; cynics suggest he's cannily building good will among New York's large Jewish vote.

Pressed to explain his current reputation, the Congressman cites "a built-in advantage, as a moderately successful football player," and a popular hunger for stronger political leadership. "I learned long ago," he declares, "that you can't quarterback a football team by taking a poll and following the consensus. You have to weigh risks, make judgments, take chances."

Mr. Kemp campaigned as a "let's tell what's right about America" Republican, and his House record thus far is rated as 100% by the American Conservative Union and 15% by the Americans for Democratic Action. Yet in recognition of Buffalo's high unemployment, he has supported several spending measures far larger than the White House wanted.

Mr. Kemp is at some pains to deny as "absurd" rumors that he'll be the Conservative Party challenger against Republican Sen. Jacob Javits in 1974. "I have a forum here to exert some leadership, and that's exactly where I want to be," he says. Clearly, though, a Senate seat some day is well within his downfield vision.

It's not going to be all clear going, of course. First re-elections are normally considered the toughest, though a coming reapportionment plan will probably make his district more Republican. More seriously, some colleagues rate Mr. Kemp still naive and prone to error. For example, they say, it may flatter his ego to debate Mr. McCloskey on television or to have Mr. Agnew speak for him, but these may not be such good politics in a district where many well-educated suburbanities don't particularly like the war or the Vice President. Other House members complain that he skimps on the nasty nitty-gritty of committee work, and that his fast, purposeful pace often leaves bruised feelings behind.

It usually takes three or four terms to know whether the comers actually live up to their early billing. A good many people will be watching to see whether Quarterback Kemp can still throw the long bomb.

THE ABM ISSUE AND THE SECURITY OF THE NATION

Mr. STEVENSON. Mr. President, the charges made by Dr. Albert Wohlstetter and the Operations Research Society against the intellectual integrity of Dr. George Rathjens and Dr. Jerome Wiesner and other eminent scientists opposing the ABM were revived in a recent column by the estimable Joseph Alsop. The ABM issue is of undoubted importance to the security of the Nation. It is difficult enough to evaluate the claims made on behalf of the expensive and potentially destabilizing ABM without the intrusion of such regrettable charges.

To clear the air I ask unanimous consent that the column by Joseph Alsop, published in the Washington Post of November 8, 1971, and two letters in reply, one by Dr. Rathjens and the other by George Kistiakowsky, Herbert Scoville and Herbert E. York be printed in the RECORD at the conclusion of these remarks. Dr. Kistiakowsky was formerly Science Adviser to President Eisenhower and a chairman of the President's Science Advisory Committee. Dr. Scoville was formerly Deputy Director for Research, CIA, and Assistant Director at the Arms Control and Disarmament Agency. Dr. York was formerly Director, Defense Research and Engineering, DOD under President Eisenhower and a member of the President's Science Advisory Committee.

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

[From the Washington Post, Nov. 8, 1971]

MISLEADING SCIENTISTS

The clamor surrounding the underground nuclear test at Amchitka is a very good reason for offering an extremely solemn warning. On such occasions, a great deal of the more leftwing "scientific" evidence must now be expected to be as crooked as a ram's horn.

Some attention has already been given to the so-called ORSA report that contains the proofs of the foregoing extremely grave statement. But no one has even begun to grasp the full seriousness of this solid, stolid, unimpeachably factual report. So it deserves re-examination.

ORSA, in brief, is the Operations Research Society of America, with a membership of about 8,000 scientists doing defense and industrial research and analysis. One of the society's stated original aims was to establish uniform standards and guidelines for this new and growing branch of research.

Hence the society was interested when one of its members, Dr. Albert Wohlstetter of the University of Chicago, asked for a panel to judge the standards of research and analysis displayed in the bitter debate about the "Safeguard" antiballistic-missile system in the Senate in 1969. Essentially that meant a panel to judge between ABM supporters like Dr. Wohlstetter, and its chief scientific opponents, such as the new president of MIT, Dr. Jerome Wiesner, and Drs. George Rathjens and Stephen Weinberg.

The ABM opponents were invited to make any contribution they chose, and also to nominate a member of the proposed panel. They haughtily refused to have anything to do with the inquiry. And they added a wholly groundless charge that the inquiry "could well appear to the nation as an ugly resurgence" of McCarthyism—but they ducked using the actual word.

A six-man panel of industrial and academic scientists was none the less formed, under the leadership of Thomas E. Caywood,

past president of ORSA. The panel included men who had opposed the ABM in 1969, as well as men who had been for it. At least one former panel member, Dr. Howard M. Berger, of Xerox, "still hasn't made up his mind."

The results were devastating. "Analyses" that were "often inappropriate, misleading, or factually in error"; failure to meet "elementary standards for proper presentation of results to permit verification"; failure to "distinguish properly between the roles of analyst and advocate"—these were the main phrases in the summary of findings.

Dr. Rathjens was held guilty of "specific abuses of professional standards" in the ABM debate. He was further condemned for selecting his material in a most peculiar manner, mostly by omitting "data (that) would have substantially weakened his case". Other highly partisan inaccuracies were also found in his ABM testimony and in his subsequent exchanges with Dr. Wohlstetter.

Drs. Wiesner and Weinberg were found to have "ascribed official validity" to calculations which had no such validity. They were further found to have made extremely nasty false charges against the chief scientist of the Defense Department, Dr. John S. Foster.

Drs. Wiesner, Rathjens and Weinberg were jointly held to have been guilty of "m'suse of source material" in the study of the ABM in a critique of the Pentagon's ABM position that was circulated by Senator Edward Kennedy. The same "misuse" was also found in the work done for Senator Kennedy by Dr. Wiesner and ABM charges throughout the ORSA report.

Thus placed in the dock and found guilty and crooking the evidence and purposeful prevarication, the anti-ABM scientists finally condescended to notice ORSA more seriously. They issued a reply, admitting some mistakes, yet claiming they were right about what mattered. To this Dr. Rathjens added the charge that the neutral panel member, Dr. Herbert Berger, secretly harbored personal animus against himself.

To this charge, Dr. Berger has now replied, in effect, that Dr. Rathjens is again prevaricating, and again, Dr. Berger's evidence is solid, stolid and unimpeachably factual, like the ORSA report itself. No open-minded person can fail to read either report without concluding it is all too true, both in detail and in broad outline.

It needs only to be added that the supposed "mistakes" proven in the report were at the very heart of the ABM debate. In sum, warning.

[From the Washington Post, Nov. 17, 1971]

LETTERS TO THE EDITOR ON THE OPERATIONS RESEARCH COMMITTEE REPORT AND THE ABM DEBATE

Joseph Alsop's column of November 8 for the most part accurately reflects the findings and tone of the recent critique by the Operations Research Society of America of the role of myself and others in the ABM debate. What Mr. Alsop failed to appreciate or convey to his readers was the fact that the ORSA report is a technically incompetent critique—based on bizarre procedural arrangements, selective use of evidence, and remarkably uncritical acceptance of administration assumptions, many of which had little or no foundation in fact.

This is not the place to discuss all of the deficiencies of the ORSA report—we have done that in some detail elsewhere—but lest readers be misled by Mr. Alsop's column it is perhaps useful to comment on two issues in the ABM debate: the possible vulnerability of the U.S. Minuteman force to a Soivet SS–9 "first strike" in the mid-70's, and whether the Safeguard ABM deployment would make a significant difference in Minuteman survivability.

Although the second question was really what the ABM debate was all about, ORSA focused its attention almost exclusively on the first, a hardly surprising fact since Albert Wohlstetter who instigated the inquiry, and whose lead it slavishly followed, had largely avoided commenting on Safeguard's utility in both his testimony and his specification of changes.

As regards Minuteman vulnerability, I would point out that estimates necessarily had to be based on interpretation of intelligence information and technical judgment of what the situation would be six years later. Various participants in the debate made quite different judgments, and such differences, not mathematical manipulation which was essentially trivial, nor the application of esoteric operations research techniques, accounted for my estimating that 25 per cent of the Minuteman force would survive while Mr. Wohlstetter and Defense Department spokesmen estimated 5 per cent. I leave it to the reader to draw his own conclusion as to whose judgments were more reasonable, pointing out that I would now revise my estimates of Minuteman survivability upward as it now seems even less likely than it did two years ago that the U.S.S.R. could fully equip its SS–9 force with highly effective multiple independently targettable reentry vehicles (MIRV's) by the mid-70's. Reports such as those by Michael Getler of a recent DOD/CIA sponsored study by TRW (The Washington Post, June 17), General Ryan's March 9 testimony before the House Appropriations Committee, and Secretary Packard's remarks of October 21 lead me to believe that the administration too might now estimate very substantial survivability.

The administration seems also to have largely come around to the views of its opponents with regard to the question of Safeguard effectiveness. Thus, it is now recognized, even in the Defense Department, that the missile site radar is the Achilles' heel of Safeguard, and there are serious efforts under way to design a dedicated hard-site defense employing less expensive radars as many of us recommended. And it is now considered, as we had suggested, that Safeguard as originally planned will be an inadequate defense if a build-up in Soviet missile capabilities continues, whereas originally it was argued that it was needed in case of such a build-up.

Mr. Alsop points out that we admitted mistakes. A single example will perhaps put that admission in perspective. I had argued that Messrs. Laird, John Foster and Wohlstetter had made unrealistic assumption in imputing to the Soviet Union the capability, in executing an attack against us, of compensating for all their missile failures by replacing the failures with other warheads aimed at the same targets. In fact, Mr. Wohlstetter had, unlike Messrs. Laird and Foster, apparently assumed that 15 per cent of the failures could not be so replaced. I was in error and was criticized by ORSA for the mistakes. It is to be noted that neither Mr. Wohlstetter nor the Defense spokesmen offered any analysis to support their contention that such tactics were feasible. Yet, the ORSA committee did not criticize this omission. Rather, it attempted the back-up analysis for them, in so doing finding it necessary to use assumptions about Soviet MIRV technology totally at variance with observations!

Finally, Mr. Alsop alleges that I charged Howard Berger, one of the ORSA committee, with harboring personal animus against me; that Dr. Berger has claimed I was guilty of prevarication in making such a charge; and that there is solid evidence to that effect. I made no such charge and challenge Mr. Alsop and Dr. Berger to produce evidence that I did, much less evidence that I lied in making it! What I and my colleagues did suggest was that since Dr. Berger had previously been relieved by me of a position of responsibility, he should have been disqualified either by himself or by ORSA from participating in the inquiry. In suggesting this, we were not charging animus on his part, but rather lack of sensitivity and appreciation of reasonable professional and ethical norms by him and ORSA, a charge which the style of the ORSA inquiry fully substantiates.

As has been the case with so many of his columns. Mr. Alsop has again regrettably elected to accept uncritically those arguments consistent with his deep-seated biases rather than to attempt to understand and elucidate the issues involved in a complex question—in this case, those relating to the Safeguard deployment question.

G. W. RATHJENS.

CAMBRIDGE, MASS.

In September 1971, an Ad Hoc Committee of the Operations Research Society of America (ORSA) issued a report censuring, as not being up to the standards of the Society, the congressional testimonies in opposition to the Safeguard ABM system of Dr. Jerome Wiesner, president of MIT; Drs. George Rathjens and Steven Weinberg, professors at MIT, and to a lesser extent, Professor Wolfgang Panofsky, Stanford University. Predictably, this was put in the Congressional Record by Senator Jackson, the strongest proponent of Safeguard in the Congress. On October 13th, Donald Rumsfeld, Counsellor to the President, wrote from the White House a letter to Robert Machol, president of ORSA, stating that the report had been discussed personally with President Nixon, that Admiral Zumwalt, Chief of Naval Operations, discussed the work in a most favorable way, and that "you and the Society have performed a magnificent service." To cap it off, on November 8th, in a column which you carried, the columnist, Joseph Alsop, extolled the report and decried the dishonesty of the opponents of Safeguard.

Just to keep the record straight, we think it should be known that five members of the ORSA Council issued a minority report questioning the propriety, impartiality, and ability of the Ad Hoc Committee to carry out such an investigation. This minority report was not mentioned by Senator Jackson and others. More importantly, this unprecedented investigation was carried out at the request of Professor Albert Wohlstetter, the leading non-governmental protagonist for Safeguard, confidant of Senator Jackson, and consultant to Admiral Zumwalt. Professor Wohlstetter, who was praised in the report, is a member of ORSA; the other witnesses who were censured are not members and did not participate in the work of the Committee.

Although the primary purpose of the congressional hearings was to determine the need for Safeguard, and whether, indeed, it would work, the ORSA Committee study never even addressed the testimony on these central issues, but instead concentrated its attention on several sub-issues such as (1) the vulnerability of our Minuteman deterrent to an administration postulated Soviet threat, and (2) the Soviet ability to destroy both our minuteman missiles and bombers in a simultaneous attack. These sub-issues were suggested to ORSA by Professor Wohlstetter, one of the protagonists in the debate whose standards the Committee was, in theory, investigating. This action by the Committee would appear highly unethical, and the ORSA Council's sensitivity to such a charge is demonstrated by the fact that it excised from its published version of Professor Wohlstetter's letter those portions directing their attention to these sub-issues.

We think everyone should ask whether a group which employs such standards in its investigations has demonstrated the competence to evaluate the standards of such eminent scientists with a record of dedication to public service as Drs. Wiesner, Rathjens,

Weinberg and Panofsky. We think one must conclude that the ORSA Ad Hoc Committee—and those Council members who endorsed the report—have just become additional protagonists in the continuing ABM debate along with Professor Wohlstetter, Senator Jackson, the White House and Joe Alsop.

GEORGE B. KISTIAKOWSKY.
CAMBRIDGE, MASS.
HERBERT SCOVILLE JR.
MCLEAN, VA.
HERBERT F. YORK.
LA JOLLA, CALIF.

TRAGEDY IN ULSTER—VI—VIEWS OF THE NEW STATESMAN ON WITHDRAWAL OF BRITISH TROOPS

Mr. KENNEDY. Mr. President, one of the principal provisions of Senate Resolution 180, which I submitted last month with the Senator from Connecticut (Mr. RIBICOFF), is the call for the withdrawal of British troops from Ulster and their replacement with adequate alternative methods of law enforcement. I am convinced that the withdrawal of British troops is the key to ending the killing and brutality in Ulster. Tragically, however, just as America maintained for so long in Vietnam, the British Government continues to maintain that there can be no peace until there is a military victory over the extremists.

In recent weeks and months, one of the most persistent and eloquent advocates of British troop withdrawal from Ulster has been the New Statesman, a respected British publication that has devoted much of its attention to the tragedy in Ulster. I believe that the views expressed in its columns will be of interest to all of us concerned with the issue, and I ask unanimous consent that two recent items, one an article entitled "Ulster—Our Vietnam" in the October 22, 1971, issue, and the other article entitled "Into the Ulster Quagmire" by Mr. Paul Johnson in the September 3, 1971, issue, may be printed in the RECORD.

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

[From the New Statesman, Oct. 22, 1971]

ULSTER—OUR VIETNAM?

Unless the Labour Opposition wakes up and does its duty, this government will soon turn Ulster into our Vietnam. We shall be unable to extricate ourselves from an unwinnable civil war which corrupts our political morals and destroys our army as a fighting force. The real tragedy of Vietnam was that the Americans did not will it: they slithered into it. Indeed they hardly knew they were at war until it was too late to withdraw "without dishonour" and "without breach of faith." Much the same is happening to us now in Northern Ireland. Already the shooting of a couple of soldiers a week is no longer rated front-page news: it has become part of the normal process of "upholding law and order" in Northern Ireland. Internment without trial, which shocked us a few weeks ago, is now accepted as part of that same process. To judge by their previous facility for blind acquiescence, the government will soon be defending the methods of our investigators in the camps as "inevitable in the circumstances" The most deadly disease of British and American democracy is the way we acclimatise ourselves to the evils done in out-of-the-way places on our behalf. The British army is now occupying Ulster and waging the Orangeman's war against the IRA. Like the Kennedy/Johnson Administration our government has announced that the enemy must first be beaten; when that has been achieved they will consider a political settlement. But in order to smash the IRA we should have to cut off the supply of arms. We do not have the troops to close the border with the Irish Republic any more than the Americans had to seal off South Vietnam. As for gunrunning, the first planeload of communist arms was discovered in Amsterdam this week. But before we succumb to an orgy of self-congratulation we should remember that, both in Palestine and the Canal Zone where the Czechs supplied the arms to Jewish and Egyptian terrorists, our counter-measures failed. There is no reason to think that they would be more successful in the northern province of an island which most Irishmen deeply feel belongs to them.

That is why the government's policy of beating the IRA and then making a peace settlement is completely impractical. The very existence of Stormont precludes a discussion of the Irish problem in anything but Ulster loyalist terms. On that basis, since the IRA has the active support of the Communist world and the passive support of the Erie government and people, there is no reason why the fighting should ever stop.

The Labour Party cannot shrug off its responsibilities by being marginally more squeamish than the government as each stage of the crisis develops. Nor is it any use piously asking for all-Ireland conferences which everyone knows will never be convened. The situation cries out for an alternative strategy. The British people want to get out of this mess. There is now no tidy and painless way backwards, but there is a bold alternative available if the Labour Party has the courage and sagacity to proclaim it.

The NEW STATESMAN has urged before that we should take a firm decision to withdraw the army within a year. Present policies give no hope of a political settlement and a radical change of policy is at least worth a try. Stormont must go to make way for one year of rule from Westminster, whose purpose would be to force the hostile factions into compromise under threat of army withdrawal.

Such a suggestion sounds draconian and immediately it is made hands are thrown up in horror. It is not democratic, it would cause ill-feeling and worst of all it would lead to blood-letting. So say the critics. But what they do not face is the hopelessness of the present situation and the worse horrors soon to come.

As we know from long experience overseas, the British army is not immune to the pressures of a situation that would corrupt, demoralise and brutalise any army in the world. Fighting in Ulster is the usual dirty business—which our troops have grown to detest—when they have to police two hostile communities. On other occasions they have had hopes of a speedy release from the ordeal. If the army is told that it must garrison Ulster for a prolonged period then it will start to hit back at the terrorists by copying some of their methods. Fighting fire with fire will become the justification for tactics beyond any humane defence. Surely it was the signs that such a thing was beginning to happen and a resolution that it should go no further that brought us out of India and Palestine, Cyprus and Aden.

It is hypocritical to pretend that the army can be left in Ulster without a gradual depletion of its morale and degeneration in its methods. At the very least a change in policy would spare us the shame and grief of Americans as they discover more and more about how the Vietnam war was fought. But a new policy offers more than that. Irishmen would be given a choice. Come what may at the end of one year the British army would withdraw. During that year the Irish could co-operate in establishing a settlement if they chose. They would clearly understand the consequences of not doing so. Failing a settlement, when the army left there would be civil war. It would be a Palestine situation. We believe the great majority do not want that. The Labour Party should advocate a daring course that gives Irishmen, freed from the need to posture, a chance to opt for moderation.

[From the New Statesman, Sept. 3, 1971]

INTO THE ULSTER QUAGMIRE

(By Paul Johnson)

Mr. Heath is digging in a pit for himself in Northern Ireland. It is not clear how deeply or seriously the government has considered the various long-term policies which are open to it in handling the Ulster problem. All the evidence seems to suggest that it is living from hand to mouth, reacting to each successive crisis with more of the same treatment, and hoping that something will turn up. This, indeed, is the characteristic posture which British governments have adopted to Ireland. Officially, the policy is for the security forces to maintain law and order until the "reforms" of the Stormont regime have time to reconcile the minority to its continued existence. But does any member of the cabinet honestly believe that either aspect of the policy is working, or is likely to do so in the future? The truth is, the policy cannot possibly succeed, and sooner or later even a supremely obstinate man like Edward Heath will be brought to admit the fact. The question is how soon, how late?

Huge and hideous, the terrible examples of Algeria and Vietnam are before us to demonstrate the cost—not just in lives—of the failure of sophisticated modern governments to recognise that democracies cannot contain nationalism by force, and that if they try to do so they damage only themselves. Too late, the United States and France learned the bitter lesson. The Algerian conflict destroyed the Fourth Republic, and left a fearful legacy; even today, there are more armed police and security troops in the city of Paris than in the whole of Ulster. Vietnam shattered many American illusions, not least confidence in their native standards of public honour and decency; it educated an entire generation in violence and cynicism; it ended a quarter-century of sustained economic growth, undermined the world's strongest currency, and is now bringing about an "agonising reappraisal" of America's international role.

British statesmen watched these tragedies unfold with pity and condescension. Thanks to British wisdom and experience, such errors had been avoided while Britain divested herself of a world empire which made the burdens carried by France and America seem puny by comparison. If only they had taken Britain's advice! How ironic, then, if Britain should now find herself dragged into a similar blind drama on her own doorstep. Ironic, yet curiously appropriate, for Ireland has always been the sinister joker in the British pack. There, over the long centuries, all those qualities with which the British credit themselves—humanity, hatred of violence, moderation, flexibility, pragmatism, the ability to devise empirical solutions to logically insoluble problems—have been conspicuously absent. Ireland has been the one great historic failure of British statesmanship. Our first colony; now our last. It should come as no surprise if Ireland proves the deadly sting in the tail of British decolonisation.

Let us look at the omens of disaster in turn, beginning with the minority. The government's policy hinges on its reconciliation. But the Stormont regime has existed

for over half a century, time for two entirely new generations to grow up and form their own opinions, and in that long period Stormont has never been able to acquire the loyalty of more than a handful of Catholics, let alone make serious inroads, into the solid republicanism of two-fifths of its subjects. 'Reforms' are now being introduced: the Stormont White Paper boasts of them. But if these changes are desirable—indeed, it is admitted, essential—why were they resisted for 50 years? And why should it be thought that the men who resisted them so long, and so bitterly, can apply them with success? It is not as though there has been any change of heart. Stormont still stands for 'a Protestant Parliament for a Protestant people'. The reforms were introduced in response to violence, and under the urgent pressure of a British Labour government. They cannot, and they are not intended to, admit the minority to any substantial role in the government of Ulster. They are the whitewash on the spulchre; and everyone in Ulster knows this.

Moreover, the attitude of the minority has changed decisively in the last two years. They were never reconciled to Stormont; but they had become resigned to it as at least a temporary solution. In the 1950s and early 1960s there were very few people, on either side of the Border, who believed it could be removed by violence. The IRA were occasionally active. But they were forced to operate from primitive hideouts in the Republic; they could not move about freely among the Ulster minority, or expect refuge, assistance or even silence from most of its members. In many parts of Belfast it was widely believed that the ghetto structure of the city was crumbling; that Catholics were moving into 'Protestant' streets and vice versa; and that on the new housing estates a completely new pattern was emerging. Some of this was doubtless wishful thinking, and it certainly didn't apply to Londonderry. Nevertheless, there was general agreement that the situation was growing no worse, and might even be improving. High-minded hopes were expressed for the future.

Today, the situation can only be compared to Palestine in the last days of the Mandate. The two populations have moved apart—physically, and still more emotionally. The minority no longer believes that even a *modus vivendi* is possible under Stormont. It is this which makes the reforms irrelevant, for no tinkering with the details, under the existing constitution, can produce anything but a solidly-Protestant governing majority in Parliament. More seriously, the minority as a whole has now renounced parliamentary politics and opted for direct action, ranging from civil disobedience and demonstrations to bullets and gelignite. Force has set the Ulster problem in motion again—as, indeed, the threat of force by the Unionists created it—and it will not now be renounced until the problem is resolved. The IRA has ceased to be a handful of cranks, mostly from the South, and has become the activist wing of a broad nationalist movement which embraces the entire Catholic population. It is no longer possible to treat them as civil criminals; they are guerrillas, operating from the base of active popular sympathy.

To make matters still worse, both the British army and the British government have now forfeited their claims to neutrality. They were never very substantial; but the recklessness with which Messrs. Heath and Maudling threw away these important cards makes one despair. Since the emergency began Stormont has been trying to persuade Whitehall that internment is the solution to the security problem. It is not; it is an anachronism, appropriate to the days when the IRA were an isolated minority of eccentrics, whose identities were notorious. The army did not initially like the idea. But it seems to have made the mistake of failing to develop its own intelligence service, rigorously separate from the machinery of the Royal Ulster Constabulary, and thus inherited not only ancient files, lists, and informers, but ancient attitudes. When, therefore, Heath surrendered to Faulkner over internment, as the price of cancellation of the Protestant marches, the machinery of repression was used, and was seen to be used, exclusively against Catholics.

The violence that followed, which caught the government completely by surprise, accelerated the process whereby the IRA is becoming integrated with the Catholic population as a whole. Overnight, the army became identified with Stormont, and the IRA with liberation. Moreover, the army not only lost its political virginity; it lost its professional prestige. Its extravagant claims on the success of the internment operation were immediately refuted. The way the operation was carried out produced the maximum political damage, and the minimum military advantage. So the official version had to be changed; from "rounding up the gunmen" it became, within hours, "bringing the gunmen into the open". The IRA, having emerged for a few days to display its power, and confirm its ascendancy over the Catholic population, has now reverted to the less costly and more effective weapon of gelignite. The army, to the Catholics, has become the enemy; an enemy, moreover, that can be made ridiculous. There it stands, in Ulster, a blind colossus; though not, alas, a dumb one.

To complete the catalogue of folly, Mr. Heath has now lost his temper with poor, reasonable Jack Lynch, the best Dublin premier any British government could possibly hope to have. By telling Lynch that what goes on in Ulster is none of Ireland's business—as though those thousands of refugees streaming across the frontier were figments of the Celtic imagination—Heath identified himself squarely with the official Stormont political theory. One might have supposed that Mr. Faulkner himself dictated the wording of the telegram, were it not clear, from internal evidence, that it is Heath's unaided work—the language he is accustomed to use towards chairmen of public corporations and other lesser breeds. Heath has already taught the Ulster minority that they have no political redress, and that their only recourse is violence. Now he invites the Republic of Ireland to draw the same conclusion.

Thus, it seems to me, the problem is bound to be internationalised. Hitherto Dublin governments have played Britain's game. They have given no assistance, and precious little sympathy, to the Ulster minority. They have made it extremely difficult for the IRA to operate from the Republic. They have prosecuted arms smugglers. Diplomatically, they have exercised every possible restraint, even in the UK; and they have made no move to enlist the support of Britain's enemies, though in the past this has always been the response of Irish nationalism. They have, in fact, stood idly by. But if the horrors of Ulster continue, no Irish government, it seems to me, can avoid becoming directly involved. What happens then? This week's border incident has already brought demands from Stormont for a virtual closure of the frontier. What will they ask Britain to do next? Build an Iron Curtain? Put up a Berlin Wall? How far is Heath prepared to go to maintain the *colons* of Ulster?

Already the bipartisanship at Westminster is foundering. It cannot be long before the Shadow Cabinet begins to oppose Heath's Irish policy not on detail and tactics—that has already happened—but on substance and strategy. There are signs of deep division among the British people, as they watch Ulster through the unblinking eye of television. Many fear, rightly, that as with Vietnam and Algeria, the strains of Ulster will soon be felt in the homeland, not indeed for the first time. "In the end," wrote Sir William Knollys to Mr. Secretary Cecil in 1599, "that state (Ireland) must perish of a consumption, and it cannot but so infect England as it may grow into the like danger." Ireland undermined the regime of Richard II, it darkened the last years of the great Queen Elizabeth, it broke Charles I's personal dictatorship, it forced William Pitt out of office, split Gladstone's party in two, brought Britain in 1914 to the verge of military insurrection, and destroyed the triumphant coalition of Lloyd George. The Irish problem is the graveyard of British generals and statesmen. There are plenty of ancient spectres beckoning Heath on, as he wades into the quagmire. Can his talks with Lynch at last change history?

For British must, and in time certainly will, disengage from Ireland. It is interesting to note that even those who still argue that Ulster is British, and support our military presence, do so increasingly on the sole grounds that to withdraw the troops would precipitate a blood bath, in which the Protestant extremists would hurl themselves on the defenceless Catholic minority. If this is indeed likely, it is an unanswerable reason for disarming the Protestants now, something no British government has ever dared to attempt. But in my view to accept the blood-bath theory is simply to capitulate to Unionist blub, a bluff successfully maintained for nearly a century, which created the anomaly of a separate Ulster in the first place.

It is now time that the bluff was called. In any case, the responsibility for the protection of Irishmen of all creeds should be placed where it morally belongs—on the Irish government. A period of direct administration from Westminster could be used to make transfer of responsibility smooth and uneventful; and even afterwards Britain should be prepared to offer any assistance the Irish government may reasonably require. But direct rule is a *terminus a quo*; the *terminus ad quem* is, and must be seen to be, all-Ireland rule from Dublin. Only when this objective s accepted as an inescapable political fact will violence cease to pay dividends. The whole of Ireland can then move into the secular age.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. STEVENSON. Mr. President, I was necessarily absent from the Senate for several rollcalls on Tuesday, November 16. However, had I been present I would have voted "yea" on Senator HUMPHREY'S amendment No. 563—to increase the low-income allowance to $1,300 retroactive to January 1, 1971—and "yea" on Senator FULBRIGHT'S amendment No. 672, and I would have voted "no" on Senator RIBICOFF'S amendment to allow a 10-percent investment tax credit for industries located in urban areas of high unemployment and "no" on Senator PEARSON'S amendment to allow a 10-percent investment tax credit for industries located in rural areas.

SENATOR LEN JORDAN: A REMARKABLE MAN

Mr. HANSEN. Mr. President, 8 years of running a sheep outfit in Hells Canyon, Idaho, with only a few distant neighbors would frighten most of us. The ranch in America's deepest gorge, forbiddingly rugged, could be reached only on foot or by horse and pack animal, or by a 12-hour boat ride up the Snake River from Lewiston, Idaho.

The long isolation, the realization that most emergencies had to be met head on by one's own family—often with no other help—would repel nearly all of us.

But for LEN and Grace Jordan, it was both a challenge and an opportunity. This young couple, both graduates of the University of Oregon, might not have been expected to be so adept with their hands. Their rough ranch home, which LEN and Grace rehabilitated, finally had plumbing—but not the Crane variety. The bathtub was handcrafted of concrete by LEN himself. The story of their adventures is told by Grace Jordan in her interesting book entitled "Below Hells Canyon."

Their full commitment to the successful running of this remote and isolated ranch in wild country required that Grace assume the responsibility of teaching their three children until they reached the high school level, when the Jordan family moved to a nearby city.

Mrs. Jordan is an author in her own right, with several books published under her byline. She and LEN are recognized by all who know them well as friendly and intelligent, and gifted with a down-to-earth philosophy which gives them the ability to walk with kings but never to lose the common touch. He has a remarkable insight into matters of far-reaching importance. His grasp of high moral principles is astounding.

Senator LEN JORDAN, a Phi Beta Kappa graduate in economics, displayed his interest in books and history in a recent talk before the Senate prayer breakfast.

Mr. President, I ask unanimous consent that Senator JORDAN's prayer breakfast speech be printed in the RECORD.

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

SENATE PRAYER BREAKFAST, NOVEMBER 1971

Recently I was browsing through our book shelves looking for a suitable topic for prayer breakfast discussion when my eye fell upon a book written by the famous historian, Arnold J. Toynbee, entitled "Civilization on Trial." It was published in 1948.

Although each of the thirteen chapters is concerned with a different problem, the book nevertheless has a unity of outlook, aim and idea. The unity of outlook lies in the standpoint of a historian who sees the universe, and all that is in it, in irreversible movement through time and space.

The common aim is to gain some insight into the meaning of this mysterious spectacle. The governing idea is the familiar one that the universe becomes intelligible to the extent of our ability to apprehend it as a whole. The culminating effect is one of understanding of our civilization in its relation to history and the road we are to take if we are to save ourselves and our civilization from disaster.

In describing his concept of space and time Toynbee uses the broadest of definitions. Said he: civilizations, like nations, are plural, not singular. There are different civilizations which meet and out of their encounters, societies of another species, the higher religions, are born into the world. That is not, however, the end of the historians' quest, for no higher religion is intelligible in terms of this world only. The mundane history of the higher religions is one aspect of the life of a Kingdom of Heaven, of which this world is one province.

As to time, he suggests that the span of years since history has been recorded may seem like a long time. Our scientists tell us, however, that the human race has been in existence on this planet for at least 600,000 years, life on this planet for at least 500,000,000 years and the planet itself for possibly 2,000 million years.

In this perspective the last five or six thousand years that have seen the rise and fall of civilizations are periods of such infinitesimal brevity that it would be impossible to show them drawn to scale, on any chart of whole history of this planet up to date. On this true time scale, the events of ancient history are virtually contemporary with our own lifetime.

Toynbee suggests that as a training ground, the history of the Graeco-Roman world has merit because it is visible to us in perspective and can be seen by us as a whole, because it is over—in contrast to our own Western world which is still an unfinished play of which we do not know the eventual ending.

Moreover, the surviving materials for a study of Graeco-Roman history are not only manageable in quantity but select in quality. We can see in the perspective given by lapse of time that the works of artists and men of letters outlive the deeds of businessmen, soldiers and politicians and the teachings of the prophets and saints like Christ and Buddha outlast them all.

In the teaching of the Prophets the unfolding of history is neither a cyclic nor a mechanical process. It is the masterful and progressive execution, on the narrow stage of this world, of a divine plan which is revealed to us in this fragmentary glimpse, but which transcends our human powers of vision and understanding in every dimension.

Toynbee addresses himself to the question "Does history repeat itself" with some very interesting analyses and conclusions. He states: A survey of historical landscape in the light of our existing knowledge shows that, up to date, history has repeated itself about twenty times in producing human societies of the species to which our Western society belongs, and it shows that, with the possible exception of our own, all these representatives of the species of society called civilizations are already dead or moribund. Moreover, when we study the histories of these dead or moribund civilizations in detail, and compare them with one another, we find indications of what looks like a recurring pattern in the process of their breakdowns, declines and falls.

Toynbee continues—We are naturally asking ourselves today whether this particular chapter of history is bound to repeat itself in our case. Is that pattern of decline and fall in store for us in our turn, as a doom from which no civilization can hope to escape?

In the writer's opinion, the answer to this question is emphatically in the negative.

The effort to create a new manifestation of life—be it a new species of mollusc or a new species of human society—seldom or ever succeeds at the first attempt. Creation is not so easy an enterprise as that. It wins its ultimate success through the process of trial and error.

There is nothing to prevent our Western civilization from following historical precedent, if it chooses, by committing social suicide. But we are not doomed to make history repeat itself. It is open to us, through our own efforts, to give history, in our case, some new and unprecedented turn. As human beings, we are endowed with this freedom of choice, and we cannot shuffle off our responsibility upon the shoulders of God or nature. We must shoulder it ourselves. It is up to us.

Thus the lessons of history would not be like an astrologer's horoscope. They would be like a navigator's chart which affords the seafarer who has the intelligence to use it, a much greater hope of avoiding shipwreck as when he was sailing blind, because it gives him the means, if he has the courage and skill to use them, of steering a course between charted rocks and reefs. The writer is not a determinist in the riddle of human life. He believes that where there is life there is hope and that, with God's help, man is master of his own destiny, at least to some extent and in some respects.

Writing in 1947, shortly after the end of World War II, Toynbee asks the question, What shall we do to be saved?

He suggests a three pronged attack:

1. In politics, etsablish a constitutional cooperative system of world government.

2. In economics, find working compromises (varying according to the practical requirements of different places and times) between free enterprise and socialism.

3. In the life of the spirit, put the secular superstructure back onto religious foundations.

Of these three goals, said Toynbee, the religious one is, of course, in the long run, by far the most important, but the other two are the more urgent, because if we fail in these in the short run, we might lose forever our opportunity of achieving a spiritual rebirth, which cannot just be whistled at for our convenience, but will only come, if it comes at all, at the unhurrying pace at which the deepest tides of spiritual creation flow.

The political task is the most urgent of all. The immediate problem here is a negative one. Faced as we are with the prospect that—given our present interdependence and present weapons—the world is now on the eve of being unified politically by one means or another, we have to stave off the disastrous denouement of unification by force of arms.

Can the United States and the other Western countries manage to cooperate with the Soviet Union through the United Nations? If the United Nations (please remember that I am quoting Toynbee in 1947) could grow into an effective system of world government, that would be much the best solution to our political crux. But we have to reckon with the possibility of the enterprise's failing, and to be ready, should it fail, with an alternative to fall back upon.

Could the United Nations split, de facto, into two groups without a breach of peace?

And supposing that the whole face of the planet could be partitioned peacefully into an American and a Russian sphere, could two worlds on one planet live side-by-side on a footing of non violent-non cooperation for long enough to give a chance for a gradual mitigation of the present differences in their social and ideological climates?

The answer to this question would depend on whether, on these terms, we could buy the time needed to carry out our economic task of finding a middle way between free enterprise and socialism.

These riddles may be hard to read, but they do tell us plainly what we most need to know. They tell us that our future largely depends on ourselves. We are not at the mercy of an inexorable fate.

So there you have it. That is the way one historian sized up the situation in 1947.

Now, with a generation of hindsight to our advantage, what validity do you find in his reasoning and what merit do you find in his conclusions?

THE PRESIDENT HELPS TEXTILES

Mr. ALLEN. Mr. President, the Honorable J. Craig Smith is chairman of the board of Avondale Mills, in Alabama, and an esteemd personal friend. He is one of Alabama's most respected business and civic leaders and a highly competent, farsighted, and articulate spokesman for the textile industry in Alabama and the Nation.

In a guest editorial published in the Sylacauga News on November 11, 1971, Mr. Smith rendered a much needed pub-

lic service in providing perspective on the continuing problem of textile imports from low-wage countries.

Mr. President, I am confident that Senators and the public in general will find the editorial both interesting and informative. I ask unanimous consent that the editorial entitled "President Helps Textiles" be printed in the RECORD.

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

PRESIDENT HELPS TEXTILES

(By J. Craig Smith)

President Nixon has concluded agreements with the governments of Japan, South Korea, Taiwan, and Hong Kong limiting the growth of those countries' exports of mand-made fibers and wool textiles and apparel to the United States. An arrangement, covering all countries, has been in effect for about eight years limiting the import of all cotton textile items.

President Nixon said while he was a candidate, and several times since his election, that some reasonable restraint had to be put on textile imports. One out of every eight industrial jobs in the United States is provided by the textile and garment industries. President Nixon knew that these jobs could not be sacrificed without tremendous hardship to the individuals concerned and to the economy as a whole. In this position, he had the full support of the senators and congressmen from the textile states. Vigorously and bitterly opposing the President's efforts were the New York Times, the Washington Post, Life and Time magazines, several of the large New York banks, and many other powerful influences. It took considerable political courage for President Nixon to carry out his commitment to limit these imports.

The textile industry would have preferred that the limitation result from Congressional action. All hope for this action was lost when Congressman Wilbur Mills, chairman of the Ways and Means Committee, made a private deal with the Japanese textile industry and announced that no legislation limiting imports would be reported out of his committee. After this announcement by Mr. Mills, our only hope was Presidential action.

Approximately 80 per cent of textile imports are coming from the four low-wage countries with which President Nixon has now concluded negotiations. These countries finally agreed to limit their imports for one reason, and one reason only: President Nixon finally convinced them that if they did not agree to some reasonable limitation, they would get something much less to their liking. The surtax on imports which the President put into effect was undoubtedly useful in getting agreement.

All the palaver in the liberal press that the textile agreements will cause vast unemployment in the four Asian countries is without any basis of fact whatsoever. The agreements do not provide for any cutback in the high level of imports now coming in. The agreements also provide for a reasonable growth rate. These Asian imports were rising at such a terrific rate that had they not been restrained, many other American mills would have gone the route of our Birmingham mill, Handley Manufacturing Company, Beaunit, and 50 other recent closures in the Southeast alone.

We are grateful to President Nixon for doing something about this problem. We are grateful to Senators Sparkman and Allen and to Congressmen Andrews, Bevill, Buchanan, Dickinson, Edwards, Flowers, Jones, and Nichols, as well as to the other Senators and Congressmen from the textile areas, who have so valiantly supported our position. This support we must continue to have. When these agreements expire, it is absolutely essential that they be renewed. We would prefer that they be renewed by legislative action, but if this cannot be had then we must have an administration in Washington that will act as President Nixon has acted.

NATIONAL GROWTH POLICY—ITS TIME HAS COME

Mr. HUMPHREY. Mr. President, the December issue of Yankee magazine contains a splendid and eloquent article entitled "To Make the Morning Last" by my good and dear friend and colleague, the Senator from New Hampshire (Mr. MCINTYRE). He addresses himself in the article to the revaluation of life styles that many Americans today are conducting for themselves. He also reminds us again of what is happening in both rural and urban America due to the lack of any national policies dealing with the growth and development of our Nation. He specifically cites the need for "a national growth policy aimed at dispersing people and opportunity," which he goes on to say, should be "a policy based on the obvious premise that we will never cure the problems of the cities, never hold them or reduce them to workable dimensions, until we first cure an ailing countryside."

Mr. President, as most Senators know, I have often addressed myself to the need for a balanced national growth policy. The need for getting on with that important task is now. I am at present preparing legislation which will address itself forthrightly to meeting that need. I hope to have that legislation ready for introduction before Congress adjourns this year, and I hope every Member of the Senate will give it his utmost attention and consideration at that time.

Mr. President, I commend the article to the attention of Senators and urge them to take the time to read it. I can assure them that it will be time well spent. 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:

TO MAKE THE MORNING LAST

(By U.S. Senator THOMAS J. MCINTYRE)

Most of the change we think we see in life,
Is due to truths being in and out of favor.
—ROBERT FROST

There was a time when the bittersweet pleasures of nostalgia were the exclusive domain of those approaching the September of their years.

No more.

Today—suddenly—all America is turning on by turning back.

Look at the signs: two- and three-generations-old fashions in every store window. The popular resurgence of the humble bicycle. The rediscovered pleasures of ice cream. The return to organic farming. Trivia. Monopoly. Ruby Keeler tap dancing her way out of the past and into a Broadway smash hit. Divided college campuses uniting long enough to pay tumultuous welcome to Buffalo Bob and Howdy Doody.

And when a Yale instructor penned a modest little love story with old-fashioned sentiment, cynical critics were stunned when the book soared to the top of the best seller list.

But these are only superficial evidences of America's yearning for a yesterday that was greener and quieter, warmer and more serene. There are more substantive signs.

The ecology movement, in a very real sense, is an attempt to turn the clock back to a time when our rivers ran clean, our air was pure, our landscapes unmarred and uncluttered, and nature was in balance.

The yearning for peace goes beyond the desire to end the conflict in Vietnam. It embraces a wish to be done with *all wars*, to shrink global commitments to more realistic dimensions, to turn our attention inward for a while and concentrate on solving those problems that are ours and ours alone.

And then there is the craving—no milder word will do—to recapture personal identity . . . to rescue the "who" and the "what" we are from the faceless world of cards and numbers and punch-holes . . . to wrest control of our individual destinies from those remote and impersonal forces that now so inexorably direct our fate.

I see in the nostalgia phenomenon not a "copping out," not a retreat from reality and responsibility, but rather a keen awareness on the part of millions that something has gone wrong with us, that somehow we have lost our way, that to find it again we must retrace our steps from where we are to where we came from.

I see it as a widespread hunger to reidentify and clutch fast those standards and values and traditions—yes, and those personal relationships and manners of life—that carried us through crisis after crisis, and now, when we need them so again, seem blurred and emphemeral and elusive.

How else can we explain the depth of the nostalgia gripping the country?

It is easy enough to understand how those of my generation, or those in the autumn of their lives, can yearn for quieter, simpler times. Many of us have known them.

But, the younger generation—born into a time of traumatic transcience, living all their years under the shadow of the big bomb—hasn't. Yet this generation, too, seems, clearly bent on flipping back the calendar from Now to Then.

Why?

I strongly suspect that the answer lies in the instinct for survival, the subconscious drive to survive as a person, to survive as a society.

Today's Americans—of every generation, of every level of society in virtually every community, but perhaps the vulnerable young most of all—have been struck, directly or peripherally, by the "disease of change" that Alvin Toffler examines in his best-selling *Future Shock*.

Toffler makes a convincing case that the accelerating pace of change in our lives threatens a massive adaptational breakdown, contending that life today moves so fast that few of us can establish and maintain those ties of permanance—family, friends, places, yes, and even things—which anchor us to reality and stability.

He cites the geometrical progresssion of stimuli, of demands for learning and attention and decisionmaking (the sum total of human knowledge quadruples with every college graduating class) coupled with the frenzied pace and transcience of everyday living (20 per cent of us change address each year) as a tremendously significant factor in the conflict between generations and cultures, between children and parents, contributing as it does to widespread anxiety, confusional breakdown, irritibility, violence, apathy, the proliferation of the drug culture, alienation, polarization, mysticism and the politics of nihilism.

I cannot help but feel that the instinctual nostalgia we are now seeing in the young clearly bespeaks their realization that we older Americans once had something they never had—roots and ties, time to contemplate before having to cope, far less preoccupation with material luxuries and far more intimate involvement with all things living.

Witnesses, please, their poignant attempts to find this in their own milieu: the "Flower Child" phenomenon; the abortive attempts at subsistence farming; the establishment and the quick demise of commune after commune; the frantic clutching for warmth

and comfort and support from their own peers; the wistful lyrics of many of their songs—"Slow down, you move too fast; got to make the morning last."

All right. How *can* we make the "morning last" long enough for them—and all of us—to savor it to the full, to catch our collective breath, to get our bearings before we move on?

Toffler, and others, have prescribed strategies ranging all the way from the simplistic (refusing to throw away a comfortable and comforting old jacket, for instance) to the highly sophisticated—creating an educational system geared to preparing children for a radically changed tomorrow and "taming" techinology by submitting each new advance to a test of its impact not only on the physical environment but also on "the social, cultural and psychological milieu."

But none of these stratagems comes to grips with what may well be the single biggest element in bringing on future shock and the "disease of change."

I speak of the unplanned, heedless, headlong stampede toward urbanization that has been going on for more than half a century, a stampede that has tumbled city after city into the chasm of social and financial chaos and left in its wake an empty countryside. Bear in mind that at the turn of the century only 15 per cent of all Americans lived in urban centers. Today—incredibly—more than 70 per cent of us are jammed into metropolitan areas that take up less than two per cent of the total land mass of this vast and wealthy nation.

In the past 25 years, 20 million people left the countryside for the cities. In the 1950s more than a million a year deserted the farms and small towns. In the 1960s the rate of exodus dropped to 600,000, not as a result of a slowdown per se but simply because the source, the rural population, had shrunk so much in the interim.

And there is no perceptible evidence to dispute the urbanologists' contention that in the next 30 years 75 million more of us will be crushed into cities where 140 million of us already live—or struggle to live in unprecedented congestion, pollution, crime and social disorder.

Talk about future shock!

Some of those year 2000 city dwellers will be born there, of course. But many others will be migrants from rural America.

Who are they, these people who leave the country for the city?

Well, on the one hand they are the brightest minds, the biggest talents, the potential community leaders. And on the other, they are the ill-educated, the untrained, the destitute and the discriminated-against.

Rural America can't afford to lose the gifted. Urban America simply cannot cope with any more of the unfortunates.

There was a time when our great cities were citadels of defense, crossroads of trade and commerce, glittering centers of learning and culture and entertainment, seedbeds for social reform, and great melting pots which brewed different cultures, races and creeds into a single people with a single sense of community.

No more.

Now far too many of our great urban centers have become physically obsolete, unmanageable, ungovernable, financially unworkable, garbage-strewn, polluted, and giant cesspools of crime, drug addiction, corruption and despair.

Worse still, the melting pot has ceased to function. Indeed metropolitan America now has become the very wellspring of social conflict and polarization. Perhaps never before has so much human isolation existed in such unbelievable congestion.

Describing life in today's cities, former Secretary of Agriculture Orville Freeman was moved to say: "It is a stratified, isolated existence in which human beings have lost rapport with other human beings of differing status, differing color, differing politics. We have lost the mix, the melting pot atmosphere, that was basic to making this nation great."

Is the plight of our cities hopeless? The answer is a qualified "no." In my judgment they can only be saved by reversing the thrust of our efforts in their behalf. In short, we have to begin treating causes instead of symptoms.

In the past, we have poured billions of dollars into city aid, only to see the problems outrace the solutions. It is not difficult to understand why we followed this approach. The ever increasing concentration of people in the cities has led to the dominence of Congress and State Legislatures by urban-oriented legislators. Urban crises monopolized their attention, and the crises were so acute they cried out for immediate action, however temporary, however superficial.

What we need now, as I see it, is a National Growth Policy aimed at dispersing people and opportunity, a policy based on the obvious premise that we will never cure the problems of the cities, never hold them or reduce them to workable dimensions, until we first cure an ailing countryside.

Less than a third of all our people now live in this ailing countryside, but half of our total poverty exists there.

In many rural areas welfare assistance programs are minimal, jobs scarce and wages abysmal. Schools lag in curricula, budgets and teacher salaries, and there are few opportunities for training, upgrading or diversifying job skills.

The health care gap yawns as widely as the job gap, the income gap and the education gap. The doctor-to-patient ratio in rural areas is as low as 43 per 100,000, contrasted with 171 doctors per 100,000 patients in metropolitan districts.

Coupled with all this is a utilities gap that continues to discourage industrial growth. Nearly 35,000 rural communities are still without modern central water systems. Another 40,000 lack adequate waste disposal systems.

As long as so much of rural America remains barren, hopeless and unpromising, the exodus of people will continue. And as long as the exodus proceeds without deterrent, the problems of the cities will continue to multiply and intensify.

I am not suggesting for a moment that America adopt an arbitrary policy of population control and distribution. Government-directed social engineering offends my independent Yankee spirit.

But I am suggesting that government lead the way to a redistribution of people and jobs, services and facilities, lead it by inspiration, by example, by supportive legislation, by providing or underwriting seed money for private and public rural development investment, developing additional financial incentives for industry to expand or relocate in less congested areas, and by working hand-in-glove with private citizens and groups of citizens in planning the kind of wise growth that circumvents the problems plaguing urban America.

Space will not permit a detailed examination of each of these strategies, but I'm happy to report that legislation—much of it encouraged and supported by the White House itself—has been or soon will be introduced to facilitate their development.

The Consolidated Farm and Rural Development Act introduced this year by Senators Hubert H. Humphrey and Herman E. Talmadge, for instance, and amendments and corollary legislation introduced by Republican Senator James Pearson of Kansas, may well comprise the most ambitious, comprehensive, far-reaching rural development program ever offered to America.

It is none too soon.

The war which has tortured and distracted us for seven long years is winding down. The time has come for America to look ahead, to decide, at long last, where we are going . . . and the best way to get there.

If we want an America where most of us are jammed into a few huge strip cities along both coasts, the Gulf of Mexico and the Great Lakes, while a handful of us rattle around empty little ghost towns, we do nothing.

But if we want an America where people can breathe again, and see the stars again, and "make the morning last" again, then we move boldly and decisively to change the pattern of national growth.

If we mobilize our resources, if we bring to this effort the same dedication, energy and ingenuity we brought to the challenge, say, of putting a man on the moon, we can create a new America—an America where our big cities have a chance to catch their breath, stabilize their populations, regain their health and vigor; an America where the countryside is dotted with new towns, rejuvenated older communities, small urban clusters, judiciously located factories, new payrolls, enhanced public facilities and services, colleges and technical schools . . . all of this making it possible, for the first time in generations, for Americans to live—and earn a living—where they *want* to live and earn a living. And poll after poll, year after year the story has been the same. Most Americans do *not* want to live in urban centers.

I opened this consideration of patterns for tomorrow by talking about nostalgia. I'd like to close it on the same note.

For nearly ten years now, Mrs. McIntyre and I have lived in the Nation's Capital. The electrifying excitement of the city, its aura of history enshrined and still being made, its oases of landscaped splendor . . . all this coupled with the personal challenges and satisfactions of my job have made those years memorable and rewarding.

I have no regrets over having chosen this course of career. In truth, I owe a great debt to the people of New Hampshire for having given this small town boy the opportunity for such a grand experience.

But . . . by birth and by choice I am a small town boy. No matter how long I live there, Washington, D.C., will never be "home." For "home" to Tom McIntyre is something vastly different.

It is Laconia, New Hampshire, and first names and warm faces. It is green leaves and blue water—Winnisquam, Winnipesaukee, and a sprawling frame house on the shore of Lake Opechee.

It is memories. The old court house. The venerable architecture of the mills. The Main Street buildings my father built from the turn of the century through the Twenties. His grocery stores and the dear recollection of his tall figure hustling about, waiting on customers, wearing the marketman's frock coat and—always—a straw hat. And it is other memories, some remote . . . some not so distant. Casino Square and my first penny candy. Winter nights and a bobsled (we called such sleds a "traverse") on the Morrill Street Hill. The neighborhood gang on Dewey Street. And all the other green and happy places of childhood.

In a larger sense, "home" is *all* of New Hampshire . . . from the mills of Manchester to Franconia Notch and "The Old Man of the Mountains" . . . from the forests of the North Country to the sandy beaches of Rye and Hampton.

And it is all the features of a changing theatre of seasons. Spring and a awakening meadows. The lush seductiveness of summer. The diamond clarity of a sunny winter's day. And richest of all, the autumn of the year, a feast of the senses that moved Gladys Taber to say: "If anyone asked me what happiness is, I should say it is a September day in New England."

And home is people. People I have known all my life. And all the bits and pieces of memory that go with each of them.

Home is my roots, my anchor to what is real and meaningful.

Home is the definition of What I am and Who I am.

One hundred-fifteen years ago, Walt Whitman wrote these lines:

There was a child went forth every day . . .
And the first object he look'd upon, that object he became
And that object became part of him for the day
or a certain part of the day,
Or for many years or stretching cycles of years.

Reflect for a moment on a bygone America where children once opened their eyes to the sight of loving parents who were secure in their own identity and sure of their own destiny, or first looked upon the loveliness of a unfolding rose, or a ripening field, a crystal brook or a placid lake, a stand of birch or a lofty mountain.

And then consider, if you will, the first objects looked upon by the children of a society which has let its roots wither, a society which has collided with its own environment: the ghetto child who opens his eyes to a despairing mother, or a broken window, or a dirty air shaft, or a trash-piled alley . . . or a hungry rat. The child of sterile suburbs who day after day looks out upon the stultifying sameness of a ticky-tacky world. The offspring of today's new band of nomads, the transient businessmen, professionals and technicians, children who rarely look upon a familiar landscape for more than months at a time, who make not friends but fleeting acquaintances, who have learned to know and cherish no more family than the immediate.

What roots do they have? What ties? What anchors to reality and identity and security? What defense do they have against the onslaughts of future shock and the disease of change?

We Americans have not changed. Deep inside, we have always known how important it was to have roots and ties and anchors. Our newly rediscovered appreciation of them is really nothing more than, as Robert Frost put it, an old truth moving back into favor.

But recognizing and appreciating and waxing nostalgic, all this is not enough.

If we truly want to bring back the opportunity to plant roots, to establish firm ties, to drop restful anchor, then we must bend every effort to re-create an America where all this is possible again.

This will not be easy.

And it will cost . . . cost a great deal in time, in ingenuity, in determination, yes, and in money.

But nothing worthwhile comes easy. Nothing worthwhile comes cheap. Yet what, I ask, could be more worthwhile than an America again at peace with itself?

ADMINISTRATION OF OUR LABOR LAWS

Mr. ERVIN. Mr. President, I have long believed that abuses by monopolistic labor unions destroy the rights of individual union members and, more importantly, the rights of those who choose not to join a union. It seems that every day we hear of such abuses, and of the power that has been amassed by the big unions.

For years I have advocated reform in our labor statutes and in the manner in which they are administered by the National Labor Relations Board. Just last year this need for reform was emphasized in hearings before the Judiciary Subcommittee on Separation of Powers, of which I am honored to serve as chairman, on a bill introduced by the distinguished Senator from Texas (Mr. TOWER) which would shift jurisdiction over unfair labor practice cases from the Board to the Federal district courts. The subcommittee approved S. 1320, an identical bill, on October 28, 1971.

Recently this need was again emphasized in a letter to the editor of the Wall Street Journal by Mr. Carl L. Shipley, a very able attorney in Washington, D.C. As Mr. Shipley pointed out in his letter, freedom of the individual worker must be restored by an impartial tribunal in order that wage-price escalation can be kept in line after the expiration of President Nixon's wage-price freeze.

The need also was poignantly pointed out in a letter to Mr. Shipley from Mrs. Margaret M. Eigensee of Columbus, Ohio. Mrs. Eigensee explained in very vivid terms how the power of one union was brought to bear on her family and its business.

Mr. President, I ask unanimous consent that the letters of Mr. Shipley and Mrs. Eigensee be printed in the RECORD.

There being no objection, the letters were ordered printed in the RECORD, follows:

[From the Wall Street Journal, July 12, 1971]

THE NLRB AND PRICES

EDITOR: THE WALL STREET JOURNAL:

Your editorial "Help for the Labor Board" (June 23), suggesting that "perhaps it's time for Congress to redefine" the jurisdiction of the National Labor Relations Board, points up serious problems.

Continuing industrial warfare in the form of administrative proceedings before the NLRB is fogging up the chance for more cooperation between labor and management. We hear continuously about the adverse impact of the wage increase-price increase spiral on inflation. We read of the deteriorating U.S. position in the price competition of exporting our manufactured goods. The President is urged to impose wage and price controls or resort to the political stratagem of "jaw-boning" workers and employers.

The basic problem is an out-of-date National Labor Relations Act. It was passed in 1935, amended in 1947 and again in 1959. Under the Act, Congress declared a policy of "encouraging . . . collective bargaining." Over the years the NLRB has tended to construe its job as affirmative sponsorship of unionization. This has led to various thinly disguised forms of compulsory union membership, and constant pressure on employers to "check-off" union dues from workers' paychecks. Employes are deprived of freedom of choice in joining and paying union dues. This has led to industry-wide unions, not only in the private sector, but now in public employment.

Compulsory unionism and the check-off of dues have distorted free collective bargaining. The nation now lives under the continual threat of the general strike or national work stoppage in vital areas. It is time for Congress to change the law and guarantee a forum that is impartial. Employes, private and public, are entitled to generous income and the best possible working conditions. They should be able to enforce these basic rights in the courts, where all basic controversies should be resolved. Individual employes should have their freedom of choice protected—freedom to join or not to join a union, freedom to have or not to have union dues deducted from their paychecks. If these freedoms are restored, and an impartial tribunal decides disputes, the wage-price escalation can be kept in line with increased productivity.

CARL L. SHIPLEY,
Republican National Committeeman for the District of Columbia.

COLUMBUS, OHIO,
July 14, 1971.

Mr. CARL SHIPLEY,
Washington, D.C.

DEAR MR. SHIPLEY: I just read your letter to the editor of the Wall Street Journal and could not restrain from writing this letter to you. I am sick at heart and despairing of any help from anyone because of what a Union has done to my husband and my family. All my life, I believed that if I lived an honest and conscientious life, I had nothing to fear and this is what I have taught my children to believe. To me, my government was a bulwark for all the hard working, civic minded citizens in the land.

My husband is the owner of a small business—Borchers Carpet Cleaning Company, founded 92 years ago by his grandfather, Herman Borchers. It is in the original location, in the south side of Columbus where the family was born and raised. He employs about 55 people, many of them second and third generation employes.

Two years ago, a Union organizer approached my husband to tell him he wished to organize our employes. My husband told him that no one in the company was interested, that we have a variety of employes doing miscellaneous jobs—they were all satisfied with their hours and wages. The organizer told him—"either you let us organize you or I'll put you out of business". Not one employe would sign a request for an election to determine if they should be represented (we would have preferred to have an election to settle the issue). There then followed harassment and intimidation of the most unbelievable nature. Pickets, many of them, surrounded our plant in the mornings and followed our trucks to customer's homes where they paraded in front of homes and businesses. They contacted our customers and villified our company. Pickets marched on downtown thoroughfares with signs "Borchers are below Union Standards" etc. etc. My son was routed out of bed at 6 o'clock in the morning and taken to jail on a trumped up "Assault and Battery" charge. We learned that the Union had instructed the police to arrest him at that hour. My son in law was arrested for "assault and battery", and equally untrue charge. Windows in our plant were broken, tires slashed. Our workmen were interfered with at various jobs and threatened with various acts. Trucks delivering goods to our plant were stopped and customers going into our plant were accosted and intimidated.

In the beginning, we were confident that our attorney could certainly handle it and protect our rights—what a farce! The unions are protected right down the line. My husband made a trip to the N.L.R.B. board in Cincinnati where he was set straight. It represents the Union, period. My son wished to sue the Union for false arrest but was dissuaded by our attorney who told us we had very little chance of finding a judge who is not Union obligated or at least one who would have the courage to buck such a powerful organization. All the help we got from the "law" was a whopping attorney bill which we can ill afford.

We appealed to our Congressmen, who were "shocked" at the situation; our Governor "couldn't believe" what was happening. Our friends and associates simply could not believe that a Union can just set out to take over a company and then if thwarted proceed to "put us out of business". The unlimited funds they have at their disposal—what chance does someone like my husband have

against such odds? Are we doomed to close up our business as so many are doing rather than submit to these gangsters? Isn't there going to be any more opportunity for individual incentive? Must we all be a dues-paying member of some Union? Believe me, my husband would have thrown in the towel but for my son and son in law who we had hoped would continue in the family tradition. God help them—I'm sure He is the only hope there is.

We have literally exhausted any possibilities for help. The Unions know only one method "violence". This becomes increasingly obvious when we read of the recent convention where officers elected to high posts in a Union are under indictment for criminal acts. In another, one reads of illegal activities among high Union officials. What chance has a law abiding, God fearing businessman against such odds?

Right now, I am trying to sort out my out of date beliefs and wondering how I'm going to keep from getting more bitter than I am. Is it any wonder that there is less and less respect for a government who only recognizes those people who can contribute large sums and the votes that accompany them? My brother was killed "defending his country" and I have to wonder how the country ever inspired such sacrifices.

If you are still reading, thank you.

Yours truly,

MARGARET M. EIGENSEE.

COLUMBUS, OHIO,
October 6, 1971.

DEAR MR. SHIPLEY: In answer to your request in your September 29th letter, I have no objection to having my July 14th letter put in the Congressional Record. I would do anything I could to help you or anyone to curtail union power. I would hate to think that any other family would have to be put through the nightmare that mine has suffered. Lack of time prevented me from replying to your letter of July 21. We have a labor file which we would be glad to have you see; it is not easy to pick out individual letters as so much of the action was not recorded. The physical acts were the most punishing and difficult to prove. As horrified and shocked as people generally were at the abuse which we took, it was not easy to get people to testify as they, too were afraid of union retaliation. Our own employes begged to be left out of any "witnessing" because they have families and were afraid of what might happen to them.

We have stacks of pictures my son in law took and I will enclose some of them to illustrate how the union organizers swarmed upon us during this period. They followed our trucks to customer's homes and businesses and picketed there. On several different occasions, they interfered with our workmen, deliberately blocking their work efforts. Several individual customers in homes were incensed and called police who of course could do nothing. In the cases of several businesses, the managers were terrified of the unions and we were of course forced to stop. We have been badly hurt, any number of customers were told by union organizers and heads that they were to no longer give us any business or they would suffer accordingly. We have no recourse—the unions have the protection of the law and of course great supplies of cash. My husband's trip to Cincinnati was completely frustrating—the N.L.R.B. made it plain they were interested in the union's welfare, not ours.

The real blow came when we talked to our attorney about suing the union and it's representatives for having our son arrested on an "assault and battery" charge, a completely trumped up charge and he warned us that any chances of our winning, if we should encounter a judge who had union support, would be practically nil.

My son and son in law are now helping to operate our business and my hope is that more and more young people come to see the evil that exists in unions just as they do. Just a few short years ago while in college, they had very idealistic attitudes about the good that unions have done. You will never see two more disillusioned young men. You have no idea how many people we know who go to great trouble to avoid doing any business with union dominated firms. I hope our number will grow.

Please let me know if I can be of any help.

Yours truly,

MARGARET M. EIGENSEE.

DEREGULATION OF UTILITIES UNDER PHASE II

Mr. METCALF. Mr. President, we have been confused, and, in some instances, misled as to the direction the Nixon administration would take on utility rate increases in phase II of its economic program.

Indications in the press and informal staff conversations with the Executive Office indicated that the White House might not be ready to loosen its grip over prices in the electric, gas, telephone, and other public service areas: First, because it was not sufficiently informed as to magnitude of rate hikes pending; and second, it had not developed the machinery for making a tight evaluation of the inflationary impact of such increases on the economy.

But now we know otherwise. The freeze has been virtually taken off all public utilities. Primary responsibility for determining whether the rate increases will be inflationary—and thus should not be granted—appears to have been delegated to the regulatory agencies. For instance, on rate increases which have already been approved, but were under the 90-day freeze, the regulatory agencies are required to review the increases for consistency with the Economic Stabilization Act. However, in these cases, the new Federal Price Commission appears to have no supervening authority to act.

For rate hikes approved by regulatory agencies after November 13, the Price Commission has only 30 days—after notification—to review and take action. If it does not, the increase can go into effect. The sheer ability of the Price Commission staff to read and analyze the voluminous records and decisions of regulatory price orders within 30 days defies the imagination. The assumption can only be that the bulk of the rate increases presently in the mill will clear the dike.

Utilities with $100 million or more in gross receipts are required to notify the Price Commission of their intentions to seek rate increases, but it is unclear what action the Price Commission either intends to take, or legally can take, to stop the big companies from filing rate applications before regulatory agencies, or how extensive will be the Commission's review of the utility rate increase requests. My expectation is that the problem of deciding what company should be stopped from filing for an increase will be more overpowering than trying to decide what authorized increases should be permitted, and thus most of the companies will be allowed to pursue the regulatory route to its inevitable end.

But apart from the administrative burden, there is another serious flaw in the process. When the Price Commission asserts its authority to make a decision with respect to a utility's application for an increase, or an already approved rate, there is no provision for the facts presented by the utility company to be tested or opposed by an adversary source. I have no doubt that the companies will be pouring on the pressure and evidence in their best interests, but there is no mechanism for keeping the procedure honest, no chance for the consumer or the public to straighten out the record. Because the Price Commission will meet in secret, we will never know how persuasive the utility companies will be in getting approvals to go ahead with their cases and increased rates.

Thus, the new utility price regulations are no more than business as usual. The Cost of Living Council, which recommended the basic policy here, has provided a mechanism which, as a practical matter, could result in the implementation of some $4 billion in electric, gas, and telephone rate increases in the next 6 months. The additional billions in annual increases which may go forward thereafter defy the imagination.

My experience after years of investigation is that regulatory agencies, particularly those at State and local levels, are overburdened, understaffed, and generally incapable of testing the evidence and rendering rational judgments with respect to rate increases under their own differing standards. In addition, they tend to be biased in favor of the businesses they regulate. To rest with them the additional responsibility of deciding matters of national impact, would seem to compound the problem and make the inevitable results all the more inflationary.

Under present constraints as to staffing and time in which to act, the Price Commission may be seriously limited to handling only special cases, leaving the bulk of anticipated rate increases to fall through the cracks. Even with the best of intentions, the Federal mechanism, as presently empowered and constituted, could not possibly cope with the overall impact of rate increases in the area of regulated industries.

This, of course, is what the utility industry wants. It has been lobbying against the freeze and against tight Federal controls for months. It is comfortable with the existing regulatory process because it has been getting its way. For the administration to buy the industry line and rely on that process to help reduce inflation and restore balance to the economy may be one of the most dangerous decisions it has yet made.

It is noted that the Code of Federal Regulations provides for appeal procedures with respect to those whose rate increases have been turned down by the Price Commission, but there are no direct judicial remedies for the consumer or individual who feels that the system is working against his interests.

I have asked the Cost of Living Council what provisions have been made to afford the public and the consumer full rights to be heard and represented in

the decisionmaking process—at the regulatory level and at the Price Commission level. No answers are available to this question at the present time. Nor have I been able to find out what specific role the Price Commission—or the executive branch—intends to play in the State and local regulatory proceedings dealing with prospective rate increases.

At the moment, the Price Commission is but an advisory commission to the President, but its recommendations have been given the power of Presidential authority. Is this authority to be exercised as a result of decisions secretly arrived at, and perhaps secretly negotiated with industry, or will the public have the right to know what is going on? These are not trivial questions given our democratic process of government.

The 100 major utilities in the electric power field last year had a net profit, after taxes, which averaged 15 cents out of every dollar. The lion's share of these companies have obtained, or are in the process of requesting, higher power rates for next year and/or the remainder of this year. Yet neither the Cost of Living Council, the Price Commission, nor anyone else in the Federal Government knows the number and amount of these rate increases that are waiting for the phase II regulations. The magnitude of the inflationary impact, if these price increases are allowed to go forward, could not have been given sufficient study by the administration. If it had, the conclusion to keep the lid on utility prices would have been inescapable.

Mr. President, I have requested that Dr. Grayson, Chairman of the Price Commission, and a representative of the Cost of Living Council appear before the Senate Subcommittee on Intergovernmental Relations as soon as is convenient for them to discuss the future of phase II with respect to utility rate increases. The subcommittee presently has under consideration legislation on the subject of consumer information and representation with respect to utility—gas, electric, and telephone—rate increases and other matters—S. 607, the Utility Consumers' Information and Counsel Act. During the course of our hearings on this legislation, basic issues have been raised as to the role, criteria, and procedures of the Cost of Living Council and the Price Commission in dealing with such rate increases.

The plain fact is that with respect to utilities which are monopolies in their own special areas, the Nixon administration has not faced the main issue. On the big rate increases—where billions of dollars are involved—the freeze should have been continued, subject to special exemptions to be granted by the Price Commission under definitive and tight guidelines. The burden should have been placed on the big corporations to prove that rate increases approved by State agencies should be permitted to take effect. Requests for exemptions by companies should be announced in the Federal Register, and outside parties—consumers, taxpayers, the public—should be given an opportunity to argue before the Price Commission that the requested price increases were detrimental to the national economy as spelled out in the stabilization guidelines set forth by the Price Commission.

Above all, such guidelines should take into consideration the high profits which many utilities have been making over the past 2 years.

Most important, to the extent that price-wage controls are successful, and interest rates decrease, the need for rate hikes will decrease, and the justification for lower rates will increase.

Many of the pending rate increase requests were based upon projections of costs and prices that are being reduced. If the administration is going to let these rate increases, based upon outdated financial projections, go into effect, it will be saying that either, first, its wage-price controls are ineffective, or second, it does not object to inflation created by the utility corporations.

In order to protect the public, the administration should adopt much more stringent controls over utility rate cases or reverse its opposition to S. 607, the utility consumers' information and counsel bill, and support the proposal that the Utility Consumers' Counsel and his staff could represent the public interest before the Price Commission as well as the State and Federal regulatory commissions.

Mr. President, in order to provide additional background to my remarks, I ask unanimous consent that my correspondence with the Cost of Living Council and the text of chapter III of the Federal Register, issued Saturday, November 13, 1971, be printed in the RECORD.

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

U.S. SENATE,
October 1, 1971.

Mr. ARNOLD R. WEBER,
Executive Director, Cost of Living Council, Washington, D.C.

DEAR MR. WEBER: In the event that utility rate hikes are permitted—subject to commission approval—following the 12 November freeze expiration, substantial increases can be expected. An extraordinary number of requests are now pending before commissions, some of which are conducting hearings during the freeze period. Government oversight is so slight that no one has even ascertained from the various State and Federal commissions the amount of rate increase requests pending. Reports in the Wall Street Journal and trade press indicate that the total of electric, gas and telephone industry requests amounts to several billion dollars.

The reduced costs incident to the wage-price freeze and the reduction in interest levels anticipated by Secretary Connally should substantially reduce utility revenue requirements. However, there is presently no provision for adequate representation of consumer interests before the regulatory commissions. This deficiency will be the subject of hearings on S. 607, the Utility Consumers' Information and Counsel Act of 1971, to be held later this month, before the Senate Subcommittee on Intergovernmental Relations.

I shall preside at those hearings and would like to have beforehand information on the amount of electric, gas and telephone rate increase requests pending before the State and Federal commissions. This is information which the Cost of Living Council also needs for its evaluation of the inflationary impact of a return to traditional methods of regulation.

Therefore, I request that you direct an appropriate agency or your own staff to obtain that information as quickly as possible, and to share your findings with the Subcommittee.

Very truly yours,

LEE METCALF.

EXECUTIVE OFFICE OF THE PRESIDENT, COST OF LIVING COUNCIL,
Washington, D.C., November 3, 1971.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: This is in response to your letter of October 1, 1971 to Arnold R. Weber. A member of the Council's staff has been in conversation with Mr. Reinemer of your staff concerning our interest in pending utility rate increases, as a part of the Council's responsibilities for determining coverage of these industries in the post-freeze stabilization program.

I am sure that the Price Commission would also be interested in knowing how many increases are pending before State and other commissions, for how much, in what areas of the country, etc. Unfortunately, the Council does not have the staff resources to make such a survey, and I doubt that the Price Commission will have sufficient resources, at least for some time.

Both organizations would appreciate any help your staff can provide. I will forward a copy of your letter to Dr. C. Jackson Grayson, Jr., Chairman of the Price Commission, so that he may know of your interest in this matter.

Sincerely,

EDGAR R. FIEDLER,
Deputy Director for Phase I.

U.S. SENATE,
November 5, 1971.

Hon. PAUL W. MCCRACKEN,
Chairman, Council of Economic Advisers, Member, Cost of Living Council, Executive Office Building, Washington, D.C.

DEAR CHAIRMAN MCCRACKEN: The Subcommittee on Intergovernmental Relations presently has under consideration legislation on the subject of consumer information and representation with respect to utility (gas, electric, and telephone) rate increases and other matters (S. 607, the Utility Consumer Council and Information Act). During the course of our hearings on this legislation, certain issues have been raised as to the effect of President Nixon's Phase II price stabilization program on utility rate increases, and the role, criteria and procedures of the Cost of Living Council and the Price Commission in dealing with such rate increases. It is estimated that around $3 billion in increases are pending and are awaiting the end of the present freeze.

In the absence of Secretary Connally, I am taking the liberty of writing to you to express to you, on behalf of the Subcommittee, an invitation to appear during the week of November 15, and to testify with respect to those plans, policies and proposals which the Cost of Living Council has developed, or is in the process of developing, concerning utility rate increases approved or pending at State and Federal regulatory levels.

However, since the date of November 15 is immediately upon us, it is necessary to obtain the following information as soon as possible:

(1) Have all electric, gas and telephone rates been frozen during the Phase I ninety-day price freeze, and, if not, what increases were permitted?

(2) Will all such rates be frozen after the Phase II date, and if not, what are the intentions of the Cost of Living Council and the Price Commission with respect to any rate increases to be permitted?

(3) What will be the specific roles of the Cost of Living Council and the Price Commission in investigating and making any final decisions with respect to such utility rates and increases?

(4) What procedures, guidelines, or other means have been developed for making decisions with respect to such rates and increases, and in, particular, what provisions have been made to afford the public and the consumer full rights to be heard and represented with respect to any proposed action by the Council or the Commission on such rates and increases.

Mr. E. Winslow Turner, special counsel with the Subcommittee, will be in communication with your staff to arrange the date and time for your testimony. We would be delighted to hear from any members of the Council or the Commission which you may wish to have accompany you. We would request, however, that the chairman of the Price Commission, Dr. Grayson, be available for questions.

We appreciate your special cooperation with respect to this very important matter.

Very truly yours,

LEE METCALF.

THE CHAIRMAN OF THE COUNCIL OF ECONOMIC ADVISERS,
Washington, November 13, 1971.

Hon. LEE METCALF,
U.S. Senate, Committee on Interior and Insular Affairs, Washington, D.C.

DEAR SENATOR METCALF: This is in reply to your letter of November 5, 1971 inviting me to testify about the role of the Cost of Living Council in the control of utility rates and asking me certain specific questions. It will be clear from the answers to these questions, given below, that the subjects of interest to you are not now the direct responsibility of the Cost of Living Council, although the Cost of Living Council has a residual, overall responsibility.

Q 1. Have all electric, gas and telephone rates been frozen during the Phase I ninety-day freeze, and, if not, what increases were permitted?

A. All electric, gas and telephone rates were frozen during the Phase I ninety-day freeze.

Q 2. Will all such rates be frozen after the Phase II date, and if not, what are the intentions of the Cost of Living Council and the Price Commission with respect to any rate increases to be permitted?

A. All such increases are not frozen after the ninety day freeze. The Cost of Living Council has not exempted utility rates from control and they are therefore under the jurisdiction of the Price Commission. The Price Commission has issued the following regulation pertaining to regulated public utilities:

Code of Federal Regulations, Title 6 Section 300.016

(a) *In general.* A person which is a regulated public utility as defined in section 7701(a)(33) of the Internal Revenue Code of 1954 (26 U.S.C. section 7701(a)(33)) may charge a price, rate, or tariff in excess of the base price if such increase has been approved by a regulatory agency. A regulated person who had gross receipts of $100 million or more during its most recent fiscal year ending on or before November 13, 1971, shall inform the Price Commission of all requests for rate increases and immediately notify the Commission in writing of any agency order granting an increase and of any other authorized increase. A regulated person who had gross receipts between $50 and $100 million during its most recent fiscal year ending on or before November 13, 1971, shall immediately notify the Commission in writing of any agency order granting an increase and of any other authorized increase.

(b) *Special rule.* In the case of rate increases which were approved by a regulatory agency before November 14, 1971, but which were not permitted to take effect due to Executive Order 11615, such rate increase may take effect with respect to transactions occurring after November 13, 1971. However, before such increases may take effect, such regulatory agency shall review such increases with regard to their consistency with the purposes of the Economic Stabilization Act of 1970, as amended.

Q 3. What will be the specific roles of the Cost of Living Council and the Price Commission in investigating and making any final decisions with respect to such utility rates and increases?

A. The Cost of Living Council will be monitoring the policies and operations of the Price Commission and the Pay Board in their totality. It will not review individual cases. The Price Commission is retaining the right to review individual increases hereafter granted by regulatory authorities and, in the case of utilities with gross receipts in excess of $100,000,000, individual increases applied for hereafter. The Price Commission may take steps to implement more stringent standards than are applied by the regulatory authorities, but in the absence of such action no approval by the Price Commission is required.

Q 4. What procedures, guidelines, or other means have been developed for making decisions with respect to such rates and increases, and, in particular, what provisions have been made to afford the public and the consumer full rights to be heard and represented with respect to any proposed action by the Council or the Commission on such rates and increases.

A. At the moment it is not possible to add to the answers given to questions 2 and 3. The Price Commission is now in process of establishing procedures, guidelines, etc. for implementing the regulations it has just issued.

I would be happy to try to answer any other questions you may have about the policy of the Cost of Living Council but I think you can see that the decision-making at this time is in the hands of the Price Commission.

Sincerely,

PAUL W. MCCRACKEN.

CHAPTER III—PRICE COMMISSION

Part 300—Price and Rent Stabilization

It is the purpose of the regulations hereby adopted to provide guidance and procedures for the implementation of Price Commission policies designed to achieve a goal of holding average price increases across the economy to a rate of no more than 2½ percent per year. It is expected that all persons will voluntarily comply with the provisions contained in these regulations and all orders and other guidance issued hereunder.

In order to prescribe regulations for the stabilization of prices and rents after November 13, 1971, a new Chapter III—Price Commission is hereby established in Title 6—Economic Stabilization of the Code of Federal Regulations, and a new Part 300—Price and Rent Stabilization is added thereto and the following regulations are hereby adopted effective November 14, 1971:

Subpart A—General

Sec.
300.001 Summary.
300.011 General rule.
300.012 Manufacturers.
300.013 Retailers and wholesalers.
300.014 Service organizations.
300.015 Rental of real property.
300.016 Regulated public utilities.
300.051 Prenotification firms.
300.052 Reporting firms.
300.080 Other considerations.
300.101 Definition of terms.
300.201 Seasonal patterns.
300.202 Taxes.
300.203 Contracts entered into prior to August 15, 1971.
300.204 Formula-determined rentals.
300.401 Exemptions.
300.498 May 25, 1970, limitation date.
300.499 Price Commission address.

Subparts B–E [Reserved]

Subpart F—Base Price

Sec.
300.501 In general.
300.505 Sales and leases of personal property and services.
300.507 Sales and leases of real property.
300.509 New property and new services.
300.511 Geographic limitation.
300.513 Definitions.

Subpart G—Procedures and Administration

300.601 Records and ceiling price lists.
300.612 Exceptions by ruling.
300.613 Rulings.
300.614 Adverse determinations and appeal.
300.615 Failure to obtain relief.
300.616 Reports of alleged violations.
300.651 Penalties.

AUTHORITY: The provisions of this Part 300 issued under the Economic Stabilization Act of 1970, as amended (Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38), Executive Order No. 11627 (36 F.R. 20139, October 16, 1971), and Cost of Living Council Order No. 4 (36 F.R. 20202, October 16, 1971).

Subpart A—General

§ 300.001 Summary.

The rules contained in this subpart relate to increases in prices and rents which are allowable after November 13, 1971, with respect to:

(a) Sales and leases of personal property,
(b) The furnishing of services and
(c) Sales and leases of real property.

See § 300.011 for the general rule regarding increases in prices with respect to sales and leases for property and with respect to services. For special rules applicable to—

(d) Manufacturers, see § 300.012.
(e) Retailers and wholesalers, see § 300.013,
(f) Service organizations, see § 300.014,
(g) Rental property, see § 300.015,
(h) Regulated industries, see § 300.016.

For rules relating to firms required to notify the Price Commission before a price and rent increase can take effect, see § 300.051. For rules relating to firms required to make periodic reports to the Price Commission, see § 300.052. See § 300.101 for definitions of terms used in this subpart. For rules with respect to certain special situations, see § 300.201 and following. For rules exempting certain transactions from the operation of this subpart, see § 300.401.

§ 300.011 General rule.

Except as otherwise provided in this subpart, no person may charge a price or rent, with respect to any transaction involving sales or leases of property or services occurring after November 13, 1971, which exceeds the base price as determined under the rules prescribed in Subpart F of this part.

§ 300.012 Manufacturers.

A manufacturer may charge a price in excess of the base price (as determined under Subpart F of this part), to reflect allowable cost increases in effect on or after November 14, 1971, reduced to reflect productivity gains; provided, however, that the effect of all of a manufacturer's price changes is not to increase its profit margin as a percentage of sales, before income taxes, over that which prevailed during the base period (as defined in § 300.101).

§ 300.013 Retailers and wholesalers.

(a) *In general.* A person engaged in retailing or wholesaling may charge a price in excess of the base price where—

(1) The customary initial percentage markup with respect to the property sold is equal to or less than such person's customary initial percentage markup which prevailed during the base period (as defined in § 300.101), provided

(2) The effect of all such person's price changes is not to increase its profit margin as a percentage of sales, before income

taxes, over that which prevailed during the base period.

(b) *Posting Requirement.* (1) a retailer is required to display prominently at the place of sale, base prices with respect to:

(i) All food products (except those which are exempt under the provisions of § 300.401); and

(ii) Those 40 items in each department which have the highest sales volume, or those items which account for 50 percent of total sales in each department, whichever is less. Such base prices must be posted on or before January 1, 1972. No increase in price is allowable under paragraph (a) of this section until such base prices have been posted.

(2) A retailer must utilize the following interim procedure until base prices are posted under subparagraph (1) of this paragraph, with respect to base prices for all products (except for those exempted under § 300.401), and thereafter, with respect to base prices not posted under subparagraph (1) of this paragraph:

(i) There shall be posted on each floor of his establishment at least one sign (minimum of 22" x 28"), as specified below, announcing availability of base price information:

BASE PRICE INFORMATION

Information regarding the lawful base price for any item sold by this store not posted may be obtained by filling in a Base Price Information Request Form available at (specify location) and by handing it to (fill in). You will receive a speedy answer by mail.

(ii) There shall be made available in at least one location on each selling floor, Base Price Information Request Forms, as specified below:

BASE PRICE INFORMATION REQUEST FORMS

Please furnish me with your base price for the following item sold in your store:

Item _____
(Describe)
Retail price_____
Style No_____
Department where sold_____
Name _____
Address _____
_____ Zip _____

(c) The retailer shall respond to each such written request for base price information within 48 hours from receipt of the request using a letter, in substance similar to the one specified below, and signed by the owner or by an officer of the company:

To: (Name, Address, City, Zip)

Dear _____:

In reply to your request, we are pleased to inform you that our base price for _____ _____ is $_____.

Sincerely,

_____
Owner or company officer

§ 300.014 Service organizations.

A person which is a service organization may charge a price in excess of the base price with respect to the furnishing of services or the leasing of personal property only to reflect allowable cost in effect on November 14, 1971, and cost increase incurred after November 14, 1971, reduced to reflect productivity gains: *Provided, however* That such increased price shall not result in an increase in such person's profit margin as a percentage of sales, before income taxes, which prevailed during the base period.

§ 300.015 Rental of real property.

(a)–(c) [Reserved]

(d) *Special record requirement.* Persons leasing or offering to lease any real property shall maintain records showing—

(1) The base price (as defined in Subpart F of this part) charged with respect to each unit of real property.

(2) The reason for any difference in the price described in subparagraph (1) of this paragraph and the price allowable on or after November 14, 1971, and

(3) The reason for any difference between the price described in subparagraph (1) of this paragraph and the maximum price allowable during the period beginning August 15, and ending November 13, pursuant to Executive Order 11615.

Such records shall be made available upon the request of any tenant, prospective tenant, or representative of the Price Commission.

§ 300.016 Regulated public utilities.

(a) *In general.* A person which is a regulated public utility as defined in section 7701(a)(33) of the Internal Revenue Code of 1954 (26 U.S.C. section 7701(a)(33)) may charge a price, rate, or tariff in excess of the base price if such increase has been approved by a regulatory agency. A regulated person who had gross receipts of $100 million or more during its most recent fiscal year ending on or before November 13, 1971, shall inform the Price Commission of all requests for rate increases and immediately notify the Commission in writing of any agency order granting an increase and of any other authorized increase. A regulated person who had gross receipts between $50 and $100 million during its most recent fiscal year ending on or before November 13, 1971, shall immediately notify the Commission in writing of any agency order granting an increase and of any other authorized increase.

(b) *Special rule.* In the case of rate increases which were approved by a regulatory agency before November 14, 1971, but which were not permitted to take effect due to Executive Order 11615, such rate increase may take effect with respect to transactions occurring after November 13, 1971. However, before such increases may take effect, such regulatory agency shall review such increases with regard to their consistency with the purposes of the Economic Stabilization Act of 1970, as amended.

§ 300.051 Prenotification firms.

(a) *In general.* A person which is a prenotification firm (as defined in § 300.101) may not charge a price in excess of the base price before the Price Commission has approved such increased price. However, in the event the Price Commission does not act upon a requested price increase within 30 days after receipt by the Price Commission of the request for such increase, such increase may go into effect.

(b) *Exceptions.* Prenotification requirements are not applicable:

(1) For wholesalers and retailers.

(2) With respect to price changes resulting from calculation of a base price under Subpart F of this part or from the operation of § 300.203, relating to contracts entered into prior to August 15, 1971.

(3) In respect of any price increase which reflects increases in costs of labor which become effective during the period November 14, 1971, through December 31, 1971.

(c) *Manner of notification.* Such person shall notify the Price Commission of its intention to raise the price of a product or service on forms to be prescribed by the Commission and shall provide information sufficient to enable the Commission to make a determination with respect to such proposed increase. If the Commission finds that the information submitted is not sufficient to make such a determination it shall notify the person and the 30-day period provided in paragraph (a) of this section shall begin to run from the time the additional information is submitted.

(d) *Reporting requirement.* Such person shall file a quarterly report with the Price Commission within 15 days after the end of each fiscal quarter commencing with its first fiscal quarter ending after November 13, 1971. Such quarterly reports shall be made on forms to be prescribed by the Commission and shall contain the information required by such forms.

§ 300.052 Reporting firms.

(a) *In general.* A person which is a reporting firm shall file a quarterly report with the Price Commission in the form provided in paragraph (b) of this section within 15 days after the end of each fiscal quarter commencing with its first fiscal quarter ending after November 13, 1971.

(b) *Manner of filing.* The quarterly report required under paragraph (a) of this section shall be made on forms to be prescribed by the Commission and shall contain the information required by such forms.

§ 300.080 Other considerations.

In making any determination, the Price Commission will take into account whatever factors it considers relevant to an equitable resolution of the case and considers necessary to achieve the overall goal of holding average increases across the economy to a rate of no more than 2½ percent per year.

§ 300.101 Definition of terms.

(a) *In general.* Except as otherwise provided, the definitions contained in this section shall only apply for purposes of Subpart A of this part.

(b) *Organizations subject to freeze*—(1) *Manufacturer.* The term "manufacturer" means a person who carries on the trade or business of making, fabricating, or assembling product or commodity by manual labor or machinery for sale to another person or persons.

(2) *Retailer and wholesaler*—(i) *Retailer.* The term "retailer" means a person who carries on the trade or business of selling property to ultimate consumers.

(ii) *Wholesaler.* The term "wholesaler" means a person who carries on the trade or business of purchasing property and, without substantially changing the form of such property, reselling it to another person who is not the ultimate consumer.

(3) *Service organization.* The term "service organization" means a person who carries on the trade or business of selling or making available services, including the leasing of property to another person or persons. The term also includes nonprofit organizations, governments and governmental instrumentalities which carry on such activities. The term also includes a person which provides professional services.

(4) *Person.* The term "person" includes any individual, trust, estate, partnership, association, company, corporation, or instrumentality of a governmental unit. However, such term does not include a foreign government, an instrumentality of a foreign government or an international organization.

(c) *Accounting terms*—(1) *Customary initial percentage markup.* The term "customary initial percentage markup," means, the customary initial percentage markup, determined on an item, product line, department, store or other pricing unit basis according to the person's customary pricing practice. For these purposes, the initial markup is that markup which is applied to merchandise when first offered for sale.

(2) *Allowable cost.* The term "allowable cost" means any cost, direct or indirect, unless disallowed by the Price Commission.

(3) *Profit margins.* The term "profit margin," means the ratio that net profits (determined before taxes) bears to gross sales as reported on the person's published financial statement and in accordance with generally accepted accounting principles consistently applied. For purposes of determining net profits, extraordinary items and taxes on income shall not be taken into account.

(d) *Reporting requirements*—(1) *Firm.* The term "firm" means a person whose gross income, in whole or in part, is derived from sales. For purposes of this section, if a firm or firms are controlled directly or indirectly

by another firm, the controlled firm or firms and the controlling firm shall be treated as a single firm.

(2) *Reporting firms.* The term "reporting firm" means a firm subject to the requirements of § 101.13 of Chapter I, Part 101 of this title.

(3) *Prenotification firms.* The term "prenotification firm" means a firm subject to the requirements of § 101.11 of Chapter I, Part 101 of this title.

(e) *Base period*—(1) *Base period.* The term "base period" means the average of any two of a person's last 3 fiscal years ended prior to August 15, 1971, the selection of such 2 fiscal years to be made by such person.

(2) *Markup base period.* The term "markup base period" shall mean, at the person's option, either

(i) The last customary initial markup prior to November 14, 1971, or

(ii) The person's last fiscal year ending prior to August 14, 1971.

(f) *Base price.* The term "base price" means base price as defined in Subpart F of this part.

(g) *Other definitions*—(1) *Product.* The term "product" means an item of tangible personal property offered for sale to another person or persons.

(2) *Product line.* The term "product line," means an aggregation of products of the same manufacturer or different manufacturers, substantially similar as to intended function, usage, and structure, and offered for sale simultaneously, or within the same commercial season, by a person or persons.

(3) *United States.* The term "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico.

§ 300.201 Seasonal patterns.

(a) *In general.* Notwithstanding any provisions of this subpart, prices (including rents) which normally fluctuate in distinct seasonal patterns may be adjusted subject to the provisions of this section.

(b) *Distinct fluctuation.* Prices must show a large or otherwise distinct fluctuation at a specific, identifiable point in time. Such distinct fluctuation must be an established practice that has taken place in each of the past 3 years. New persons may determine their qualifications from those generally prevailing with respect to persons similarly situated, selling or leasing in the same marketing area. If there are no such similar persons in the immediate area, qualification may be established by reference to the nearest similar marketing area.

(c) *Time of price fluctuation.* The price fluctuation referred to in paragraph (b) of this section may not take place at a time other than the time at which such fluctuation took place in the preceding year unless the date of the price fluctuation is tied to a specific event such as a previously planned introduction of new models.

(d) *Allowable price.* If the requirements of paragraphs (b) and (c) of this section are met, the maximum price which may be charged by such person shall be either—

(1) The base price determined under the provisions of Subpart F of this part, or

(2) The price charged by such person during the first 30 days of the period following the seasonal price adjustment in the preceding year, whichever is greater. For purposes of this subparagraph (2), the price charged during such 30-day period shall be the weighted average of the prices charged on all transactions occurring during such period.

(e) *Limitation.* Notwithstanding the provisions of paragraph (d), of this section, the price charged by such person may not result in an increase of its profit margin as a percentage of sales, before income taxes, over that prevailing during the base period.

(f) *Return to nonseasonal prices.* Prices must be adjusted downward at the same date or identifiable point in time as in the previous season.

§ 300.202 Taxes.

Notwithstanding any other provision of this subpart, prices with respect to transactions occuring after November 13, 1971, may be increased dollar-for-dollar to reflect increases in excise taxes (including sales and use taxes), and duties on imports (including the import surcharge imposed by the President on August 15, 1971), but not increased franchise, gross receipts, property, or income taxes.

§ 300.203 Contracts entered into prior to August 15, 1971.

Notwithstanding any other provisions of this subpart, the price specified in any binding contract for the sale of property or services entered into prior to August 15, 1971, with respect to any delivery or performance occurring after November 13, 1971, shall be allowable provided that the contract price shall not exceed that amount which would result in an increase in the person's profit margin as a percentage of sales, before income taxes, over that prevailing during the base period.

§ 300.204 Formula-determined rentals.

Leases of personal or real property entered into prior to August 15, 1971, in which the periodic rental price is determined by means of a formula specified in the lease agreement may continue with such formula in effect. However, any increases in the periodic rental price due to the passage of time or increases in the consumer price index shall not be allowed.

§ 300.401 Exemptions.

The provisions of this Part 300 shall apply to all transactions involving the sale or lease of property and services except those enumerated in Subpart D of Part 10 of this title.

§ 300.498 May 25, 1970, limitation date.

No provision in this subpart shall operate to require a person to establish a price or rent which is lower than the average price which was received by the person in arms-length transactions involving the property or service on May 25, 1970. In cases where there were no arms-length transactions on May 25, 1970, involving the person, the nearest date preceding May 25, 1970, on which such a transaction did occur shall deemed to be May 25, 1970, for purposes of this section. However, the rules contained in this section shall not apply if the person did not offer the property or service on May 25, 1970, due to causes other than the temporary closing of his business.

§ 300.499 Price Commission address.

Any document, report, or other information required by these regulations to be sent directly to the Price Commission shall be addressed to—Price Commission, 2000 M Street NW., Washington, DC 20508.

Subparts B—E [Reserved]

Subpart F—Base Price

§ 301.501 In general.

The rules in this subpart relate to the determination of the base price for the purposes of applying the provisions contained in Subpart A of this part, after November 13, 1971, with respect to:

(a) Sales and leases of personal property.

(b) The furnishing of services, and

(c) Sales and leases of real property.

The base price is either (1) the ceiling price permitted for the period beginning August 15, 1971, and ending November 13, 1971, or (2) such ceiling price as adjusted in accordance with the rules provided in this subpart, which shall then constitute the base price. See § 300.505 for rules relating to the determination of the base prices with respect to sales and leases of personal property and with respect to services, § 300.507 for rules relating to the determination of base prices with respect to sales and leases of real property, and § 300.509 for rules relating to the determination of base prices with respect to sales and leases of new property and with respect to new services, as therein defined.

§ 300.505 Sales and leases of personal property and services.

(a) *Sales of personal property and services.* The base price with respect to sales of personal property and services is the highest price charged by the person to a specific class of purchasers in a substantial number of transactions involving such personal property or services during the freeze base period (as defined in § 300.513).

(b) *Leasing of personal property.* The base price with respect to the leasing of personal property is the highest price charged to a specific class of purchasers with respect to leases of the same or substantially identical personal property in a substantial number of transactions during the freeze base period.

(c) *Ten-percent rule.* For purposes of paragraphs (a) and (b) of this section and paragraph (b) of § 300.507, the highest price in a substantial number of transactions during the freeze base period shall be the highest price at or above which 10 percent of the units were priced in transactions with a specific class of purchasers during the freeze base period.

§ 300.507 Sales and leases of real property.

(a) *Sales of real property.* This section applies to sales of real property not exempted under § 300.401. The base price with respect to the sale of any interest in real property which is held by the person for sale in the ordinary course of trade or business is the highest price received with respect to the same type of interest in similar real property during the freeze base period. In the case of a sale of an interest in real property which is not held for sale in the ordinary course of a trade or business, such interest shall be deemed to be new property for purposes of paragraph (d) of § 300.509.

(b) *Leases of real property*—(1) *In general.* The base price for a lease of an interest in real property is the highest price charged by the person with respect to the same or substantially identical rental units in a substantial number of transactions during the freeze base period. A provision is a lease of an interest in real property executed prior to August 15, 1971, which provides for an increased rental to take effect August 14, 1971, may take effect after November 13, 1971, to the extent such increased rental does not exceed the base price for the rental of such real property.

(2) *Property vacant during the freeze base period.* If the property had been vacant for more than 1 year prior to the beginning of the lease period, the provisions of § 300.509 (b) relating to new real property shall apply.

§ 300.509 New property and new services.

(a) *In general.* For purposes of this section, new property or new services means property or services which the person has not offered for sale (or lease in the case of property) at any time during the 1-year period immediately preceding the date on which the person is offering the property or service for sale (or lease).

(b) *Lease of real property.* In the case of a person offering real property for lease which was never previously leased, the base price shall be determined by a computation based on the average arms-length price received by persons leasing comparable property in the same marketing area. For purposes of determining the average price referred to in the preceding sentence, only a quantity of transactions which is not insubstantial in relation to the total number of such transactions need be taken into consideration. A property, or part thereof, which undergoes a substantial capital improvement shall be treated as new property for purposes of a lease. For purposes of this paragraph a substantial capital improvement means a

permanent improvement or betterment made to increase the value of the property or to restore the property or part thereof, the cost of which equals or exceeds at least 3 months' rent and exceeds $250.

(c) *Personal property or services.* Personal property or service shall be deemed new if substantially different from other property or services in purpose, function, quality, or technology or if the use of such property or service effects a substantially different result. Property or services that differ from other property or services only in appearance, arrangement, combination, or function shall not be considered as new. A change in fashion, style, form, or packaging will not ordinarily be deemed to create a new property or service. A property, or part thereof, which undergoes a substantial capital improvement shall be treated as new property for purposes of a lease. For purposes of this paragraph a substantial capital improvement means a permanent improvement or betterment made to increase the value of the property or to restore the property, the cost of which equals or exceeds at least 3 months' rent and which exceeds $100.

(d) *Base price determination.* In the case of a person offering new property or new services, the base price shall be deemed to be, at the election of such person, either—

(1) The price determined under the method prescribed in paragraph (e) of this section, or

(2) The price determined under the method prescribed in paragraph (f) of this section.

(e) *First method.* The method referred to in paragraph (d)(1) of this section is a method by which a person may determine the price with respect to new property or services by a computation based on the unit cost (including direct and indirect costs) of a similar property or services of such person plus a factor for profit (before income taxes) which equals the profit rate actually earned with respect to such similar property or services. The rules in this paragraph shall not be applicable to transactions involving property or services with respect to which the person offers no other property or services which are similar thereto.

(f) *Second method.* The method referred to in paragraph (d)(2) of this section is a method by which a person may determine the price with respect to new property of services by a computation based on the average prices received in a substantial number of arms-length transactions by persons selling or leasing comparable property or services in the same marketing area.

§ 300.511 Geographic limitation.

The provisions of this subpart shall not be applicable to transactions for sales, leases, or services occurring outside the United States. For purposes of this paragraph, a transaction shall be deemed to occur outside the United States if delivery of the property of rendering of the service which is the subject matter of the transaction occurs outside the United States, or if real estate which is the subject matter of the transaction is located outside the United States. If personal property which is the subject of a lease is used both inside and outside the United States during the period of the lease, the transaction shall be deemed to have occurred exclusively in the United States and the provisions of this subpart shall apply. Similarly, if services are partially rendered in the United States and partially outside the United States, the services shall be deemed to have been performed exclusively in the United States.

§ 300.513 Definitions.

(a) *In general.* Unless otherwise indicated, the definitions contained in this section shall apply for purposes of Subparts F and G of this part.

(b) *Transaction.* A "transaction" shall be deemed to occur at the time and place a binding contract is entered into between the parties to the transaction. A "transaction" shall mean an arms-length transaction, and shall include only transactions between unrelated persons which are not members of a controlled group.

(c) *United States.* The term "United States" means the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(d) *Person.* The term "person" includes any individual, estate, trust, partnership, association, company, corporation, governmental unit, or instrumentality of a governmental unit. However, such term does not include a foreign government, an instrumentality of a foreign government, an international organization.

(e) *Freeze base period.* The term "freeze base period" means either—

(1) The period beginning July 16, 1971, and ending August 14, 1971, or

(2) If a person had no transaction during the period specified in subparagraph (1) of this paragraph, the nearest preceding 30-day period in which he had a transaction.

(f) *Unrelated person.* The term "unrelated person" refers to a person other than a person described in 26 U.S.C. section 267(b), as amended.

(g) *Controlled group.* The term "controlled group" means a controlled group of corporations as defined in 26 U.S.C. section 1563(a).

(h) *Price.* The term "price" includes commissions, membership dues, margins, rates, fees, charges, tariffs, and premiums without regard to the form in which paid. The term also includes rents for the lease of real or personal property.

(i) *Service.* The term "service" includes all services rendered by one person for another person other than in an employment relationship (determined under the normal common law rules). The term also includes for example, professional services of any kind and services rendered by membership associations for which dues are charged.

(j) *Sale.* The term "sale" includes all sales, exchanges, transfers, and dispositions.

(k) *Lease.* The term "lease" includes any contract for the use of real or personal property of any description.

(l) *Rent.* The term "rent" means any price for the use of real or personal property of any description. The term also includes any charge, no matter how denominated in the lease or other agreement, for the use of any property or for any service in connection with the use of leased property.

(m) *Class of purchasers.* The term "class of purchasers" means purchasers to whom a person has charged a comparable price for comparable property or service during the freeze base period pursuant to customary price differentials between those purchasers and other purchasers. The term "customary price differentials" includes, but is not limited to, price distinctions based on discounts, allowances, add-ons, premiums, and extras based on differences in volume, grade, quality, or locations or type of purchaser, or terms or conditions of sale or delivery.

Subpart G—Procedure and Administration

§ 300.601 Records and ceiling price lists.

(a) *In general.* Any person who sells property or services, or leases property subject to the price and rent stabilization requirements of this Part 300 shall keep such permanent books of account or records as are sufficient to establish the base prices for all such property or services offered for sale or lease by such person and the prices at which such property or services were actually sold or leased.

(b) *Inspection of records or lists.* Records required to be maintained under paragraph (a) of this section shall be made available for inspection at any time upon the request of an officer or employee of the Internal Revenue Service for the purpose of ensuring compliance with the requirements of this part.

(c) *Special rule for imported items.* In addition to the records and lists required to be maintained under paragraphs (a) and (b) of this section, any item which has been imported into the United States and upon which an import surcharge has been imposed by the President in conjunction with other measures taken under the Economic Stabilization Act of 1970, as amended, shall, when sold, clearly have indicated upon the accompanying sales ticket or invoice the exact amount of the import surcharge the seller is passing on to the customer or that such an import surcharge though so imposed, is not being passed on.

(d) *Period for keeping records.* All records required to be kept under this section shall be maintained and preserved by the person required to keep such records for at least 4 years after the last day of the calendar year in which the transactions or other events recorded in such accounts or records occurred or the property was acquired by such person, whichever is later.

§ 300.612 Exceptions by ruling.

(a) *In general.* The Chairman of the Price Commission, or his delegate, will by rulings make such exceptions from the operation of this Part 300 as the Price Commission deems necessary for the purpose of preventing or correcting gross inequities.

(b) *Requests for exceptions.* Except as otherwise prescribed by the Price Commission, persons requesting exceptions from the operation of this Part 300 should submit their request, in writing, to the District Director of Internal Revenue for the district in which such person has his residence or principal place of business. The request should state the reason why the exception is being requested and should contain sufficient information to establish to the satisfaction of the Price Commission that—

(1) The application of the provisions of this part to such person would result in a serious hardship or gross inequity, and

(2) That the request for exception is not part of a plan having as one of its principal purposes the avoidance of the purposes of the Economic Stabilization Act of 1970, as amended, and this Part 300. (See § 300.613 for a more detailed description of the manner in which a request for determination by the Price Commission should be made.)

§ 300.613 Rulings.

(a) *In general.* In the interest of sound administration of the Economic Stabilization Act of 1970, as amended, and this Part 300, the Internal Revenue Service will answer inquiries of persons regarding their status for price and rent stabilization purposes and as to the applicability of this Part 300 to their proposed acts or transactions.

(b) *Price stabilization ruling.* A "Price Stabilization Ruling" is an official interpretation of the law by the Internal Revenue Service which has been published in the Price Stabilization Bulletin. Price Stabilization Rulings are published for the information and guidance of the Price Commission, Internal Revenue Service officials and others concerned.

(c) *Ruling guidelines.* (1) Rulings will be issued only with respect to prospective transactions,

(2) Rulings will not be issued on alternative plans of proposed transactions or on hypothetical situations.

(3) A ruling will not be issued if the national office of the Internal Revenue Service knows or has reason to believe that the same or identical issue in connection with a possible violation of this part by the person who is the subject of the ruling request is before any field office of the Service or any other agency charged with enforcement of this part.

(4) Further, a ruling will not be issued with respect to a matter upon which a recent court decision adverse to the Government has been handed down until the

Government has decided whether to follow the decision or litigate further.

(d) *Instructions.* Any person requesting a ruling should direct such request, in writing to the District Director of Internal Revenue for the district in which such person has his residence or principal place of business. Each request for a ruling must include—

(1) A complete statement of all such information as is relevant to the status of the person and proposed transaction under this Part 300,

(2) Copies of all relevant documents affecting such status or transaction, and

(3) A statement, executed under penalty of perjury, that such statements and documents, to the knowledge of the person making the request, are true and accurate. Only one ruling request may be made with respect to a particular transaction, and no ruling request may be made with respect to an issue described in paragraph (c) (3) of this section.

(e) *Determination letters.* In the discretion of the Internal Revenue Service the request of the person may be answered with a determination letter directed solely to the attention of the person in cases in which the Service deems the question not of sufficient importance to the Price Commission, the Internal Revenue Service, or the public in general to warrant the issuance of a ruling.

§ 300.614 Adverse determinations and appeal.

If a person receives an adverse determination letter (as described in paragraph (e) of § 300.613) he may, within 10 days, file a written request for a conference with the district director who issued such adverse determination letter. If the district director fails to reverse his initial determination following such conference, the person affected may, within 10 days after notice of such final determination, file written application for an appeal, together with a brief outlining the basis for such appeal, with the Price Commission. A copy of the application for appeal and the brief shall, at the same time, be directed to the Internal Revenue Service, Attention: Assistant Chief Counsel (Stabilization), Washington, D.C. 20224.

§ 300.615 Failure to obtain relief.

If a person is denied relief by the Price Commission, either because of an adverse determination or because of the Price Commission's refusal to grant an appeal, such person may, within 30 days, file an action for relief in the appropriate U.S. District Court.

§ 300.616 Reports of alleged violations.

Whenever any person has reason to believe that a violation of these regulations has taken place, such person should contact the nearest office of the Internal Revenue Service. Such cooperation on the part of every citizen will insure that the price stabilization program achieves its maximum and intended effect.

§ 300.651 Penalties.

(a) *Illegal practices.* Any person who, by means of inducements, commissions, kickbacks, retroactive increases, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, trade understandings, the falsification of records, the substitution of inferior commodities, the failure to provide the same services and equipment previously sold or leased, or in any other manner seeks to obtain a higher price or rent than is permitted by this part shall be subject to the provisions of paragraphs (b) and (c) of this section.

(b) *Injunctions.* Whenever it appears that any person is engaged, or is about to engage, in any act or practice described in paragraph (a) of this section, the U.S. Government may, in its discretion, bring an action in the proper district court of the United States to enjoin such acts or practices. Upon a proper showing, a permanent or temporary injunction or restraining order may be granted. In addition, upon proper applications, such court may issue mandatory injunctions commanding any person to comply with any provision of this Part 300.

(c) *Fines.* Any person who willfully violates the provisions of this Part 300 shall, upon conviction thereof, be subject to a fine of not more than $5,000 for each violation. See section 204 of title 2 of Public Law 91-379 (84 Stat. 800).

Because the purpose of this Price Commission regulation is to provide immediate guidance as to the price and rent stabilization rules applicable after November 13, 1971, it is hereby found impracticable to issue this Price Commission regulation with notice and public procedure thereon under 5 U.S.C., section 533(b), or subject to the effective date limitation of 5 U.S.C., section 553(d).

C. JACKSON GRAYSON, Jr.,
Chairman of the Price Commission.

[FR Doc.71-16759 Filed 11-12-71;4:43 p.m.]

COST OF LIVING COUNCIL

[Order No. 5]

SECRETARY OF THE TREASURY

Delegation of Authority Concerning Implementation of Stabilization of Prices, Rents, Wages, and Salaries

Pursuant to the Economic Stabilization Act of 1970, as amended (hereinafter referred to as the Act), and the authority delegated to the Cost of Living Council by Executive Order No. 11627 (hereinafter referred to as the Executive order) it is hereby ordered as follows:

1. There is hereby delegated to the Secretary of the Treasury (hereinafter referred to as the Secretary, subject to the general policy guidance of and coordination with the Cost of Living Council (hereinafter referred to as the Council) and in accordance with the general policy of the Act, authority to interpret, implement, administer, monitor, and enforce the stabilization of prices, rents, wages, and salaries pursuant to the coverage, classifications, and implementation procedures established by the Council. Such functions will include, but not be limited to, the following:

(a) Operation and maintenance of local service and compliance centers established in support of the economic stabilization program in Standard Metropolitan Statistical Areas and such other places as the Secretary may determine;

(b) Dissemination of information and guidance to the public;

(c) Issuance of rulings and the receiving, analyzing, and responding to inquiries relating to the application of regulations and other guidance issued by the Council and the establishment and operation of an appeal procedure;

(d) Receiving, analyzing, investigating, and preparing and forwarding recommendations upon applications for exceptions and exemptions from coverage, classifications, and the implementation procedures to the Council for decision;

(e) Conducting monitoring investigations as to the effectiveness of the stabilization program;

(f) Receiving, investigating, and resolving by obtaining compliance, where possible, complaints received with respect to program violations and recommending enforcement action to the Council, where necessary;

(g) Making factual determinations on behalf of the Council in furtherance of any functions herein delegated; and

(h) Maintaining adequate records and the making of periodic reports to the Council.

2. All executive departments and agencies shall furnish such necessary assistance to the Secretary as may be authorized by law.

3. The Secretary may redelegate to any agency, instrumentality, or official of the United States any authority under this order, and may, in carrying out the functions delegated by this order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

4. The Director, Office of Emergency Preparedness, shall continue to exercise responsibility and authority under Council Order No. 1 as necessary to complete actions in process and to effectuate an orderly transfer of functions to the Pay Board established by section 7 of the Executive order and the Price Commission established by section 8 of the Executive order.

5. Nothing in this order shall be construed to limit or otherwise supersede the authority heretofore delegated to the Pay Board by Council Order No. 3 or to the Price Commission by Council Order No. 4.

6. This order shall be effective at 12:01 a.m., November 14, 1971.

By direction of the Council.

DONALD RUMSFELD,
Director.

[FR Doc.71-16760 Filed 11-12-71;4:43 p.m.]

PRICE COMMISSION

[Order No. 1]

SECRETARY OF THE TREASURY

Delegation of Authority Concerning Implementation of Stabilization of Prices and Rents

Pursuant to Executive Order 11627 and the authority delegated to the Price Commission (hereinafter referred to as the Commission) by Cost of Living Council Order No. 4 (hereinafter referred to as the order), it is hereby ordered as follows:

1. There is hereby delegated to the Secretary of the Treasury (hereinafter referred to as the Secretary), subject to the general policy guidance of and coordination with the Commission and consistent with the general policy of Executive Order 11627 as developed by the Cost of Living Council, authority to interpret, implement, administer, monitor, and enforce the stabilization of prices and rents pursuant to the criteria, standards, and implementation procedures established by the Commission. Such functions will include, but not be limited to, the following:

(a) Operation and maintenance of local service and compliance centers established in support of the economic stabilization program in Standard Metropolitan Statistical Areas and such other places as the Secretary may determine;

(b) Dissemination of information and guidance to the public;

(c) Issuance of rulings and the receiving, analyzing, and responding to inquiries relating to the application of regulations and other guidance issued by the Commission and the establishment and operation of an appeal procedure;

(d) Receiving, analyzing, investigating, and preparing and forwarding to the Commission for decision recommendations upon applications for exceptions from the criteria, standards, and the implementation procedures;

(e) Conducting monitoring investigations as to the effectiveness of the stabilization program;

(f) Receiving, investigating, and resolving by obtaining compliance, where possible, complaints received with respect to program violations and recommending enforcement action to the Commission where necessary;

(g) Making factual determinations on behalf of the Commission or in furtherance of any functions herein delegated; and

(h) Maintaining adequate records and the making of periodic reports to the Commission.

2. All executive departments and agencies shall furnish such necessary assistance to the Secretary as may be authorized by law.

3. The Secretary may redelegate to any agency, instrumentality, or official of the

United States any authority under this order, and may, in carrying out the functions delegated by this order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

4. This order shall be effective at 12:01 a.m., November 14, 1971.

By direction of the Commission.

C. JACKSON GRAYSON, Jr.,
Chairman.

[FR Doc.71-16761 Filed 11-12-71;4:43 p.m.]

PAY BOARD

[Order No. 1]

SECRETARY OF THE TREASURY

Delegation of Authority Concerning Implementation of the Stabilization of Wages and Salaries

Pursuant to Executive Order 11627 and the authority delegated to the Pay Board (hereinafter referred to as the Board) by Cost of Living Council Order No. 3 (hereinafter referred to as the order), it is hereby ordered as follows:

1. There is hereby delegated to the Secretary of the Treasury (hereinafter referred to as the Secretary), subject to the general policy guidance of and coordination with the Board and consistent with the general policy of Executive Order 11627 as developed by the Cost of Living Council, authority to interpret, implement, administer, monitor, and enforce the stabilization of wages and salaries pursuant to the criteria, standards, and implementation procedures established by the Board. Such functions will include, but not be limited to, the following:

(a) Operation and maintenance of local service and compliance centers established in support of the economic stabilization program in Standard Metropolitan Statistical Areas and such other places as the Secretary may determine;

(b) Dissemination of information and guidance to the public;

(c) Issuance of rulings and the receiving, analyzing, and responding to inquiries relating to the application of regulations and other guidance issued by the Board and the establishment and operation of an appeal procedure;

(d) Receiving, analyzing, investigating, and preparing and forwarding to the Board for decision recommendations upon applications for exceptions from the criteria, standards, and the implementation procedures;

(e) Conducting monitoring investigations as to the effectiveness of the stabilization program;

(f) Receiving, investigating, and resolving by obtaining compliance, where possible, complaints received with respect to program violations and recommending enforcement action to the Board, where necessary;

(g) Making factual determinations on behalf of the Board or in furtherance of any functions herein delegated; and

(h) Maintaining adequate records and the making of periodic reports to the Board.

2. All executive departments and agencies shall furnish such necessary assistance to the Secretary as may be authorized by law.

3. The Secretary may redelegate to any agency, instrumentality, or official of the United States any authority under this order, and may, in carrying out the functions delegated by this order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

4. This order shall be effective at 12:01 a.m., November 14, 1971.

By direction of the Board.

GEORGE H. BOLDT,
Chairman of the Pay Board.

[FR Doc.71-16763 Filed 11-12-71;7:18 p.m.]

SENATOR HUMPHREY'S REMARKS TO THE NATIONAL MUNICIPAL LEAGUE

Mr. HUMPHREY. Mr. President, on Monday, November 15, 1971, I was privileged to address the National Municipal League's Conference on Government in Atlanta, Ga. The National Municipal League is an organization of civic leaders, government research institutes, and public servants dedicated to improving the responsiveness of American government. The league has published articles and drafted model legislation on State constitutional revision, taxation, programs for the elderly, and structural reform in American cities.

My address to the Conference stressed the need for services that are equal across the Nation. As I said in the speech:

We are a mobile people. But, our standards of service must be constant.

Mr. President, I ask unanimous consent that the text of my remarks be printed in the RECORD.

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

REMARKS BY SENATOR HUBERT H. HUMPHREY

Have you ever wondered what it would be like if government really worked? If the hungry were fed. If there were no consumer abuses. If we had uniformly good schools with quality education for all children and if our elderly could live out their lives in security.

If our health system prevented illness rather than sought to cure it.

If peace were a fact of life rather than a long sought goal.

What would our future be like? I believe we would have a society that permitted the cultivation of man's individual spirit—that permitted him to grow, to learn to develop the full potential of his talents and abilities.

Man, at peace with himself, would be at peace with others. We could create what we all are seeking—a better quality of life.

But, as we know, that is not the reality.

Man is burdened with anxiety, ripped and torn by prejudice. Men still dream and hope. But they do so encumbered by a sense of frustration.

Government reflects these same frustrations.

Government in this nation has become muscle-bound. It is big, costly, and seemingly unable to respond to the needs of people.

This is true of government at all levels. In activity after activity—from street cleaning to public safety—communities are barely able to meet even the most basic minimum levels of service.

As a result, in all too many instances, the spirit has gone out of our cities. And, no matter how hard we try, we cannot seem to replace it.

Look at the statistics. People move out of—not into—the cities. And they move away from—not to—the rural areas. They move increasingly to the suburbs, creating larger and larger mass metropolitan areas.

And, those who leave the city are often the young, those with education, will, spirit, and those with earning potential.

The result is predictable: The gap between rich and poor, between the haves and the have-nots grows wider, seemingly unbridgeable, and frightening.

We wonder why and what can be done about it.

I'll not recite to you the usual litany about the urban and the rural crises. They are all too familiar.

What I want to do is give you my thoughts, perceptions about how to change life in American cities—cities of all sizes with all kinds of problems.

And, this is not gospel. It is just one man's analysis and one man's desperate hope that we can do better. I believe we can. I know we must.

All of us want responsive government. To get it, our nation must confront head-on the problem of public management. Professionalism, reorganization of institutions, use of new technology—these are beginnings, but they are not enough.

We must ask: What does government mean to people?

The average citizen does not differentiate among the various levels of government—he thinks about the government.

And, when things do not work, he blames the government. If he is disillusioned, if he is angry, if he is bitter, if he is frustrated, it is the government.

And we are all part of it.

But too often, we pretend that it is someone else's responsibility—the President's, the Senator's, the Mayor's, the Councilman's, or the City Manager's.

And government becomes alien, foreign, remote from the people.

What we must learn is that the government must serve people, not a system, or a board, or an authority, but people.

It is not an academic institution.

Government exists because of and for people.

I believe we need a refocus on that fact. We need to refocus on "street level government" and the essentials of public service.

People must be able to call city hall and have their sidewalks fixed, their apartments inspected, their garbage collected, snow removed, dependable electricity, enough heat.

Street level government means an equalization of fundamental services throughout the nation.

There is a great disparity today in the quality of government services.

Our people—no matter where they live—should have certain basic standards of service—standards of education, of health, of social services, of public services.

This is their basic right.

We are a mobile people. But, our standards of service must be constant. We should have the same basic minimum standards in Seattle as we have in Mississippi, in New York as in Atlanta.

But to achieve this will require the mobilizing of public commitment and the resources of a nation. We have done this for other great enterprises—the rebuilding of Western Europe, the landing on the moon.

We can do it for our communities and the people who live in them.

Already we have the beginning.

Cities are electing mayors of stature, leaders who want to do things for people.

And, the distrust that once existed between cities and states is, on balance, disappearing. More than ever before, leaders are recognizing that problems do not affect just one government level—problems are public, they are the concern of all governments.

There is a quiet revolution occurring in this nation. It is a revolution of people demanding accountability and sensibility from leadership.

It is a revolution that will reshape the nature of federalism from an adversary to a partnership—a partnership with national policy objectives, but without direct Washington controls.

Commitment—from people and leaders—is one half of the equation. Resources is the other half. And resources means money.

Our nation has massive public needs: There is a $12 billion poverty gap, a $70 billion waste disposal and sewage gap, a $15 billion clean air gap.

In 1975, over $35 billion will be spent by state and local government on education, over $12 billion on highways, $15 billion on health, $13 billion on parks and recreation.

Where are we going to get this money?

How are we going to pay the bill?

As many of you know, I have introduced a revenue sharing bill. Under this proposal, states and cities would share in the federal tax collections. The reasoning is simple. Since the federal government has the largest tax base. Why not use it to accomplish local social purposes.

This money is your money and the money of the people in your communities. It is not the federal or the state government's money. It represents the earnings of people. It should be used for programs for people.

My revenue sharing bill is directly tied to making government more responsive. It gives more funds to those governments that modernize their structure.

The bill is also tied directly to desperately needed tax reform.

Look at your own communities. About 35 to 45 percent of your total revenue is raised from the property tax. Yet, who gets hit the hardest with the property tax? It is the moderate income, the middle income, and the low income taxpayer.

Our entire tax system is distributed inequitably. The poor who can least afford it pay a disproportionate share of taxes; and many who should pay most do not.

And in the highest spirit of federalism, it accepts the negotiation process worked out between the cities and states as to the distribution of the pass through dollars.

We need an income tax system at the state and local governments—a tax system that is progressive and flexible—a tax system that will produce the kind of revenues that will make social progress possible.

There is a third resource need: Development.

Our nation is publicly poor, but privately wealthy. For too long we have neglected our pressing demands here at home.

I believe that the 1970's should be a decade of dynamic domestic development. It should be a decade of building needed public projects, improving essential services, financing mass transit, making our government work.

How are we going to do it?

The fundamental answer is a new credit mechanism—long term credit, and massive investment in public works.

In May of this year, I introduced the National Domestic Development Bank Act of 1971.

The objective of my bill is to provide an alternative source of funds for new schools, medical and hospital centers, day-care centers, parks, waste disposal plants, playgrounds, and much more.

Many of you here have used municipal bonds.

And you know how hard it is to sell a 40-year bond at any reasonable rate of interest.

Yet, the government of the United States, through such institutions as the Inter-American Bank makes loans for people you and I have never met.

I say to you that if we can make loans to Rio de Janeiro, at low rates of interest for 40 years, then we can make loans to Miami, to Williamsport, to Minneapolis, to Atlanta, or anywhere else right here at home.

We simply must change our financing system.

We are trying to build new community facilities on credit terms that were designed for the 1900's. And, it simply won't work.

We must have a credit structure that will eliminate the present stop-start method of public finance.

The National Domestic Development Bank emphasizes community planning—planning that results in decisions, to move on projects, not to have another study.

It is a bank that emphasizes multi-year financing so that longer-term projects are completed.

And, it is a system that can ensure that government *does* reach the people.

The National Domestic Development Bank can help large cities and counties—but what about rural areas?

Millions of people are leaving rural America for the cities, compounding the urban crisis, adding the problems of poverty and joblessness, and welfare.

It was with this in mind that I introduced companion legislation to the National Domestic Development Bank—a supplementary program specifically for communities under 35,000 population.

The Rural Development Bank bill can give our smaller towns new hope.

Credit financing will enable us to build the public projects that are so vital and so necessary. They can provide jobs. They can infuse the economy of a town with money, with enterprise. They can put people to work.

Long term credit and investment in public projects and services can help end the stagnation of our economy—help end the hopelessness.

If government is to work effectively, then our priorities are clear:

—A government that is people oriented.

—A minimum basic floor of services for all Americans.

A system of government organization and taxes that is up-to-date, progressive, and fair.

And, a financing strategy that provides the resources for local people to design their own solutions.

These are the elements—the fundamentals—that will allow us to improve the human condition.

As Lincoln said, "We must disenthrall ourselves of the past, for the times are new and the times call for new ideas."

FUTURE PROSPECTS FOR NATION'S COMMERCIAL AIRLINE INDUSTRY

Mr. INOUYE. Mr. President, as chairman of the Subcommittee on Foreign Commerce and Tourism, I am particularly concerned with the future prospects for our Nation's commercial airline industry. With the recent Commerce Department report that the United States recorded its greatest balance-of-payments deficit in history in the third quarter of this year, there can no longer be any question that we must improve our import-export position.

One important area where we can and must improve our import-export position is in the foreign sphere of the airline industry. In order to understand better some of the basic problems which now confront our own airline companies, I ask unanimous consent that the remarks of Mr. Edward E. Carlson, president and chief executive officer of United Air Lines, before the 27th annual general meeting of the International Air Transport Association, held in Honolulu, Hawaii, on November 18, 1971, be printed in the RECORD.

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

STATEMENT OF EDWARD E. CARLSON

I was not even in the airline industry when you met last October in Tehran. That surely makes me one of the newest members of this association, but you couldn't find a more fascinated newcomer. In December 1970, my 40-year association with the hotel industry was interrupted when I was named as Chief Executive Officer of United Air Lines. I must say that the initiation routine in the airline industry can be an unforgettable and sometimes disquieting experience. Now, after almost a year in this job, I'm honored to be asked to share some observations with you.

I'm respectful of your long association with air travel. You have lived through its peaks of success and its valleys of disappointment. Your meeting last October came near the end of one of the most discouraging years financially in the history of the industry. When the final results of 1970 were in, the Air Transport Association of America reported that the net operating income of the U.S. scheduled airlines was 92 percent less than it was four years earlier in 1966. United Air Lines alone posted a net loss of over $40 million in 1970.

Our analysis of the outlook for 1971 indicated that revenues were going to be flat. Thus, if we were to make any substantial improvement in profit, we had to move quickly and earnestly in reducing expenses. The specific measures taken by United Air Lines to reduce costs were typical of those taken by other airlines. Overall employment was reduced by over 10% to date from its peak in August of 1970. This was a particularly difficult task because it involved the security and welfare of many fellow employees. Planned capital expenditures were slashed by $159 million. A large part of this was in aircraft acquisition. Four 747's were deferred from 1971 to 1973. Three DC–10's were deferred from 1972 to 1973. Eight DC–10 purchases were cancelled, and options for 20 more were passed. We could ill afford to further deplete cash reserves or add capacity when we already had an excess.

The number of departures on the United Air Lines system was unilaterally reduced by 18% during the first half of the year. These moves involved considerable risk of competitive losses. Also, our efforts to discontinue or reduce flying in non-productive route segments were not always popular with our customers in the cities affected; but when confronted with hard economic facts, they have been understanding. In major markets, the U.S. trunk carriers faced a serious problem of over-capacity. The inventory of seats far exceeded the demand, and United joined in requesting the CAB to allow the airlines to discuss mutual reductions of schedules in certain markets. Agreement was reached between United, TWA and American in four major long haul markets and subsequently approved by the Board. The reduced schedules were effective October 3, and we expect a substantial profit improvement in the first year under these revised schedules with no significant loss of revenue or impairment of service to the traveling public. Since schedules are a competitive feature of airline service, it would have been better if the same results had evolved due to free market forces.

However, these forces would not have been felt in time to avert serious harm through this heavy scheduling in certain segments. Accordingly, these agreements must have a definite lifetime. We have agreed that the last of the present arrangements will expire September 16, 1972.

As a newcomer to the business, I'm fascinated with the fact that while this is a regulated industry, it is also fiercely competitive. Competition is desirable and the public should have a choice, but it should not be a wasteful choice. If three carriers can provide adequate service and make a profit, then what is the justification for adding the fourth and fifth carriers to the market with the result that it becomes financially unattractive to all?

In any case, as a result of intensive cost cuts, coupled with the 6 percent fare increase which the CAB authorized to become effective May 7, we have experienced a sub-

stantial improvement in profits. But, as we've often said, you can't save yourself to solvency. Increased revenue, then, has to be a crucial consideration.

In preparing my remarks for today's conference with you, I read again with great interest the address which Mr. Ian Sinclair, Chairman of Canadian Pacific Railroad, made to this group in Tehran last year. He said in part, "I see signs . . . that the complacency which is typical of the older modes of transportation is spreading into the airline industry. A strong market position and an apparent lack of inter-modal competition when continued too long, lead to reliance on custom, habit, and precedent. The ability to innovate and develop is lost." He spoke of a ". . . club-like attitude centered around shared motivations and values which places the value of the club and its members above that of the enterprise." This was a serious admonition from a man with many years of firsthand experience in the industry. A lot has happened since Tehran and I think Mr. Sinclair would agree that the club-like atmosphere has been shattered during the past twelve months. There has been a remarkable desire to be innovative in marketing techniques and pricing policies.

There'll be a fierce tug-of-war for the United States pleasure traveler. There is still a great deal of fascination with the opportunity to visit Europe on the part of a great many people in the United States, and everyone in the U.S. is watching with interest the North Atlantic fare situation. The pleasure traveler is very sensitive to the overall cost of his vacation, and he plans his travel with great care. This coming winter and early spring will be a critical period for the United States carriers because this is the time when the majority of travelers are finalizing their plans for the peak summer travel season. With the fluctuations we have seen to date in the decreased buying power of the dollar abroad, we expect there will be a considerable uncertainty in the minds of potential travelers and their travel agents in determining in March or April the cost of the June or July overseas trip. We expect that some potential travelers faced with this uncertainty will decide on a vacation on the U.S. Mainland or Hawaii where the value of his travel dollar is constant. In making that statement, you obviously recognize that I'm making it as the spokesman for United Air Lines; and we propose to be competitive. Every other domestic U.S. airline worth its salt will be in exactly the same competitive posture. What then are the conclusions from these observations?

First, let me talk about areas in which we can be cooperative. Increased productivity is essential for all of us. Since there are not likely to be major technological advances in the near future to provide drastic improvements in productivity as the jet aircraft and computerization have done, we believe that inter-airline cooperation in non-competitive areas is a fertile spot to look for productivity and, thus, reduce cost. I've been fascinated by the cooperation that exists among the European airlines and their leadership in developing cooperative agreements among themselves. Recently, there has been substantial progress towards closer cooperation among United States carriers, and I cite particularly the United-American agreement in the early stages of the DC–10 design to standardize the cockpit of that aircraft and many other features. This was the most successful effort in hardware procurement among the United States carriers to date, and the evolving spirit reflected in this program has been seen in other areas. United, TWA, and American are also currently pursuing many possibilities for the mutual use of ground equipment and facilities. We should make a continuing effort to identify those areas which are truly non-competitive and earnestly work to pool resources and thus reduce the substantial fixed overhead cost of this capital-consuming industry. Some problems will develop as we work in this direction because of contracts with labor unions, but it can be reasoned that a financially strong airline industry is important to all employees of all airlines.

Next, I think we should remind ourselves that even today in the United States, 51% of the adult population has never flown commercially and that of the estimated $110 billion spent in the United States on leisure goods and services, only $2.4 billion is spent domestically on nonbusiness air travel. We really are competing with other forms of leisure—sporting goods, swimming pools, boats and so on—for potential customers. If only 2% of the leisure dollars not spent on air travel could be attracted our way, consumer spending for air travel would be doubled. This is revenue which produces real profit for the industry as a whole, not price war revenue from customers who are going to fly anyway and simply do so at a discount rate. Now, let me say that although I am a newcomer to the airline business, I have spent 40 years in the hotel business or one might say "the travel industry." In so doing, I have spent my adult business life selling "bed nights." Now I find myself selling "seat miles." Both are equally perishable. There's no inventory to put away for disposal at some sale at a later date. Anyone with long experience in the travel industry knows the tremendous value of attracting even a small increase in the discretionary spending of people—whether it be for hotel rooms or airline tickets.

Unless there is a sudden change in the course of events, during the next several months we will see a continuation of the historic struggle between the scheduled and supplemental airlines of the free world. It is reasonable to point out that the historic role of a schedule carrier has been to provide consistent service over regular routes at a price which will allow the carrier to have some fair return as detemined by a government regulatory body. This type of service developed a sound business market, and through the years a significant amount of pleasure travel, as well, has been attracted to scheduled air service.

In recent years scheduled carriers have been losing a significant portion of that pleasure travel. The Air Transport Association of America reports that in most North Atlantic markets, upward of 60% of the supplemental's customers probably would have flown on a scheduled carrier if the supplemental service were not available. This dilution exists in other markets as well, and the supplementals are getting customers. The fact is the supplementals were aggressive enough to see a market opportunity and to capitalize on it. Thus, the challenge to the scheduled carrier is to determine if earnings can be optimized by offering the product in different ways to reassert leadership in the vacation market by competing for large volume business and meeting charter prices and supplemental offerings to the maximum extent possible.

In looking to the future, one must recognize that the airlines cannot go it alone. To stimulate new traffic through group price reductions and service improvements, we must have the cooperation of travel agents, hotels, suppliers of ground transportation and others who will do their share in the spirit of cooperation, realizing that only increased travel volume through major generation of new traffic will bring significantly increased profits.

Let me cite an example. The total cost of an average trip to Europe for an American traveler in 1970 was $836. If air fares had gone up at the same rate as European hotel rates and meals for the past ten years, the cost would have been doubled. For a U.S. traveler going to Europe for ten days in 1958, air fare represented 75% of the total travel expense. In 1970, the air fare was only 48% of the total cost. The airlines obviously cannot continue to implement economies which will offset increases in costs of ground phases of travel. As vacation travel increases in importance, so will the vacation package concept. For the vacation traveler, reasonably priced and attractively designed packages can increase revenue and profits through new traffic generation. Our experience with Group Inclusive Tour packages verifies this. Our studies indicate that as many as 80% of the people who took advantage of these fares would otherwise not have taken the trip.

Let me emphasize once again the importance of finding new markets. If we merely shuffle passengers from one airline to another at reduced fares, we only add to our own financial woes. We firmly believe that coordinated, marketing packages with the enthusiastic participation of hotels, tour operators, and agents are important. These people must be encouraged and invited to participate actively in the design and marketing of group travel.

At the risk of taking a broad-brush, generalized approach to a very complex problem, may I just share with you the business relationship that is fundamental to all of us. There are really three elements to every business transaction in the airline industry. First, we have the customer. He wants to fly or ship goods on airplanes that represent the latest in technology and comfort, scheduled at times to fit his plans with the maximum amount of attention and comfort in cabin service. Furthermore, he wants all of these things at the lowest possible rate. In other words, he wants all he can get!

The next essential partner is the employee who serves the customer. In 1971 United will pay approximately 47% of its total revenues for salaries and benefits. This certainly gives the employee a prominent role in the partnership, and his needs receive corresponding attention. What are his needs? Whether he is management or non-management, we find that the employee wants good working conditions, good pay, adequate benefits for himself and his family, excellent travel privileges and good vacations. In other words, he wants all he can get!

The third partner is the shareholder. Under the free enterprise system in a capital intensive business such as the airlines, it is essential to have the confidence of those with dollars to invest in common stock. The airline industry is a great consumer of capital; both equity and long term credit. When the shareholder approaches the market place to invest his money in common stocks, he is interested in a company which has a good history of earnings and is completely solvent; a company with a consistent dividend record; a company which has shown sustained growth over a period of years with appreciation in the value of its shares; a company which has liquidity. In other words, the shareholder wants all he can get!

In the United States, and I would gather in all other countries, there is also a fourth partner—the government—which has a strong voice in the rates we charge and the routes we serve. This is as it should be. However, this creates a different set of challenges for the management of an airline than those which exist for many of the corporations in other fields of business and industry where it is possible to respond immediately with changes in price, level of service, or locations when significant changes take place in labor costs or other factors. Thus we have a responsibility to convince the representatives of government that it is in the national interest to maintain a financially strong airline industry.

It is incumbent upon all of us who are spokesmen for major companies to make certain that we establish the right priority in the four partner relationship that I have just enumerated. If we must make a judgment, we must start with the customer because without the customer, the employee is not needed; and the shareholder will not buy the

shares. We must be competitive; and airlines will be competitive. At the same time, we must be resourceful enough to price our merchandise in such a manner that when our efforts are concluded, we will have achieved a profit and yet the value of the service to the customer will prompt him to look with enthusiasm toward future trips. But without profit, the service will not be adequate, the maintenance of the cabin amenities and the schedule offerings will be less than desirable, the employees will not be adequately paid, and in the final analysis the shareholders will not be interested in our offerings.

In summary, because no company can long survive with a poor balance sheet, in all of our fare offerings, in all of our pricing techniques, in all of our competitive efforts, we must never lose sight of the compelling fact that we must end up with more revenue than expenses. The alternative is quite obvious.

I've been speaking here today of the recent past and near future which has been very cloudy for the scheduled carriers. These clouds have been so numerous that it's sometimes difficult to see the brighter long-term outlook for our industry. By every measure we know, this business will show remarkable growth over the next ten years—many experts predict that revenues will more than double in this period. So while we have our current problems, we must prepare for the upward surge—learn from the experience of our current difficulties, but look ahead. If we learned our lessons well, we can look forward to some gratifying years.

Thank you.

NOMINATION OF DR. EARL BUTZ TO BE SECRETARY OF AGRICULTURE

Mr. MONDALE. Mr. President, the Committee on Agriculture and Forestry is conducting hearings on the nomination of Dr. Earl Butz for Secretary of Agriculture.

I do not have to tell you or the Senate about my concern over the plight of our family farmers. I am currently sponsoring and cosponsoring several bills which seek to increase the economic well-being of our farmers and to revitalize rural America. Because of these concerns, I have to oppose the nomination of Dr. Butz. His philosophy of agricultural policy does not give any indication that he will champion the cause of our family farmers.

Would we confirm the nomination of any enemy of business for Secretary of Commerce? Would we want an enemy of small business to head the Small Business Administration? Of course not. Therefore, we cannot settle for Dr. Butz as Secretary of Agriculture. The Secretary should be the spokesman for our farmers. The record of Dr. Butz shows nothing to indicate that he would serve that function. Throughout his career he has represented the interests of vertical integrators, grocery manufacturers, processors and other corporate giants. He has advocated the concept of fewer and larger farms and has said strongly that a large proportion of the farm population should leave farming for other types of work.

Improved efficiency and greater volume have often been the theses of his speeches. He has said that farmers must adapt to this system or die. What that idea leaves out is the fact that in that type of race for survival, several of our most efficient and most hard-working farmers will voluntarily leave the farm. Faced with a high degree of risk and continually narrowing margins, it becomes all too obvious to many of our sharpest young people that they can achieve greater economic rewards for the same amount of efforts in other forms of work. We cannot afford, socially or economically, to continue losing these people.

Many farmers in Minnesota who are hard pressed by the low corn and feed grain prices this fall are topnotch businessmen. Several would probably be considered efficient, even by Dr. Butz' standards. Being sharp businessmen, they will see that they are not getting any return for their labor when it costs 90 cents to produce a bushel of corn and they are offered only 88 cents a bushel in the market. Would General Motors spend $2,700 to build an automobile—then sell it for $2,640?

Mr. President, farm prices are the lowest they have been since the depths of the great depression. Many of our fine farm communities are depressed. Low farm income and reduced buying power of farmers can only lead to one result—stagnation of more communities. We cannot afford to allow this to continue.

The farmers and all Americans are entitled to know where Dr. Butz and the current administration stand on matters of farm policy. What will they do to better the critical situation which our farmers face? So far we have only the past record of the administration which has led us to the present overproduction and depressed price situation.

Concerning Dr. Butz, we also only have a past record on which to base our judgments. He has been an eloquent advocate of vertical integrators and conglomerate corporations which propose to either squeeze independent family farmers out of business or reduce them to the status of employees. Several of those forces have helped to create the current farm crisis.

Dr. Butz has long advocated a laissez faire type of agriculture. He loyally praised former Secretary of Agriculture Ezra Taft Benson for his alleged attempt to reduce surplus Commodity Credit Corporation stocks. In reality, during the Eisenhower-Benson years, CCC inventory increased fivefold—from $1.13 billion in 1952 to $5.37 billion in 1957.

During the Benson years, when other sectors of the economy were setting new highs in profits, wages were increasing, and other economic indicators were rising, the cumulative total loss of net farm income amounted to $14.2 billion. As a result of that dreadful decline in farmers' buying power, the Nation suffered a disastrous loss of smalltown businesses which had been dependent upon farmers for their volume and profits.

Mr. President, the time has come to redirect our priorities toward a revitalization of the countryside and this can best be started by preserving what we already have—the family farmer. Instead of forcing more people off the farm, we should be finding ways of keeping our fine young people on the farms and out of troubled, crowded cities. Polls have shown that 60 to 70 percent of Americans living in cities would like to live in the country. But, in fact, less than 20 percent of our people do live in rural areas.

Instead of forcing good farmers off the land, we should be rewarding them for their tremendous productivity performance. They are the envy, not only of other farmers over the world, but of other American businessmen as well.

Dr. Butz has not shown that he, as Secretary of Agriculture, would take steps to remedy the current depressed situation or that he will take steps to improve the long-run status of rural America; therefore, I cannot vote to confirm his nomination.

Mr. President, I have received hundreds of communications from farmers and rural businessmen in Minnesota opposing the nomination of Dr. Butz. I have made a selection of some of them, and I ask unanimous consent that some of the messages be printed in the RECORD.

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

MINNEAPOLIS, MINN.,
November 18, 1971.

Senator WALTER F. MONDALE,
Washington, D.C.:

The nomination of Doctor Earl L. Butz as Secretary of Agriculture is unacceptable to Minnesota, great farming industry that I officially represent. A declining farm population and depressed farm economy could expect only hastened disaster from this chief architecture of the devastating policies applied during the sad administration of Ezra Taft Benson. Minnesota and American agriculture need a Secretary of Agriculture who will champion the cause of the family farmer essential to economic growth, rural development, and national population stability. Dr. Earl L. Butz in my opinion is at the opposite pole—a demonstrated champion of corporate farming. I strongly oppose the nomination of Dr. Butz.

JOHN WEFALD,
Commissioner of Agriculture,
State of Minnesota.

OWATONNA, MINN.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Mr. Butz appointment as Secretary of Agriculture is a terrible mistake. Please do what you can to recitify this.

LEO ANTL.

SAUK RAPIDS, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Washington, D.C.:

DEAR SIR: We cannot and will not tolerate the approval of Earl Butz as Secretary of Agriculture.

PAUL WENSMANN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmer. Push for a nomination of a farming farmer.

ED AND DAVE CARLSON.
GIBBON, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We have had a professor for Secretary of

Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience. Butz is a no no for family farmers.

FRANCIS BIGOAUETTE.

ARLINGTON, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

WILFRED LANDKAMMER.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmer. Push for a nomination of a farming farmer.

ROGER HARBARTH.

GAYLORD, MINN.

HARMONY, MINN.,
November 13, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR MR. MONDALE: We believe the nomination of Mr. Butz for the new Secretary of Agriculture *Should Not* be confirmed by the Senate. We submit to you the following reasons:

1. As a director for the Ralston-Purina company he is not going to have the interests of the farmer at heart. Ralston-Purina is now in the process of integrating the hog industry as it has the chicken industry. With this type of background just how much does he know about the family farmer and his problems?

2. Serving under Ezra Taft Benson in the pro communist Eisenhower administration does he have the best interests of our great nation at heart?

Daniel Webster said: "Let us not forget that the cultivation of the earth is the most important labor of man. Unstable is the future of the country which has lost its taste for Agriculture. If there is one lesson in history which is unmistakable, it is that National Strength lies very near the soil." It is time to get a Secretary of Agriculture who believes in the family farm and will work to keep the family farmer farming!

Please vote No for Mr. Butz's confirmation as Secretary of Agriculture.

Yours truly,
Mr. and Mrs. RICHARD KIEHNE.

FAIRMONT, MINN.,
November 16, 1971.

DEAR SENATOR MONDALE: I am writing in regarding to the appointment of Earl Butz as Sec. of Agri.

I understand he stands for corporation farming in this case I would strictly be against his appointment. We need a Secretary that would work in the best interest of the small farmer instead of getting rid of him.

I would like to see the corn be supported at a higher price. What good is our foreign markets, if I can't make any money at the price the Dept. of Agri. sets? In 1956 I sealed corn for $1.48, how in the world do they think we can produce corn any cheaper in 1971? We are suppose to have intelligent people in Washington, they are very intelligent when it came to raising their pay. However, we farmers are getting less for our products in spite of the fact that our operating expenses are costing us more each year. Just what in the world is the matter to expect us to take such a beating?

Something better be done in the regards to the price the farmer gets.

Yours truly,

DONALD WILSON.

BROOK PARK, MINN.,
November 16, 1971.

DEAR SENATOR MONDALE: I am writing concerning the appointment of Dr. Butz as Secretary of Agriculture. I would like to see a man willing to support family-type farming in this position. I do not think Dr. Butz is this type of man and would like your support in fighting his nomination.

Sincerely yours,

ROBERT MONSON.

STATE BANK OF WORTHINGTON,
Worthington, Minn., November 15, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: The appointment of Earl Butz as Secretary of Agriculture is, in my estimation, an insult to the farm families of this nation. During the 50's when Mr. Butz was Assistant Secretary of Agriculture, his greatest efforts appeared to be directed toward the promotion of the corporate farm, and I think his business associations over the years substantiate that and the fact that he is not particularly interested in the survival of the family-type farmer.

On several occasions during his previous tenure in the Agricultural Department, I heard him address bankers' groups. The information he was giving at that time was so worded as to give a false and untrue picture of what was actually happening.

In my estimation, this appointment ranks in the same category as Carswell and Haynsworth, and I hope you will continue to vigorously oppose his confirmation.

Yours very truly,

JOHN R. TROTH,
President.

LAKEVILLE, MINN.,
November 16, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We, as family farmers strongly oppose the appointment of Earl Butz as Secretary of Agriculture.

Mr. and Mrs. VERNON W. JENSEN.

WAUBUN, MINN.,
November 18, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

Membership of Mahnomen County NFO strongly oppose Earl Butz as Secretary of Agriculture.

ERNEST STOCK,
Mahnomen County NFO Secretary-Treasurer.

ROCHESTER, MINN.,
November 18, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We find it deplorable that President Nixon has chosen Carl Butz for Secretary of Agriculture. We hope you will block this nomination on behalf of family farms.

MARVIN NELSON.
RAY PETERSON.
THOMAS HEIM.
NORVAL JOHNSON.

KELLOGG, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

I protest the placement of Butz as Secretary of Agriculture.

HENRY ROTT.

ALEXANDRIA, MINN.,
November 17, 1971.

Hon. WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

We oppose the nomination of Earl Butz for Secretary of Agriculture because he resists family farms.

RAYMOND WAGNER.

BRANDON, MINN.

ROCHESTER, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Save rural America—keep Dr. Butz out of the Agriculture Department.

Mr. and Mrs. PAUL DRENCKHAHN.

MINNEISKA, MINN.

OWATONNA, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

I am a farmer and definitely opposed to Dr. Butz as Secretary of Agriculture.

LESTER BUECKSLER.

FARMINGTON, MINN.,
November 17, 1971.

Senator WALTER S. MONDALE,
Washington, D.C.:

Our personal opinion is that Earl Butz is worst possible choice for Secretary of Agriculture.

Mr. and Mrs. ROBERT JENSEN.

WASECA, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

Stop appointment of Earl Butz as Secretary of Agriculture. We don't need corporation farms at expense of family farms.

ELDRED PHILLIPS.

RUTHTON, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

We need solutions in Agriculture not more problems, keep Professor Butz out.

DELBERT ERICKSON.

BALATON, MINN.

HOLLOWAY, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

I don't support the appointment of Doctor Butz as Secretary of Agriculture. Defeat this.

ROBERT KEENE,
President, Swift County NFO.

UTICA, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

We request your support in opposition to the appointment of Earl L. Butz as President Nixon's choice for Secretary of Agriculture.

HOMER MOTE.

MARSHALL, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

We do not feel that Earl Butz should qualify for Secretary of Agriculture.

VIRGIL GREGOIRE.

LAKEVILLE, MINN.,
November 17, 1971

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

As dairymen, we ask you to vote no on Butz.

FRED HARRIS.

ST. CLOUD, MINN.,
November 17, 1971

Senator WALTER MONDALE,
Washington, D.C.:

We disapprove of Mr. Butz as Secretary of Agriculture.

Mr. and Mrs. LAWRENNCE FREHAMMER.
SAUK RAPIDS, MINN.

WAHPETON, N. DAK.,
November 17, 1971

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Request a no vote for Butz. He isn't for farmers.

JAMES HASBARGEN WILKINS CO.
FOXHOME, MINN.

LEWISTON, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Strongly oppose to Butz appointment to Secretary of Agriculture. Urge you work against it.

PAUL MUELLER.

DETROIT LAKES, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

I oppose Butz for Secretary of Agriculture. He's no good for farmers.

VERNON TEIKEN.

COLOGNE, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Protesting appointment of Earl Butz as Secretary of Agriculture.

Mr. and Mrs. NICHOLAS EIDEN.

WABASHA, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

We don't want Butz for Secretary of Agriculture.

VINCENT EVERSMAN.

JACKSON, MINN.,
November 16, 1971.

Senator MONDALE,
Washington, D.C.:

Vote down Earl Butz.

WM. J. RODER.

DODGE CENTER, MINN.,
November 16, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Vote against the confirmation of Mr. Butz as Secretary of Agriculture.

LEROY PAULSON.

OWATONNA, MINN.,
November 16, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

Urge you block Butz appointment, we need agricultural secretary who will work for family farmer.

Mr. and Mrs. ROBERT SPRINGER.

COMFREY, MINN.,
November 16, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

Definitely opposed to Earl Butz appointment for Secretary of Agriculture.

DONALD WIESE.

WINTHROP, MINN.,
November 16, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out lemon Butz. We want grass roots representation.

ORVILLE SAXTON.

HERON LAKE, MINN.,
November 17, 1971.

Senator MONDALE,
Senate Office Building,
Washington, D.C.:

Before nomination of Butz, lots of people dissatisfied, request nonconfirmation.

Sincerely,

KEITH FREKING,
NFO President, Jackson County.

MANKATO, MINN.,
November 16, 1971.

Senator MONDALE,
Senate Office Building,
Washington, D.C.:

I oppose the appointment of Earl Butz for Secretary of Agriculture.

DAVE FREKING.
HERON LAKE, MINN.

MONTROSE, MINN.,
November 16, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

We do not approve of Earl Butz as Secretary of Agriculture.

Mr. and Mrs. KENNETH PAWELK.

MAPLE LAKE, MINN.,
November 16, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

Protest appointment of Dr. Butz.

DUANE BRYANT.

VERNON CENTER, MINN.,
November 15, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

Urge you oppose nomination of Earl Butz.

JOHN COREY.

MORA, MINN.,
November 15, 1971.

Senator WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I would like to voice my opposition to the appointment of Earl Butz as Secretary of Agriculture. I do not think he would work for the best interest of the small farmer.

Sincerely,

MARVIN DRESLER.

CROAKSTON, MINN.,
November 14, 1971.

DEAR SENATOR: We are writing you to urge you to support any efforts to defeat the nomination of Earl L. Butz for Secretary of Agriculture. He is not a true representative of the family farmer and it's place in American Agriculture. His interests in agribusiness companies are in conflict with the honest efforts of the farmer. We will appreciate your efforts in our behalf.

Any assistance you can give Congressman Bob Bergland in his efforts to overhaul the Farmers Home Administration would be appreciated.

Thank you for your service to the farmers in Minnesota.

Sincerely,

Mr. and Mrs. DON SIMMONS.

ST. LOUIS, MO.,
November 16, 1971.

MY DEAR SENATOR MONDALE: I do indeed hope that you will do all you know how to prevent Tricky Dick in his tricks to do who is politely called "Phase Out" the farm program—

This new stooge is no different than Cliff Hardin who they placed in a soft berth in Ralston. It took several weeks for Ralston to edge up for the deal after several Educational Institutions informed T. D. that they had "no place for him at this time."

So enter Butz. He is nothing more than a crude stand-in for Cliff.

His record is terrible. So please do to him what T. D. says to do to the farmer "Phase him out."

Your record is excellent. You did not fall for the Lockheed deal and the Penn Central deal.

Another thing, don't fall for these 2 Supreme Court stooges of T. D. They both are terrible, both actually are fit to go along with the Minnesota Twins Burger & Blackmun.

Thanks so much for your supreme efforts for us people in the past.

My good wishes, etc.

CHESTER J. CADLE.

ST. PAUL, MINN.,
November 15, 1971.

Hon. WALTER F. MONDALE,
Committee on Labor and Public Welfare,
Washington, D.C.

DEAR SENATOR MONDALE: I received your letter October 24 concerning the items on public school finance. Although they have not yet arrived I am still hoping they come for my future use.

The reason for this letter is to urge you to oppose or at least investigate the nomination of Mr. Butz to the position of Secretary of Agriculture. My opposition stems from his associates during the Eisenhower administration.

The American farmer cannot afford to have a re-incarnation of the Benson farm policies. I was farming with my father at the time of his disastrous plans, and well recall their effect. Benson's policies resulted in such a large surplus of corn and other feed grains that it took Freeman several years to get corn back to a decent level. The American farmer is not in good economic position today; more Benson-type ideas will only hasten the demise of the family farm in Minnesota and elsewhere.

My father was a solid Republican and Farm Bureau member until the Benson era. Since then, he's been death on Republicans as it relates to farm policy. That's how bad things got when Ezra T. had his way. If Butz still holds to that basic philosophy, woe to the American farmer. I implore you to investigate him thoroughly.

By the way, I'd appreciate receiving the 1971 edition of the Yearbook of Agriculture, and a copy of the 1971 Manpower Report to the President. Thank you.

Also enclosed is a change of address form for your records. Your newsletter still goes to Fairbault.

Thank you again for all your past assistance, and your worthy job representing Minnesota.

Sincerely,

PAUL F. THOMAS.

OWATONNA, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I, as a farmer, am vigorously opposed to seating Dr. Butz as Secretary of Agriculture.

BERNARD DIETZ.

ROCHESTER, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

Suggest you vote against Mr. Butz for Secretary of Agriculture.

WAYNE SUHR.

KASSON, MINN.

BLOOMING PRAIRIE, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We are opposing the selection of new Secretary of Agriculture.

Mr. and Mrs. ISADORE GERGEN.

FAIRMONT, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

We don't need more butts in Washington. Too much emphasis on corporation farming now.

GEORGE MATSON.

TRIMONT, MINN.

WAHPETON, N. DAK.,
November 17, 1971.

Senator WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.:

I protest the appointment of Earl Butz, Wilkin County farmer.

ELLSWORTH ETTEN.

ROCHESTER, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Save rural America. Keep Dr. Butz out of the Agriculture Department.

Mr. and Mrs. ALFRED DRENCKHAHN.

MINNEISKA, MINN.

ROCHESTER, MINN.,
November 17, 1971.

Senator MONDALE,
Senate Office Building,
Washington, D.C.:

Vote against Butz farmers don't want him.

LOREN BARNES.

NORWOOD, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

I am against the appointment of Dr. Butz as Secretary of Agriculture.

WALTER KRAMER.

ROCHESTER, MINN.,
November 17, 1971.

Senator MONDALE,
Senate Office Building,
Washington, D.C.:

It is my desire that you vote against the appointment of Earl Butz.

Mrs. HYLAH DURST.

KASSON, MINN.

PAYNESVILLE, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

We protest the appointment of Earl Butz as Secretary of Agriculture.

Mr. and Mrs. GERALD BLONIGEN.

WILLMAR, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

We oppose confirmation Earl L. Butz as Secretary of Agriculture. Urge you work against confirmation.

ROBERT LEROHL.

FARIBAULT, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

As a farmer I disapprove of Earl Butz as Secretary of Agriculture.

GERHARDT BLUME.

OWATONNA, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

I urge you to strongly oppose the appointment of Earl Butz as Secretary of Agriculture.

WELDON F. BEESE.

OWATONNA. MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

I urge you to strongly oppose the appointment of Earl Butz as Secretary of Agriculture.

GENE PHILLIPS.

COLOGNE, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Protesting appointment of Earl Butz as Secretary of Agriculture.

CARVER COUNTY.

WAUBUN, MINN.,
November 18, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We cannot accept Mr. Butz appointment as Secretary of Agriculture.

MARTIN MATTSEN.

WATERTOWN, MINN.,
November 18, 1971.

Senator WALTER F. MONDALE,
Washington, D.C.:

Am protesting appointment of Butz. He's not for family farm.

Mr. and Mrs. JOE NEATON.

THIEF RIVER FALLS, MINN.
November 18, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I protest appointment of Earl Butz as Secretary of Agriculture.

ROY MEHRKENS.

THIEF RIVER FALLS, MINN.,
November 18, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I protest appointment of Earl Butz as Secretary of Agriculture.

JENS STEEN.

THIEF RIVER FALLS, MINN.,
November 18, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I protest appointment of Earl Butz as Secretary of Agriculture.

CLAYTON JOHNSRUD.

GOODRICH, MINN.

THIEF RIVER FALLS, MINN.,
November 18, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I protest appointment of Butz as Secretary of Agriculture.

LEWIS L. STENSETH.

THIEF RIVER FALLS, MINN.,
November 18, 1971.

Senator WALTER F. MONDALE,
Senate Office Building, Washington, D.C.:

Studying the situation I protest the appointment of Earl Butz as secretary of agriculture.

DONALD L. ERICKSON.

PLUMMER, MINN.

THIEF RIVER FALLS, MINN.,
November 18, 1971.

Senator WALTER F. MONDALE
Senate Office Building, Washington, D.C.:

I protest appointment of Earl Butz as Secretary of Agriculture.

EDWARD L. STUCY.

GOODRICH, MINN.

SPIRIT LAKE, IOWA,
November 18, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

As a family farmer we oppose the nomination of Earl Butz for Secretary of Agriculture.

BERNARD ARP.

JACKSON COUNTY, MINN.

THIEF RIVER FALLS, MINN.,
November 18, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I protest appointment of Earl Butz as Secretary of Agriculture.

BENNIE JOHNSON.

GOODRICH, MINN.

THIEF RIVER FALLS, MINN.,
November 18, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I protest appointment of Earl Butz as Secretary of Agriculture.

JKE L. CHENESTAD.

OAKLEY, MINN.

THIEF RIVER FALLS, MINN.,
November 18, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I protest appointment of Earl Butz as Secretary of Agriculture.

ALBERT KATRBA.

GOODRICH, MINN.

THIEF RIVER FALLS, MINN.
November 18, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I do not approve of Butz as Secretary of Agriculture.

GATE H. ANDERSON.

THIEF RIVER FALLS, MINN.
November 18, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I protest appointment of Earl Butz as Secretary of Agriculture.

RUSS CULKINS.

ROTHSAY, MINN.
November 18, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I strongly protest the appointment of Earl Butz as Secretary of Agriculture.

Sincerely yours,

WALTER JERGER.

DETROIT LAKES, MINN.,
November 18, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

We protest nomination of Butz as Secretary of Agriculture. We need a friend of farmers.

JAMES G. JOHNSON.

WAHPETON, N. DAK.,
November 18, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Oppose Butz appointment. Need man who understands farmers' problems.

VICTOR RADIG BRECKENRIDGE.

SAUK RAPIDS, MINN.,
November 18, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

We protest the appointment of Earl Butz as Secretary of Agriculture.

Mr. and Mrs. JEROME MEHRWETH.

DETROIT LAKES, MINN.,
November 18, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

I protest nomination of Butz as Secretary of Agriculture. We need a friend of farmers.

JAMES G. JOHNSON.

GALLAWA, MINN.

BELGRADE, MINN., *November 18, 1971.*

Senator WALTER MONDALE,
Washington, D.C.:

I want to protest the appointment of Mr. Butz as Secretary of Agriculture.

MARVIN H. MORRISON.

BELGRADE, MINN., *November 18, 1971.*

Senator WALTER MONDALE,
Washington, D.C.:

We protest the appointment of Earl Butz as Secretary of Agriculture.

Mr. and Mrs. GEORGE GLIEDEN.

MEDFORD, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Am opposed to Butz for Secretary of Agriculture. Urge you oppose confirmation.

ALPHONSE WENCL.

ROCHESTER, MINN.,
November 17, 1971.

Senator MONDALE,
Washington, D.C.:

I am protesting the appointment of Butz for Secretary of Agriculture.

JOHN H. WELTI.

PLAINVIEW, MINN.

OWATONNA, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Earl Butz is not Agricultural man. I ask you not confirm his appointment.

ART CROFT.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building, Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for family farmers.

ARNOLD HILESHEIM.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building, Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for family farmers.

ARNOLD LAND.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building, Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for family farmers.

DONALD SCHILLER.

BROWNTON, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building, Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for family farmers.

CLAYTON OVERSON.

GAYLORD, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building, Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for family farmers.

WALTER LEHRKE.

GIBBON, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building, Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for family farmers.

MELVIN SCHUET.

GAYLORD, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is no no for family farmers.

SAM WHITE.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmer. Push for a nomination of a farming farmer.

OLIVER KROMMER.

GIBBON, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for family farmers.

RICHARD KUPHAL.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for family farmers.

DEAN BRUNS.

GIBBON, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for family farmers.

PAUL YOUNG.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience? Butz is a no no for family farmers.

KENNETH GLEISNER.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience. Butz is a no no for family farmers.

RUEBEN NOTHWEHR.

GAYLORD, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience. Butz is a no no for family farmers.

CHARLES WOODS.

WINTHROP, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience. Butz is a no no for family farmers.

BEN KEHR.

GAYLORD, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We have had a professor for Secretary of Agriculture—look what happened to farm prices. How about a Secretary of Agriculture with farming experience. Butz is a no no for family farmers.

ROBERT RUBISCHKO.

GIBSON, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmers. Push for a nomination of a farming farmer.

WALTER BUSHARD.

GIBBON, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmers. Push for a nomination of a farming farmer.

MELVIN LITZAU.

GLENCOE, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmer. Push for a nomination of a farming farmer.

ARNOLD JOHNSON.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmer. Push for a nomination of a farming farmer.

ROBERT KIZER.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmer. Push for a nomination of a farming farmer.

DENNIS FISCHER.

OWATONNA, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Washington, D.C.:

Oppose Earl Butz for Secretary of Agriculture.

EUGENE MOTL.

BLOOMING PRAIRIE, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmer. Push for a nomination of a farming farmer.

WALLACE BENSON.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmer. Push for a nomination of a farming farmer.

ROMAN JAUS.

GIBBON, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

I am asking you to use your position to stop the appointment of Earl Butz to the position of Secretary of Agriculture. He is not a friend of the small farmer. Push for a nomination of a farming farmer.

ELMER KUPHAL.

GAYLORD, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

HAROLD GROEHLER.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out lemon Butz. We want grass roots representation.

MAYNARD RUCKS.

HENDERSON, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out lemon Butz. We want grass roots representation.

HARVEY STOLZ.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out lemon Butz. We want grass roots representation.

ART WISCH.

ARLINGTON, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out lemon Butz. We want grass roots representation.

KENNETH SKARO.

GAYLORD, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out Lemon Butz. We want grass roots representation.

TOM FOGERTY.

BELLE PLAINE, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out Lemon Butz. We want grass roots representation.

CLARENCE ANDERLY.

HENDERSON, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out Lemon Butz. We want grass roots representation.

CLIFFORD OAKLAND.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out Lemon Butz. We want grass roots representation.

VICTOR KALBASKE.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out Lemon Butz. We want grass roots representation.

RUEBEN JUTZ.

GIBBON, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out Lemon Butz. We want grass roots representation.

LARRY BUCHE.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out Lemon Butz. We want grass roots representation.

AL DONNEY.

GREENISLE, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

The squeeze is on the farmer. Throw out Lemon Butz. We want grass roots representation.

EMMETT DRESSEN.

Henderson, Minn.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer—not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

KENNETH PESCHAU.

ARLINGTON, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer—not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

JOHN FLOOT.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer—not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

RAY LUDOWESE.

STEWART, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer—not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

VERN PAULSON.

WINTHROP, MINN.,
November 16, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer, not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

LEROY BRIEST.

GAYLORD, MINN.

WINTHROP, MINN.,
November 16, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer, not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

MARVIN STARK.

GIBBON, MINN.

WINTHROP, MINN.,
November 16, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer, not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

DON PROST.

HENDERSON, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

KENNETH NARR.

ARLINGTON, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

GORDON POWERS.

GLENCOE, MINN.

WINTHROP, MINN.,
November 17, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

CLARENCE HARBAREARTH.

GAYLORD, MINN.

ROSEMONT, MINN.,
November 16, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

We as family farmers oppose the appointment of Earl Butz as Secretary of Agriculture.

DONALD GERONIME.

WINTHROP, MINN.,
November 16, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

President Nixon's appointment of Earl Butz as Secretary of Agriculture is another kick in the pants of American farmers. We need someone with real dedication to help the farmer, not run him off the farm. If you are really concerned about your Minnesota farmers you will raise your voice loud and clear against Earl Butz.

HARLAN LAUWAGIE.

WILMONT, MINN.,
November 16, 1971.

Senator WALTER F. MONDALE,
Washington, D.C.:

We strongly oppose having Earl Butz as Secretary of Agriculture.

A. W. LOOSBROCK.

WILMONT, MINN.,
November 16, 1971.

Senator MONDALE,
Washington, D.C.:

We strongly protest the appointment of Butz as Secretary of Agriculture.

Mr. and Mrs. MARV RADNER.

WILMONT, MINN.,
November 16, 1971.

Senator MONDALE,
Washington, D.C.:

We strongly oppose having Earl Butz as Secretary of Agriculture.

Mr. and Mrs. B. SUERSTENBERG.

KENNETH, MINN.,
November 16, 1971.

Senator MONDALE,
Washington, D.C.:

We strongly oppose having Earl Butz as Secretary of Agriculture.

Mr. and Mrs. CLETIS SPEIKER.

BUFFALO, MINN.,
November 16, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

We protest the appointment of Mr. Earl Butz as Secretary of Agriculture.

Mr. and Mrs. HARVEY BEHRENBRINKER.

LAKEVILLE, MINN.,
November 16, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

We as family farmers oppose the appointment of Earl Butz as Secretary of Agriculture.

CLINTON ZWEBER.

LAKEVILLE, MINN.,
November 16, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

We as family farmers oppose the appointment of Earl Butz as Secretary of Agriculture.

E. M. SAUBER.

NORTHFIELD, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Senate Office Building, Washington, D.C.:

As a family farmer I oppose Earl Butz as Secretary of Agriculture.

HAROLD AND JOAN QUINNELL.

RANDOLPH, MINN.

MANKATO, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

As farmers we do not want Earl Butz as Secretary of Agriculture.

Mr. and Mrs. HAROLD BELGARD.

GARDEN CITY.

STANCHFIELD, MINN.,
November 18, 1971.

Senator WALTER MONDALE,
Senate Office Building, Washington, D.C.:

Urge you oppose Mr. Butz appointment as Secretary of Agriculture.

RAY SUNDERMEYER.

HUGO, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

Strongly urge you to reconsider the appointment of Earl Butz as Secretary of Agriculture.

LARRY W. EHRET.

SPRING VALLEY, MINN.,
November 17, 1971.

Senator WALTER MONDALE,
Washington, D.C.:

Don't want Butz for Secretary of Agriculture. Like putting fox to guard henhouse, all new wealth comes from the land. U.S. short billions of dollars as result of robbing farmers for years. Read book Unforgiven.

GEORGE HEIDTKE.

Mr. SPARKMAN. Mr. President, the Mobile, Ala., Press Register, on Sunday, November 14, 1971, published an editorial entitled, "Waste of Vital Resources." The editorial deals largely with some very urgent warnings expressed by the very able and conscientious Representative from Mississippi, Mr. JAMIE WHITTEN. JAMIE WHITTEN has been in Congress for more than 30 years. He has been intimately connected with farm problems and difficulties. His warning is against the wasting away of two of our greatest natural resources—two of our greatest assets in this country—timber and fertile soil.

I hope that every Senator will read his timely warning, and I hope that all of us may take it to heart.

I ask unanimous consent that it be printed in the RECORD.

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

WASTE OF VITAL RESOURCES

Inaccurate as it might be to say that vital American natural resources are vanishing. Rep. Jamie Whitten of Mississippi has sharply focused the spotlight on diminishing natural resources in this country.

He names timber and fertile soil as two conspicuous examples of what is happening.

"About 150 years ago," he told his congressional colleagues the other day, "this country had 8,000 billion board feet of timber. Today we have around 1,600 billion feet left—only 20 per cent of the original stand."

This decline is cause for concern. Mr. Whitten says of the problem:

"This terrible waste of timber resources points up the extent to which our highly competitive economy can deplete a national asset in the generation of new wealth.

"It points up the need for continuing and expanding conservation efforts on a national basis."

Turning from timber to soil, the Mississippi congressman had this to say:

"Only 175 years ago we had 500 million acres of fertile soil in this nation. We have already wasted 200 million acres—40 per cent—and another 100 million acres— 20 per cent—is washing away today.

"It has been estimated that an average of 40 acres of topsoil flow down the Mississippi River each day of the year. Also, estimates are that more than one million acres of arable land are lost to residential areas, highways and other urban developments each year."

This is an alarming drain on two vital natural resources—timber and soil.

Of course much is being done to better protect these vital resources from waste. But quite plainly more could well be done, because the nation cannot afford to see the wasteful drain continue indefinitely.

For the drain of waste to continue much longer would mean not simply diminishing natural resources but vanishing natural resources. Mr. Whitten makes the point in a few words: "Our soil is not an inexhaustible resource."

RIGHTS OF THE MENTALLY RETARDED AND PHYSICALLY HANDICAPPED

Mr. KENNEDY. Mr. President, I wish to emphasize the importance of the resolution on the rights of the mentally retarded and physically handicapped, which I have cosponsored. The resolution would put Congress on record as recognizing the rights of these disadvantaged individuals to the same basic opportunities and protections which are afforded to other citizens.

The resolution would recognize the rights of the mentally retarded and physically handicapped to; proper medical care and physical restoration; education, training, rehabilitation, and guidance; economic security and a decent standard of living; the benefits of family life and community participation; the protection of a qualified financial or legal guardian when necessary; and protection from exploitation, abuse, and degrading treatment.

I and my family have long been concerned with the problems of the mentally retarded. After the Second World War my parents established the Joseph P. Kennedy, Jr. Foundation in memory of my oldest brother. The foundation has been devoted to alleviation of mental retardation. Over the past 25 years the foundation has sponsored a variety of programs for the mentally retarded, including research, treatment, training, physical fitness, professional training, and programs of public understanding. Perhaps the best known example of these efforts are the special olympics for the mentally retarded, which have demonstrated their determination and ability to excel at athletics.

From our work with the retarded, we have learned to respect and admire their great courage and capacity to contribute to society and to enjoy life to the fullest, when afforded the opportunity to do so.

The resolution would be an important step toward assuring them those opportunities and protections to which all human beings are entitled.

The United Nations General Assembly will be debating a similar resolution later this month. At the meeting of the United Nations Commission on Social Development last March, 22 nations expressed their support of a Declaration of the Rights of the Mentally Retarded.

It is important now for the U.S. Congress to signify its firm support for this important advance in human rights. I urge all Members of the Senate to support the resolution.

COMBATING ALCOHOLISM

Mr. MAGNUSON. Mr. President, a recent series of articles by Don Duncan of the Seattle Times draws attention to a serious problem faced by almost every American community.

Mr. Duncan's perceptive reporting has resulted in what I believe to be an excellent portrayal of how one community is combating alcoholism. The Seattle-King County Commission on Alcoholism has commended the Seattle Times and Mr. Duncan for the service they performed in this highly informative series.

In order that more people may have a chance to learn of this work, with potential value to every community, Mr. President, I ask unanimous consent that the series of articles be printed in the RECORD.

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

[From the Seattle Times, July 18, 1971]

THE TIMES LOOKS AT ALCOHOL PROBLEMS

(By Don Duncan)

Today The Times begins a series on alcohol that may be educational, controversial, depressing or enlightening, depending upon one's viewpoint.

It is not intended to be the last word on the subject. But, hopefully, it will trigger level-headed discussion.

Some historians feel alcoholic beverages from fermented berries may have predated the wheel in man's slow climb from caves to split-level homes.

For many, alcohol has been a joy. For others, a curse.

Fifty million adult Americans are said to drink alcoholic beverages socially with no measurable ill effects. Although their alcoholic consumption may vary considerably, they exhibit rather uniform, controlled behavior patterns when drinking.

These "I-can-take-it-or-leave-it" drinkers enrich the public coffers with their beverage purchases. And they probably will chuckle, rather than be defensive, over these words once penned by Dr. William Osler, noted physician:

"Alcohol does not make people do things better; it makes them less ashamed of doing them badly."

For these responsible drinkers and for the estimated 27 per cent of adults who are teetotalers or who drink so seldom as to be statistically negligible, this series will touch their lives only as they can relate to the less-fortunate persons who do not, and often cannot, drink responsibly.

For those who have a problem with alcohol—either occasional or chronic—and for their spouses, children, relatives, friends and employers, this series may mean far more. They, too, number in the millions.

Dr. James Milam, psychologist and co-founder, with Dorris Hutchison, of Alcoholism Center Associates, Kirkland, puts society's dilemma over alcoholism this way:

"We do not outlaw sugar just because some people have diabetes. We should not outlaw alcohol just because some people are alcoholics.

"But no thinking person suggests we should not have researched the causes of diabetes and found the controlling agent, insulin. We cannot in good conscience do less with the tragic and fatal disease known as alcoholism."

[From the Seattle Times, July 18, 1971]

ALCOHOL—THE DOMINANT DRUG

(By Don Duncan)

Alcohol is this nation's most used drug—not marijuana, or "speed" or heroin. Researchers estimate alcoholics outnumber other "drug-dependent" persons by about 60 to 1.

If heroin is a quick plunge into hell, alcoholism can be likened to death on the installment plan.

Alcoholism—a progressive and finally total breakdown of the body's resistance to the de-

pressant drug, alcohol—has been called the nation's No. 1 public-health problem.

But few seem to really believe it.

The mental block is explainable. While the disease of alcoholism is not socially acceptable in most circles, the causative agent, alcohol, is. Thus our hesitancy to make a serious, massive assault on the problem.

36 MILLION ARE PROBLEM DRINKERS

Dr. Morris E. Chafetz, head of the National Institute on Alcohol Abuse and Alcoholism, said recently there are 36 million problem drinkers in this nation.

Of that number, Dr. Chafetz added, 9 million are full-blown alcoholics. That figure is rising by 100,000 a year.

Our nation's alcoholic population is equal to every man, woman and child in the states of Washington, Oregon, Idaho, Nevada, Utah, Montana, Alaska and Hawaii.

Alcoholism is highest in urban areas. But suburban housewives compose the fastest-growing group of alcoholics and problem drinkers.

San Francisco, often called the nation's most sophisticated city, also holds the dubious distinction of having the highest alcoholism rate.

55,000 ALCOHOLICS IN KING COUNTY

The Seattle-King County area has an estimated 55,000 alcoholics and about 200,000 problem drinkers—more than 60 per cent of the state's total.

Alcoholism researchers say alcoholics die an average of 10 to 15 years sooner than do social drinkers or non-drinkers.

Dr. Chafetz says the disease of alcoholism claimed 86,000 lives nationally last year, excluding traffic accidents. Only France, which has annual per capita consumption of 65 gallons of wine, has a higher rate of cirrhosis of the liver.

Cirrhosis is the most common organic cause of death in alcoholics, although victims of alcoholism also are more prone to cardiovascular and pulmonary ailments.

Many alcoholics have a more lingering, tragic end, however—incarcerated in mental institutions or walking the streets with permanent brain damage.

Excessive use of alcohol—.1 or more alcohol in the bloodstream—has been linked to at least 50 per cent of the nation's 56,000 annual motor-vehicle fatalities.

Every two years, on the highways alone, irresponsible drinkers account for more than our total loss of lives in Vietnam.

Our state had 871 traffic fatalities last year. A recent Washington State Safety Commission report indicated alcohol-related traffic deaths in the state are up 27 per cent so far this year.

10,000 DRINKING DRIVERS ARRESTED

There were 10,000 arrests in King County last year for driving while intoxicated. About 12 per cent of those arrested were repeat violators.

Jack Nelson, director of the State Department of Motor Vehicles, estimates that 5 to 7 per cent of all drivers on the highway have a serious drinking problem.

The costs of alcoholism are enormous. The debit side of the ledger for one of the great tax producers is only beginning to be calculated.

Dr. Chafetz says alcoholism costs $15 billion annually in injuries, property damage and welfare.

A United States Senate subcommittee on alcoholism last year estimated that an alcoholic costs his employer 25 per cent of his salary because of poor performance, higher accident rates and absenteeism.

A spokesman for the National Council on Alcoholism has estimated the annual cost to industry at between $4 billion and $7.5 billion, with the larger figure probably more realistic.

It would be impossible to put a price tag on the lives lost or the shattering impact of alcoholism on marriages and children.

In Los Angeles County, which keeps detailed records, alcohol was found to be a primary cause in 75 per cent of divorces. In King County, alcohol was found to be a contributing factor in 30 per cent of 100 divorce cases taken at random.

Alcoholics Anonymous, the world-wide organization dedicated to helping alcoholics, has a rule of thumb that every alcoholic has a profoundly tragic effect on the lives of at least seven persons.

Americans spend an estimated $20 billion annually on alcoholic beverages of all types.

The number of beverage labels is enormous. The Washington State Liquor Control Board last year received samples of some 33,573 different distilled-spirit labels and 36,007 brands of wine available in the United States. Figures on beer labels were not readily available.

Dr. James Milam, psychologist and president of Alcoholism Center Associates, Kirkland, estimates that the nation's 9 million alcoholics account for about half the sales.

"Since alcoholics outdrink social drinkers, 10 to 1, they are the major consumers of the product that is killing them," Dr. Milam said.

In Washington State, $166 million worth of liquor, wine and beer was sold last year. This amounted to 77.2 million gallons of all types of alcoholic beverages, excluding sales on military establishments. That works out to 22.89 gallons for every man, woman and child in the state, or a 7.92 per cent increase over 1969.

By way of perspective, the money spent on alcoholic beverages in this state last year would have built 10 domed stadiums, financed 28 school levies similar to the one defeated with such disastrous results in the Shoreline School District, or paid the salary of the state's governors for the next 5,000-plus years.

LIQUOR SALES UP DESPITE RECESSION

Despite the most severe recession in the state since the depression of the 1930s, liquor sales for December, 1970, were up 3.34 per cent over the preceding year. A decline in hard-liquor sales has been compensated for by more sales of beer and wine.

Some $62.5 million in liquor profits, taxes and license fees was distributed this year to various arms of government throughout the state. The annual tax windfall is much prized by its recipients.

About 2 per cent went into alcoholism treatment and research.

A DEADLY WAY OF LIFE IN AMERICA: FEW VOICES ARE RAISED AGAINST BILLION-DOLLAR DISEASE

Americans, become indignant over smut in the mails, reports of diluted hamburger, unsolicited credit cards and the cutting of a favorite tree—none of which is fatal.

But few voices are raised over a monumental and deadly disease like alcoholism, which destroys lives and costs billions of dollars.

Hard liquor, wine and beer are the legal, accepted social lubricants in our nation. The frosted glass, the amber fluid in the bottle, the tinkling ice are a way of life in many circles.

Beer belongs. Wine is friendly. Whiskey denotes men of distinction. There's pride in being able to afford an expensive brand of Scotch.

Alcoholic beverages are consumed by leaders of government, business, the professions and, in many instances, the church. One man unwinds with his six-pack, another with his martinis.

"Belong" or not, its existence can no more be denied than our rainy weather.

It is consumed in considerable quantities by many of our lawmakers when they are deliberating in Olympia. The Heads Up Center, which fights drug and related problems among Eastside teenagers, had a cocktail party as a fund-raising device a few years back.

It is considered masculine for one to be able to "hold his liquor." But there is more than a little tolerance for those who cannot, until they become burdensome.

The drunk, as a sort of lovable, laughable W. C. Fields, is part of American folklore, a staple movie comic—at least until "The Lost Weekend" and "Days of Wine and Roses" depicted him as far more tragic than funny.

The disease of alcoholism cuts across all social and economic lines. No one who drinks has a built-in tolerance endowed by education, accomplishment or moral virtue. But there are some indications that certain ethnic and cultural backgrounds that have used alcohol since antiquity may be less prone to the disease, perhaps through an evolutionary weeding out of alcoholics.

The "may" should be emphasized. Studies have shown that Jews who have fallen away from orthodoxy have a rising rate of alcoholism and may have lost some of their "immunity" to the disease.

We swept our social debris—the unesthetic public inebriate—from Seattle's sidewalks with 10,145 arrests in 1969. A third were repeaters.

A Senate subcommittee on alcoholism reported that of the nation's 5.8 million arrests in 1969, 1.9 million—or a third—were related to the misuse of alcohol.

Police traditionally have been reluctant to interfere in family squabbles often very physical, that grow out of alcohol abuse.

The man who commits a crime "under the influence" is not necessarily excused, but he is understood by many in society who recall their own occasional excesses and think, "There but for the grace of God . . ."

There persists in the public's mind the belief that alcoholics are unshaven, out-of-work bums staggering on the streets and sleeping on benches. Yet only 3 to 5 per cent of alcoholics fit this Skid Row image of wretchedness.

The overwhelming majority of alcoholics function, to greater or lesser degrees, on jobs and as housewives, until they hit bottom and accept their disease or until they die or suffer incapacitating brain damage.

An alcoholic is one who has been diagnosed by a physician or one who admits to himself and to others that he is very sick and no longer has any control over alcohol.

There is no such thing as a "cured" alcoholic. The disease of alcoholism is incurable. Alcoholics do, however, recover through total abstinence.

Millions affected by alcoholics have tried once, twice, even 100 times to prove that once recovered they, too, can "drink like a man" or "learn to drink like a lady." Always and unfailingly the results have been disastrous.

There are in King County some 20 agencies, variously funded and offering a wide variety of alcoholism services, aimed primarily at the indigent 5 per cent of the population and the marginally poor 15 per cent.

The remaining 80 per cent have the option of using some of these facilities, going elsewhere in the state or nation for treatment or entering one of the three private treatment centers here—Shadel Hospital, Alcoholism Center Associates or The Studio Club.

There has been a tendency in the past for various lay and professional workers in the field of alcoholism to regard their methods as "the best" and often "the only way to deal with the problem."

Psychiatrists, social workers, physicians, recovered alcoholics, temperance groups and Skid Road missions, too often have guarded their little empires.

While some jealousies continue, there is far more dialog between agencies, public and private, than ever before. All involved with the problem of alcohol abuse are coming to realize that just as alcoholics differ in personality, if not in physiological dependence upon alcohol, so they will respond in different ways to the variety of approaches aimed at arresting their illness.

But any approach is worthless that is not rooted in absolute, continuing sobriety.

One hears frequent reference to treating the "whole man," a recognition that not only his physical, but also his psychological and spiritual needs must be met if he is to attain and continue sobriety.

And the treatment must not stop there. It also must be buttressed by family counseling and a host of related social services.

There are signs of stepped-up public education on alcoholism, an area which with few exceptions has been pitifully meager compared to the powerhouse programs aimed at socially unacceptable drugs.

There still is a reluctance on the part of some professional as well as laymen to do more than pay lip service to the diagnosis of alcoholism as a recognizable, patterned, treatable "disease."

No less than the American College of Physicians, in pointing up the urgency of dealing with alcohol as a health problem in its meeting last spring, termed alcoholism a "disease," an "addiction" and a "habit" in various places in its report.

Medical-insurance plans, many hospitals and a vast majority of the nation's businesses long have pointedly ignored the alcoholic, literally signing his death warrant through apathy or ignorance.

Dr. James Smith, director of Shadel Hospital, says he is "not about to bless marijuana today.

"Furthermore," Dr. Smith adds, "if I had sat on a Food and Drug Administration board 7,000 years ago I'd have turned down alcohol."

QUICK PRIMER TO DANGER SIGNALS—WHERE DO YOU FIT IN?

A quick primer on the danger signals of alcoholism once was prepared by Dr. Paul O'Hollaren, former director of Shadel Hospital.

Dr. O'Hollaren's scientific chart, resulting from case studies of men who began drinking at ages 18 and 19, frequently is cited by local researchers.

It ranges from a developmental zone to an overt-alcoholism zone to a deterioration zone.

The total elapsed time from social drinking to the deterioration phase is about 18.4 years.

How do you stack up?

Developmental zone: Social drinking, once a month, once a week, faster, more doubles, more drunk, drunk anytime he drinks, jealously protects his supply for the weekends.

Overt alcoholism zone (optimal treatment phase): Drinks before breakfast, drinks alone, drinks to still hand tremors, requires far less than normal amounts to get drunk, has blackouts, admits the problem to himself and finally to others.

Deterioration zone: Delirium tremens, general fatigue, sleeplessness, extreme vitamin deficiency, extreme nervousness.

Some alcoholics skip a few steps. A few have been known to accelerate the schedule to as little as 12.5 years. Others have stretched it out.

But the average age for men at Shadel, the "high-class" treatment center, and at Cedar Hills Treatment Center in Maple Valley, for court referrals, is identical: 42.5.

By not remarkable coincidence, the average age of Skid Roaders and others brought into the Seattle Treatment Center from the drunk tank is 43.

The bank president and the so-called bum usually get there about the same time.

Dr. James Smith, present director of Shadel, says the only reason the president of General Motors wouldn't wind up on Skid Road if he were an alcoholic is that "his bank account would hold out longer than his liver."

[From the Seattle Times, July 19, 1971]

ALCOHOLICS ANONYMOUS—SALVATION OF THOUSANDS

(By Don Duncan)

Sometimes you get in on a birthday party, complete with cake and "Happy Birthday," marking one, two, three or maybe 20 years since someone was "reborn" into sobriety.

Other times you just sit and absorb the friendly atmosphere and drink coffee. Alcoholics drink enough coffee to float the Skagit Belle.

There are 67 Alcoholics Anonymous groups in the Seattle-King County area. There are 90 A.A. meetings a week. Earlybird, noon and night.

A white-collar worker or an executive secretary may feel more comfortable at a Laurelhurst-Windermere meeting, or at one on Mercer Island or the fastest-growing of all, in Bellevue.

Those who prefer a greater socio-economic mix, might find Fremont or Ballard or West Seattle more to their liking.

Vern H., who puffs his pipe and dispenses information at A.A. intergroup headquarters, Fourth and Pike Building, can steer you to the right one. Dial MA 3-3909 for help 24 hours a day.

Vern might even bend your ear with his patented joke:

"We expect you to go to 90 A.A. meetings in 90 days at the outset. Then if you don't like us, we'll refund your misery."

A.A. was founded in 1935 by a former New York stock broker and an Akron, Ohio, surgeon. Photographs of the late Bill W. and Dr. Bob are in every A.A. meeting room in the world. That is a lot of photographs, because there are some 10,000 local A.A. groups in this country and Canada and countless more in 90 other countries.

A.A. is nonprofit and accepts no contributions from any but its members. Members foot the bills for all their expenses and hall rentals.

Take a typical A.A. meeting on a recent rainy night. Maybe 30 men and women sat around the table. A young man lurched up the steep, long stairway and plopped into a chair next to the wall. He was not part of the circle, but it was his third such visit in three days. He was moving closer and nobody wanted to scare him away.

First names only are used. And when a speaker identifies himself, a cheery "Hi, Don," "Hi, Charlie," or "Hi, Gladys" rings in the room.

They all start the same way, just as Dr. Bob and Bill W. taught them. "I am Bill W. and I am an alcoholic." It is not an easy admission to make the first time.

They tell their stories in testimonial style, the way those reborn in Christianity or faith-healed used to do in midweek prayer meetings. Each had sunk to his personal bottom and then climed out of the pit, occasionally falling back but oh so grateful that A. A. was his lifeline.

Many speak of their dependence upon the serenity prayer adopted by A. A.:

"God grant me the serenity to accept the things I cannot change, courage to change the things I can, and the wisdom to know the difference."

It contrasts sharply with paintings on the walls—of men on park benches, stupified by alcohol, while the raw winter winds swirl around them.

"I'm Chuck and I'm an alcoholic."

"Hi, Chuck."

Chuck could identify with the members of A. A., "because whether we're from the Skid Row or the Top of the Hilton, we're all alcoholics."

"I'm Lee . . ." Lee is a woman of middle age, and she shows every one of her years.

"I drank all my adult life," Lee said. "I was married to a naval officer. The height of his ambition was to teach me to drink like a lady. I couldn't. I drank myself right out of the marriage, and I married myself a drinking buddy the second time. I learned to mix amphetamines and other drugs with alcohol to speed the effect. That, I can tell you, is a quick way to the grave."

Lee continued:

"My last marriage was violent. And I was the most violent part of it. I came to my first A.A. meeting drunk. I tried to talk and I cried. That was three years ago. I fell back once. It took 11 months for me to get straight again.

"My son is hung up on drugs. My daughter has had three nervous breakdowns. I come to six meetings a week. Sometimes I'm happy. Sometimes I'm desperate."

"Hi, George . . ." George is graying. He chews on his pipe. He says:

"It works. A. A. works. Many days you ask yourself why can't I drink? Why did this have to happen to me? I spend a few years and many thousands of dollars practicing learning to drink.

"I tried all the tricks—eating first, sticking to the same brand, sipping water or olive oil to soak it up, and no matter what I did I wound up drunk, on beer, on hard stuff on anything.

"I made jail. I ran into ditches. I never figured I drank too much. Everybody else did, but not me. To prove I could take it or leave it, I mashed a fifth of whiskey on the sidewalk. I'd show them.

"Then I made a beeline for the nearest saloon."

"I'm Frances, and I'm an alcoholic." Frances was a little older than most in the room, a frail, fidgety woman. She has a 20-year-old son, a top student in high school and a 4.0 average his most recent quarter at the University of Washington in chemistry and physics.

Frances spilled out her story:

"He came to visit me tonight to show me his latest grade sheet. Tall, golden blond hair and such a nice smile. I wanted to hug him and tell him to please come back to me. But he won't.

"He left because of my drinking, and I thought to myself tonight, 'Oh, God, what did I do? I was a wino, a 24-hour-a-day wino. I drank myself into a stupor the night of my son's high-school graduation party. I just lost a couple of days of my life. I see him and I don't know how I could destroy anything so precious."

Ann is a pretty woman. She comes to A.A. to "keep my sanity." She added:

"I have lots of false pride. It is a minute-by-minute struggle, sobriety. Everything I go into, I go into with both feet. I went into drinking that way."

"I'm Jim . . ." Jim is good-looking, husky, partly gray.

"I try to come here daily. I'm not overwhelmed by everything I hear here. I get discouraged by my own inarticulateness at times. I've been able to accept the idea I don't have to drink, though. I hung onto the old idea for a couple of months. I'd think, 'I'll go out of town and drink and nobody in A.A. will be the wiser.' But the third time I did it, the idea went away."

"I have accepted the idea that this higher power—call him God—wouldn't lay on me any troubles he wouldn't give me the strength to handle. I lived 25 years in ding-a-ling land. I did a lot of damage to my children, who aren't children anymore. What can one do to apologize? I guess we being mak-

ing amends when we stop acting like psychos."

"I'm Barney . . ."

At the conclusion, all stood, bowed their heads and recited The Lord's Prayer.

The young inebriate reeled from his chair and managed to negotiate the long, steep stairway once more.

The words of a local Catholic priest who recovered from alcoholism came to mind.

"A.A. works because God works."

[From the Seattle Times, July 20, 1971]

AL-ANON AND ALATEEN: HELP THROUGH UNDERSTANDING

(By Don Duncan)

The setting was a church rectory on Capitol Hill. Suzy said:

"The best thing I learned was that I wasn't the reason for his drinking. When I accepted this, I then realized I couldn't change him. I then changed my life to raise my kids better. My daughter is starting to smile and talk now."

Suzy is a member of Al-Anon, an organization for the spouses of alcoholics. There are 32 Al-Anon groups in the Seattle area and male members are welcome, too. Eastside groups have a particularly large number.

Elsewhere in the city that night another meeting was going on. The setting was an upstairs room in a rather ramshackle building. Youngsters sat around sipping soft drinks, a few smoking, and always talking.

Ann: "They forget things they say they'll do, like promising to take you fishing. 'Just wait till next month or next summer,' he'll say."

Bill jumped in with: "My mother is always saying, 'Where did I go wrong?' And my dad, he cries when he gets drunk. I wouldn't believe it the first time my dad cried. Dads are supposed to be strong. It really tears you to see them cry."

The graying woman leading the discussion said, "Everybody in the family is sick when someone drinks. We continue to love them and try to understand their problems."

Ann and Bill are members of Alateens, an organization for the teen-aged children of alcoholic parents, one or both. They have six weekly group-therapy sessions throughout Seattle.

Both Al-Anon, started by the wife of a founder of Alcoholics Anonymous, and Alateens are separate from A. A. But their programs are patterned after A. A.'s 12-step approach to sobriety.

The difference is that while A. A. members admit their powerlessness over alcohol, Al-Anon and Alateen members admit their powerlessness over an alcoholic mate or parent and they try to bring order out of their chaotic lives through shared understanding.

For further information about either group write to Al-Anon Information Service, P. O. Box 1361, Seattle 98102, or call CH 6-0767.

The women in the church rectory were of all ages—married, separated, divorced. They had all tried pleading, crying, threatening and arguing. My, how they argued.

The boys and girls in the cramped upstairs room were caught in the middle, frequently put on the spot to arbitrate quarrels between their parents that were more childish than any they saw on the playground. Sometimes siding with one parent or another brought a physical beating.

Many spoke up at the Al-Anon meeting.

Beth: "I realize now I was often wrong in my reactions to his drinking. I was better off when I let him suffer the consequences of his mistakes than when I tried to bear them for him. One day when the boss called and my husband had a terrible hangover and said, 'Tell him I'm sick,' I just said very coolly, 'Here's the telephone, make your own excuses.'"

Shirley: "My husband fell off once on a recent two-week trip. In the past, I'd have blown up at him. But I handled it very serenely. When he got home, he'd gone long enough, though, and he really fell off. But I have learned not to fight with him."

Virginia: "I've learned through Al-Anon that the only person I can manage is myself. We're separated now. I understand he has been sober six weeks."

Dorothy: "Our boy is straightening out now. I'm grateful. I go twice a week to Al-Anon meetings."

Marg: "My greatest discovery is that allowing people to be dependent upon you is a sign of weakness, not strength."

Julie: "I try not to think of the past or the future, but to live today. Each morning is a new birth. Each evening is a death."

Sally: "Last Thursday was one of the roughest days of my life. My divorce was final. But I divorced him with love and not hate. If I'd gone on any longer, it would have been with hate. I simply couldn't afford to pay for his drinking any longer."

Kathy: "We now have five years of sobriety at our house and we're now communicating in almost all aspects of marriage."

Mary: "My husband has been drinking 25 years. He never lost his job. But he no longer could control his drinking. I joined Al-Anon. My husband joined A. A. He has been on the program six months. I live day to day."

And finally a very young woman: "It has taken me three years to realize my husband has a drinking problem. It's so hard to go out to social things. All our friends drink and I don't. I feel out of place."

Most Alateens don't drink either. But the odds on their becoming problem drinkers is higher for those whose parents do have a problem. One listens to their tales of disgust concerning how alcohol has warped their lives and wonders why they would ever chance the first drink.

The room crackled with dialog:

"I get caught in the middle of my parents' fights."

"Yeah, my oldest brother got in the middle and got belted."

"Parents are always asking, 'Who's right, me or him?'"

"My parents keep score on arguments. Really, like a couple of kids they are always trying to one-up each other."

"They try to buy my affection when they've been drinking."

"My father went just nuts. He took me and my brothers and sisters to the Seattle Center to make amends for his behavior. He blew $300. The works. Rides. Dinner in the Space Needle. Would you believe it? $300."

"It's hard to study at home because of the fights. It's embarrassing to bring kids home, because you don't know what you'll find. You make all sorts of excuses."

"I get headaches trying to figure it out."

"My dad writes me letters from jail, always promising to make everything up to me."

"My dad calls me from jail. He needs bailing out and wants me to get the money."

"My dad has been to those places they send you as a chronic drunk. He can really make things with his hands. You feel, 'Look at what he can do, just look at the beautiful things he can make.' Then he gets out and pretty soon he says, 'Your mother drives me to drink.'"

"You ever been around kids without an alcoholic dad, and they say, 'I've got a neat dad,' and I think, 'What's my dad ever done good for me?"

"My dad is like one of the children. Mom isn't his wife, she's his mother."

"I've lived in four homes and this is my fifth one. All foster homes. My real parents were drunk all the time. What's a real, normal home like where you're their real daughter and loved? How can I ever know so I can have one myself someday?"

[From the Seattle Times, July 21, 1971]

SHADEL HOSPITAL OFFERS ALTERNATIVES

(By Don Duncan)

Men in colorful, identical bathrobes sat in soft, theater seats and listened to the youthful-looking physician tell them that "most people have been brainwashed about the disease of alcoholism."

Dr. James Smith, director of world-famous Shadel Hospital, 12001 Ambaum Blvd. S.W., pulls no punches in a lecture which can be attended by persons interested in alcohol problems by telephoning in advance to CH 4-8100.

The men, having laid out $1,325 to come to Shadel—as men and women have been doing since 1935—were in for a very busy 14 days in the first-class hotel-like complex. At the end they not only would not care to drink, but they probably would be unable to stomach the sight of a liquor advertisement.

The aversion, alas, does not last a lifetime. There comes a time when it comes right back down to the man himself.

Shadel's stocks in trade are sodium pentathol-induced deep sleep and conditioned-reflex aversion therapy. An emetic used in therapy builds the aversion.

Several return visits the first year are part of the basic fee. "Booster" treatments of the drugs are given.

Dr. Smith explained to the men in bathrobes the physiology of alcoholism and some of the highly technical research being done on blood types, color blindness and taste buds to find clues to alcoholism. He has written his own research findings for learned journals.

The recovered alcoholic, Dr. Smith said, may well develop an intense craving for sweets. He also may substitute heavy coffee drinking for alcohol.

"The volume of alcohol one consumes is not the unfailing distinguishing feature between alcoholics and non-alcoholics," he added. "There are rare birds who can drink a fifth a day without being alcoholics. But I can wager that 99 per cent of those who drink that much are alcoholics."

Alcoholism is one of the few diseases in which almost every area of the body may be affected, Dr. Smith said. But the hardest hit are the central nervous system, cardiovascular system, liver and brain.

Dr. Smith continued:

"No psychiatrist, Alcoholics Anonymous or us can convert an alcoholic into a social drinker. The best we can do, or anybody else can do, is to convert the alcoholic into a nondrinker."

Each patient had been given a liver-function test upon admittance. All were eagerly awaiting the results. Dr. Smith told them not to be too cocky if they had a good reading or to be too depressed if their liver was functioning far below normal.

Livers can degenerate quickly if one resumes drinking. They can regenerate, in part, if one stops.

In tracing the predictable path of the alcoholic from social drinking to social and physical disaster, Dr. Smith paid tribute to the "tremendous ingenuity that goes into hiding bottles."

One fellow hid them in the air filter of his automobile, stopping now and then to put up the car hood and pretend to fix something, thereby sneaking a nip when his wife couldn't see him. Another rigged up an ingenious device so he could sip from a tube attached to his windshield washer. A woman hid liquor in vinegar bottles around the house. And a classic case was the secretary who bought inflatable "falsies" and sipped from a straw.

Delirium tremens and convulsions, which may occur as a result of withdrawing an alcoholic from the drug he needs, can be fatal without proper medical treatment, Dr. Smith said.

Left alone, about 15 to 20 per cent may die of D. T.'s if they are relatively young. The death rate soars as high as 40 per cent if they are over 50.

"But with good treatment," Dr. Smith added, "no one needs to die."

No, Dr. Smith said, he never had run across a person with D. T.'s who ever saw a pink elephant.

"But," Dr. Smith added, "I have seen them battle some pretty awful hallucinations. And again, I've seen them very calm, watching a television show—with only a blank heat radiator in their rooms as a screen."

The "Olympic" record for D. T.'s at Shadel is four weeks. The record for blackout is two months, set by a salesman.

Nobody in the room seemed in the mood to try for any new records.

Patients soaked up more things they needed to know to survive. Stay away from cough syrups containing alcohol. Never, but never, buy any over-the-counter medicines with alcohol as a base.

"The drink for old Aunt Tillie before dinner is silly. It is no earthly good for her heart.

"And I would recommend that every one tell his child not to drink. And I would demand that every child of mine got education on the subject.

"I'd also like it to be known by all in the alcoholism field that if you treat only the psychological problems, the best you can hope for is a well-adjusted alcoholic.

"For goodness sake, don't trade in one addiction for another like barbituates or many of the tranquilizers available on the market.

"Take your vitamins regularly. You are sadly depleted vitamin-wise."

Later Dr. Smith said he has a standard answer for those who say the cost of treatment at Shadel is too high.

"Listen, if you stay off liquor for seven months, and you bought only whiskey at the liquor store, you'll save the entire cost in booze money. If you bought at the bar, you can get it back a lot sooner."

During a tour of the facilities, Dr. Smith showed a room stocked with enough bottles of name-brand liquors, wines and beers to make an alcoholic think Christmas had come early. Alongside the bottles were enticing liquor advertisements.

This was the room where patients would undergo conditioned-reflex aversion therapy, and where they would learn to get sick every time they tasted the one thing they could not live without a few days earlier.

[From the Seattle Times, July 22, 1971]

FIGHTER AGAINST DRINKING IS INTENSE, TIRELESS

(By Don Duncan)

It is doubtful if anyone in the Seattle area is a more tireless fighter for reform in the field of alcoholism than is Dr. James Milam, president of Alcoholism Center Associates, Inc., 10240 N.E. 132nd St., Kirkland.

The psychologist is intense, outspoken and sometimes controversial. But no one questions his dedication or his intimate knowledge of the services available to alcholics.

Dr. Milam does not mince words. His scorn is ill-disguised when he speaks of those who "want to treat the alcoholic's psychological deterioration before they get him off the booze."

"You can't talk sense to a man whose drinking is out of control," Dr. Milam says.

"A drinking alcoholic is the world's most practiced liar. Sober, he has no more crippling neuroses and psychoses than the rest of the population. There are about 15 per cent with 'the crazies' in this nation, and they are proportionately divided between alcoholics and nonalcoholics."

Dr. Milam adds:

"However, alcoholism causes psychological disturbances and regressive behaviors that are far more profound than similar symptoms in the garden variety of mental illness. Traditionally these psychological symptoms have been mistaken for causes of alcoholism."

Alcoholism Center Associates, Inc., is a private program, featuring a comprehensive range of treatment services and a "sequence of care adapted to the needs of the individual."

Treatment components include hospital detoxification, resident and outpatient care, family counseling. Alcoholics Anonymous orientation and diagnostic and referral services.

One of the prime ingredients is Dr. Milam's hard-hitting lectures for alcoholics and their relatives.

Like Dr. Smith's lectures at Shadel Hospital, they are open to persons interested in the field of alcoholism. Appointments may be made by calling 822-1269, Kirkland.

The lectures contain the basic elements of what Dr. Milam calls "The Emergent Comprehensive Concept of Alcoholism," spelled out in a 40-page booklet he has published to counter what he feels are myths of too-long-standing regarding alcoholism.

Reversing what Dr. Milam says is the prevailing belief, the "emergent concept" views alcoholism as a "primary, progressively pathological reaction to alcohol, regardless of premorbid personality or social variables."

It is Dr. Milam's expectation that the "emergent concept" will be a breakthrough in alcoholism comparable to the founding of A.A. and Shadel Hospital in 1935.

Mrs. Marty Mann of the National Council on Alcoholism already has hailed it as a wave of the future and Dr. Milam rapidly is gaining national recognition as an authority on alcoholism.

The cheerful, spacious lecture hall is filled as Dr. Milam begins his lecture. Well-dressed persons, some chain-smoking and many drinking coffee, listen intently.

They include a crew-cut, white-haired man with military bearing, a handsome woman of middle age who might once have been a model, two pretty, black-skinned young women with a man who appeared to be their father, an obviously upper-crust family among whom one person—you couldn't guess which—was an alcoholic.

"People throughout history have thought of alcoholism as a symptom," Dr. Milam said. "Everybody from Dear Abby to psychologists talk about the alcoholic being a loser in school, immature, shy, easily recognizable early in life. This simply is untrue.

"Countless persons with these characteristics never become alcoholics. Furthermore, head injury, illness, all sorts of things can reduce one's ability to tolerate alcohol and lead to alcoholism. And, because of inherent susceptibilities many normal, moderate drinkers graduate innocently into alcoholism.

"It is a physical problem, plain and simple, but with profound psychological consequences. And it's a shame that for the past 15,000 years we've had the idea, perpetuated by professionals, that alcoholism primarily is psychological in nature."

Dr. Milam thinks plenty of money is being laid out in the public sector for alcoholism treatment. He believes the private sector—"80 per cent of alcoholics are not poor or indigent"—largely has been ignored.

Dr. Milam does, however, pay tribute to Cedar Hills Alcoholism Treatment Center in Maple Valley as "the model for the whole country." He is a consultant to the Cedar Hills operation.

The psychologist is particularly critical of "some of the do-gooders" working in the field of alcoholism—the professional as well as the layman.

"You might as well try to design an atom bomb by letting well-meaning people do it," the former research director for Shadel Hospital said, "You won't get an A-bomb."

Dr. Milam said:

"For 34 years after A. A. and Shadel were founded, each thought the other was no good. Each got dropouts from the other and concluded his method was better. The truth is they both were good. Shadel got a 50 per cent sobriety rate after three years, which is phenomenal.

"Charlie Shadel would have won a Nobel prize if he had done it with cancer. But he had done it with alcoholism and nobody likes to talk about that even though it is our nation's No. 1 public health problem."

Then Dr. Milam put forth more of his creed:

"Sobriety must be the primary purpose in treating alcoholism.

"Alcoholics are alike in their dependence upon alcohol the world over, regardless of other variables.

"Drinking alcoholics are incompetent to diagnose or treat their own condition. They must have help to start a recovery.

"You'll never make it if you keep looking for the reasons you drink—bad marriage, money, a father who didn't seem to love you, or any other psychological hangups.

"Not three alcoholics in ten know they're alcoholics until they've been diagnosed.

"The crime is that society denies and minimizes the problem and thus withholds effective help."

Dr. Milam explained that some alcoholics are fearful when they begin to recover. They love their rationalizations for continued drinking. They no longer can blame anyone but their own physical make-up.

Alcoholism, Dr. Milam said, is a progressive, fatal illness. It destroys brain cells, and some of that destruction is permanent, irreversible, pathological damage. It destroys the liver, and when that vital organ is gone you die. Dr. Milam continued:

"I'd like to explode once and for all the idea that, 'Oh, you can't be an alcoholic, Charlie, because you are too nice a guy.' Nice guy has nothing to do with it. If alcohol has become an addictive drug to Charlie, then he's an alcoholic.

"Alcoholism is a selective addiction. If you are a Jew or an Italian with a 15,000-year drinking heritage you have a better chance of not being an alcoholic than if your ancestors came from the Northern European countries, particularly Ireland, with a 1,500-year exposure.

"If you are an Indian or an Eskimo, with only a 300-year history of drinking, your chances of being an alcoholic probably are too high for you ever to risk drinking.

"Why? Probably evolution, natural selection and a natural immunity among survivors. It needs research from this new premise.

"I don't know why you're here in the audience. But let me guess. The kids won't speak to you. Your spouse has threatened to leave. The boss wants to fire you. Or your doctor says you'll die."

Dr. Milam closes on a cheerful note. People do get well from alcoholism by the tens of thousands. As an alcoholic progresses in recovery he becomes the real person he started out to be before alcoholism interferred.

"You can make it," Dr. Milam said. "But you, as a patient, have to disqualify yourself to guide your own treatment. You've beeen bungling things for too long."

In a later interview, Dr. Milam dropped another of his patented bombs:

"Don't go blaming industry for not doing anything. Industry got turned off because of bad treatment experiences in the past. You show industry something that will work, that will show really good recovery rates and businessmen will respond."

Dr. Milam had spoken. Since he gets around, giving freely of his time and expertise in so many places, he is being listened to more and more.

"EXCLUSIVE" CLUB IS REFUGE FOR FORMER ALCOHOLICS

It isn't the usual social club, the one on the fourth floor of the I.O.O.F. Hall, 915 E. Pine St. Membership requires that one be a sober alcoholic and have attended an Alcoholics Anonymous meeting the past week.

It is called Alano. There are Alano clubs throughout the nation.

John McG. runs Seattle's which offers snack-bar lunches, pool tables, playing-card tables and soft drinks and coffee.

When John McG. joined A.A. 15 years ago there were only 24 groups in Seattle. Today there are almost three times that number.

"I couldn't stay sober 30 days," John McG. said. "I failed 'em all—the church, the psychiatrist, my wife."

John McG. was an artful hider of bottles. You name the hiding spot, he tried it. But he never thought of doing what Ray Milland did in the movie, "The Lost Weekend," hiding the stuff in a chandelier. That took real imagination.

"I was always afraid I'd get caught short without a bottle in the house. I planned my life around alcohol. I'd black out. I'd wake up in the morning, after a bout, and I'd go out to the garage to see if the car was there. I'd check the fenders for dents and wonder if I'd killed somebody."

John McG. opened the door to the Big Hall on the second floor of the building, the place where A.A. members have Saturday-night dances. Good music, lively talk and nonalcoholic beverages.

"It would surprise you, but our bigger groups now are on the East Side," John McG. said. "Ten years ago there was just one—at Bellevue. Now there are 11 scattered all over. The Bellevue group is so big now on Monday nights they've had to divide up among several rooms to give everyone a chance to talk."

Conversation, laced with laughter, filled the Alano Club as members finished their lunches and prepared to return to their jobs.

"We can't change anybody but ourselves, no matter how near and dear they are to us," John McG. said. "My wife learned that about me. Finally, I changed myself."

[From the Seattle Times, July 23, 1971]

SALVAGING PROBLEM DRINKER IS JUST GOOD BUSINESS

(By Don Duncan)

Employers usually can exert far more leverage on problem drinkers than can pleading spouses, distraught offspring or well-meaning friends.

The vast majority of persons with alcohol problems are functioning, more or less, in society.

They seldom take lightly a threat to paycheck or pension.

Quite a few large businesses have set up programs to detect and to treat employes with alcohol problems. The federal government rapidly is moving off dead center.

Programs range from good to exercises in paper pushing.

But the vast majority of companies practice a conspiracy of silence regarding the problem-drinking employe.

The "conspiracy" is fostered by executives who don't want to rock the boat. They are aided and abetted:

By company-insurance plans that will pay for the medical consequences of alcoholism but not for preventive treatment.

By supervisors who say, "Oh, George drinks a little too much, but he's one of our best men when he's sober."

By George's co-workers, who try to shoulder his workload when he is absent or incapable of performing up to par.

While the coverup goes on, year after year, George's drinking costs his employer a great deal of money and his family anguish that cannot be measured in dollars and cents.

One day George commits whatever sin his firm considers unpardonable and his employment is terminated. Or worse, George's drinking progresses to where physical and mental deterioration are so massive he either dies or is permanently useless as a functioning human being.

Everybody in the office turns out for George's funeral, to commiserate with his widow and children. Good old George, dead usually between the ages of 40 and 60. Sure too bad about George.

Well-meaning people literally have signed George's death certificate.

Although there have been alcohol problems in this nation since its infancy, it was not until the early 1950s that the first company policies, aimed at help and not the easy copouts of silence and firing, went into effect.

Allis-Chalmers, Eastman Kodak, Consolidated Edison and Great Northern Railroad (now Burlington Northern) were among the pioneers. Today an estimated 350 corporate alcoholism programs are in effect in North America.

Niles A. Doolittle, social counselor for Burlington Northern here, says "all of us started in desperation, because no one is a prophet and there is no guarantee that if you fire a guy with a drink problem you won't hire a replacement who'll also be an alcoholic 10 years from now."

Doolittle added: "It's not just good for the employe and for his family, but, selfishly, it's good business for the company to straighten these men out. They cost money, of course. But they usually are good workers when sober, and the company has a considerable investment in their training and experience."

"It used to be a sign of manhood to get your foot up on the bar rail," Doolittle said. "I suppose it still is for some. But we're growing up a bit. Cancer and tuberculosis once were almost forbidden words in polite society. They aren't anymore. Alcoholism shouldn't be, either."

John Mulligan, director of personnel for the Postal Service here, said his agency is setting up an alcoholism-recognition-and-treatment program that has the wholehearted support of unions and management. Recovered alcoholics employed by the Postal Service are acting as counselors. Agency physicians make regular checks on the problem-drinking employe's progress. Anonymity is protected at all levels.

"We are more enlightened than we used to be," Mulligan said. "We've rescinded the law that one couldn't get disability benefits due to alcoholism or had to be fired for 'intemperate use of alcohol.' Employes are granted sick leave to take treatment. Unfortunately, few medical plans will pay the cost of private treatment."

It is estimated that 10 to 13 per cent of Postal Service employes have alcohol problems, Mulligan added.

At the Seattle branch of the Bethlehem Steel Corp., Dick Gebow, a company official, follows a national policy the company put into effect in 1965. It has shown good results.

Supervisors are charged with spotting a potential drinking problem, discussing it with their immediate supervisors and, if warranted, making an appointment for the employe with the company physician. If the diagnosis is positive, treatment and counseling are begun. There is periodic reassessment of the employe, whose file bears only a number, not a name.

"It is not only possible, but it has happened that an employe who once had a drinking problem has gone on to higher positions within the company," Gebow said. "All we want is an employe who has shaped up."

But even the Bethlehem program does not provide company funds for outside treatment. Nor is the employe paid while he is undergoing such treatment. His job, however, is waiting for him when he returns.

Donald Reiman of The Boeing Co. said a company physician works exclusively on alcohol-problem cases. While there is no organized statement of policy, Reiman said, "We try to spot the problem drinkers from attendance and performance patterns."

We try to work with them at least twice," Reiman added. "If they don't show improvement, we re-evaluate their job performance and can terminate their employment."

A spokesman for the Weyerhaeuser Co. said there is no formal program for the large lumbering firm, "but management is concerned." The spokesman added, "Although nothing is spelled out we do cooperate with physicians and nurses at our various mills when they are confronted by a drinking problem."

Neither does the Simpson Timber Co. have a formal program, according to Melvin Munson, vice president in charge of personnel.

"But when we find an alcohol problem in an employe, we set up a counseling session with our consulting psychologist," Munson said. "We are willing to invest in this. However, if it doesn't work, we're not very tolerant after four or five months. We've got some who have been rehabilitated."

Munson added: "I think paying for one program. We'll loan money, on a selected individual basis, for an employe to take private treatment. We've got 7,500 to 8,000 employes and more trouble, I think, with our salaried group than with our union employes."

Pacific Northwest Bell's Seattle office has a full-time alcoholism counselor known as Gordon. He performs an information and referral function, and he says the firms "one-more-chance" philosophy has been effective.

"The key," Gordon said, "is that the company must stick to its promise to terminate if the employe doesn't cooperate. The word gets around if you do what you say you will do. But our basic goal is not to terminate but to salvage employes."

Gordon believes Pacific Northwest Bell's program is successful, "conservatively," 60 per cent of the time. Anonymity is carefully protected. Although employes usually must bear the entire cost of treatment, the firm will pay an employe's salary while he undergoes private care.

Alcoholics Anonymous is the "backbone of the program" at the telephone company. Counseling is offered to the employe and to his immediate family.

Although most companies in the nation still are light-years away from being as compassionate about alcoholism as they would be for a heart attack or cancer, progress is being made.

What is being done for good old George at your company? You know George—the guy at the next lathe or the next desk.

[From the Seattle Times, July 25, 1971]

POLICE, COURTS ARE ACQUIRING BASIC TOOLS THEY NEED TO BUILD FROM HUMAN WRECKAGE

(By Don Duncan)

Police and courts, long frustrated by antiquated laws that treated alcoholics as criminals rather than sick persons, finally are acquiring a few of the basic tools they need if whole men are to be built from human wreckage.

Two such starts are Cedar Hills Alcoholism Treatment Center in Maple Valley, a 112-bed, nationally acclaimed model of how a court-referral program should work, and Seattle Treatment Center on the fourth floor of Providence Hospital, beset by some difficult growing pains but eventually to replace the old drunk tank entirely.

"Tax burdens turned into tax producers" is the favorite expression of Ron Fagan, director of Cedar Hills. The courts send men to Fagan's four-year-old, neat-as-a-pin layout,

there to be filled with good food, alcohol education, group therapy, human dignity and the spirit of Alcoholics Anonymous.

But the thing that makes Cedar Hills more than just another place to get men with alcohol problems out of polite society's hair is its close tie with a Renton Technical Institute program headed by Alonzo C. Odem.

For the first time, many alcoholics are learning the rudiments of such trades as metal and woodworking and gardening. Others are sent on to clerical schools. A few have been enrolled in Seattle Community College.

A man of 35 who never before has been able to look anyone in the eye and say, "I have a skill and I am capable of earning a living," is a proud man, indeed. He also has a fighting chance of staying off alcohol.

The Seattle Treatment Center, bright and cheerful until one sees the shuffling feet, shaking hands and often comatose figures on beds, aims at detoxifying or drying out men and women.

Before they are cleared for release, usually in seven days or less, they will be counseled and told about A. A., halfway houses, public alcoholism clinics and other organizations that may help them lick the problem that is killing them.

But there are two drawbacks. The toxicity does not leave the body of an alcoholic in a few days. It may take months for him to become as normal as his deterioration will permit. Further, there is no law that will push these men and women into treatment against their will. They may be back tomorrow or next week. Too many of them will.

Dr. Hartwell Bass, head of physicians at the treatment center, is proud of having lost only one patient due to withdrawal, and "he had a bad heart."

Dr. Bass establishes easy rapport with those so shaky they couldn't hold a bucket of water without sloshing it out the sides. He sympathizes with their withdrawal agonies, is saddened when he sees the all-too-frequent cases of irreversible brain damage.

"Let me say I've got no quarrel with the drug alcohol," Dr. Bass says, "just how that drug is used."

There are 11 beds for private, paying patients at the treatment center. They aren't being used to anywhere near capacity, perhaps because many with the ability to pay don't want to associate with "Skid Roaders."

Yet, passing by the rooms and seeing men and women being detoxified, you can't tell the moneyed ones from the penniless. They are all sick drunks.

Superior Court Charles Z. Smith, a member of the board of the Seattle-King County Commission on Alcoholism has seen enough drunks from the bench to last him several lifetimes. And in his role as one of several rotating juvenile-court judges he sees the tragic impact of alcoholism on families.

"I discontinued the practice of fining people for being drunk when I was in municipal court," Judge Smith says. "It was a start."

If there is light at the end of alcoholism's tunnel, it's still a very long tunnel.

Judge Smith would like to see three pleas possible in court. Guilty. Not guilty. And, similar to the insanity plea, not guilty by reason of alcoholism.

While Judge Smith strongly feels voluntary consumption of alcohol is not an excuse for a crime he says a person who is an alcoholic may not be voluntarily intoxicated. Nor is a person in the throes of D. T.'s necessarily responsible for his behavior.

"The fact of a crime can be established in court," Judge Smith said. "The disposition of the case for an alcoholic might be different, however, than for a person who is not an alcoholic. Certainly sending an alcoholic to prison doesn't get him treatment."

When a man or woman appears in juvenile court with a youngster and says, "Judge, I haven't got a drinking problem," Judge Smith replies:

"If your wife says you have, and your kids say you have, and your driving record says you have, then you have a problem, whether you know it or admit it."

Luverne Rieke, University of Washington law professor and executive secretary of the Washington State Judicial Council, has file cards on 220,000 drunks arrested in Seattle the past 12 years. He has found instances of men who were bailed out four times in one day, and he is all too familiar with the tragic case of Wayne Jacob Hill, who died in the city jail drunk tank in 1969 after his 156th arrest for being drunk in public since 1945.

Hill, on whose behalf the American Civil Liberties Union once filed an alcoholism test case, received jail sentences totalling 18 years for drunkenness. His brain was shattered by alcohol when newsmen visited him—Bed Tag 165445, Room 428, Unit 8, Queen Anne County Hospital Annex.

Ironically, his death was hastened when he was struck by a drunken driver in Vancouver, B.C.

"During Prohibition the rate of alcoholism decreased dramatically," Prof. Rieke says. "But we paid a high price in social and enforcement costs. So that isn't the answer."

A problem of dealing with drunks as criminals, Prof. Rieke adds, is that "sentences ought to be geared to rehabilitate the individual. Punishment just to inflect pain is useless unless it's a deterrent. Jail certainly is no deterrent for the chronic drunk."

"Besides," Prof. Riek says, "we're not really arresting the man because he's drunk, but because he's vomiting, or because we fear him as he staggers down the street toward us, or he looks unesthetic, or he's fallen in the street and might get hurt."

Prof. Rieke contends "we should get 'alcohol involvement' more visible in our legal structure. We're just now beginning to look at alcohol related to highway deaths."

When the state's voters authorized mandatory breathalyzer tests and reduced the presumption of drunkeness from .15 to .1 for motor-vehicle operators, charts were prepared and distributed to police departments throughout the state. The charts show that drinking quickly, a 100-pound person is intoxicated after three drinks. A 240-pound person needs seven to arrive at about the same point of intoxication.

A considerable time lag between drinks helps. One may subtract small percentage points from the formula for each hour following a drink: 1 hour, .015; 2, .030; 3, .045; 4, .060; 5 .075, and 6, .090.

Thus a 160-pound man downing eight drinks in six hours would have a reading of .188, less .090, or .098 alcohol in his blood—just under the legal limit.

But experts increasingly are saying that anyone with a reading of .050 to .1 may be intoxicated. If he drives, he should use extreme caution.

They All Say That

Superior Court Judge Charles Z. Smith, who come before his bench with serious standing of the treatment available for those who does not drink, wanted a better under- alcohol problems.

Judge Smith anonymously attended an Alcoholics Anonymous meeting, signing the guest register in the acceptable way as "Charles S." No last name. No title.

The chairman called upon various men and women to testify to their struggles to gain sobriety. Finally he asked "Charles S." if he had anything to say.

No, Charlie S. did not.

"Come on, Charlie S.," the chairman persisted. "You are among friends."

"But I don't have a drinking problem," Judge Smith replied.

The chairman paused a moment and with a look of benign understanding said, "Charlie, they all say that."

Judge Smith now is an honorary member of A.A.

"I Was Lucky," Ron Fagan Rebounded After 4½ Years on Skid Road

Getting kicked out of Roosevelt High School for having booze in his locker was only the start of the downhill slide for Ron Fagan, director of the Cedar Hills Alcoholism Treatment Center.

But Fagan rebounded from 4½ years on Skid Road. Today he owns a college degree from Seattle University and he has written authoritative tracts on the Skid Road subculture.

"I am lucky," Fagan says. "I used to think I was crazy. My brothers could drink and I always wound up in the drunk tank. For me, alcohol was playing Russian roulette with a bottle, and every chamber was loaded."

After gaining sobriety through Alcoholics Anonymous, Fagan made the dramatic jump from being a Seattle Police Department's one-time drunk-tank inmate to membership on the staff as an expert on alcohol problems. That was in 1947. He has been in alcoholism work ever since.

"It wasn't until I discovered all my friends were Ph. D.'s that I decided to rectify that little 'misunderstanding' at Roosevelt and get myself an academic background," Fagan says.

Fagan is proud of Cedar Hills' reputation, of its 120-day program aimed at doing a "whole-man" job. When one of his patients wins a Toastmasters' contest or goes out in a new suit of clothes to face the world stone sober, Fagan beams.

"People used to whisper, 'I hear there's consumption in the family'," Fagan says. "We're still that way with alcoholism. I'm getting darned sick and tired of seeing people die needlessly. Wake 'em up out there."

Sometimes You Have To Bend Rules To Straighten Out the Ailing Man

"If I had died 10 or 11 years ago, my wife would have had to scrounge around to get enough people to carry me to my grave. Today I'm known all over town by hundreds of people and I like to think they'd pack the joint."

The words were spoken by Hal (not his real name), a silver-haired, well-dressed businessman.

Once Hal had visions of being the man of distinction, glass in hand and elbow perched jauntily on the fireplace mantel.

"The only trouble is my elbow kept slipping off," says Hal, who unashamedly calls himself "an alcoholic." A recovered one.

Hal made a pretty good run at killing himself. One night he was picked up by the police, hanging half out of his car. Dead drunk. He wound up in the drunk tank, and when his wife bailed him out he was smelly, unshaven and had a splitting headache. Only one cure for that, so he went to the nearest tavern for a cool beer to clear the cobwebs.

"I suddenly realized I was hitting myself on the head with the same hammer," Hal said. "I called A.A. from the bar and they said they didn't go to bars. I should go home and they'd send a couple of guys to see me."

Hal went home. Immediately he regretted calling A.A.

"I had visions of a couple of Skid Road types coming to the door, hands shaking and Bibles under their arms. Instead, they turned out to be a University of Washington professor and a sales manager for a big firm."

Hal became sober. He attended A.A. meetings faithfully.

"One day I said, 'Heck, this is easy.' I'd been sober for quite a spell and I figured I'd take a drink, in moderation this time. I had one bottle of beer and no bolt of lightning struck me. I walked out of the tavern convinced I had it whipped. A week later I took two high-balls and walked away from it. And the next thing I knew I was a 24-hour-a-day drunk. I tried to put 24 hours of sobriety together and I couldn't do it."

Hal drank in the morning, sneaked nips at the office, took long drink-filled lunches and stopped off for the happy hour on the way home from work. Often he was still on his private happy hour when the place closed.

One morning he needed a drink so badly he got up at 4 o'clock in the morning to make the opening of the first bar. He bolted a beer to quiet his nerves and to focus his eyes.

"The guy next to me would take a shot and then run for the can to throw it up. Jim was his name. Jim said to me, 'I'd give anything to knock this stuff.' I said there's a way and I took him to an A.A. meeting at 10 o'clock that morning. Jim was a fireman. The poor devil didn't make it. This time I did."

Seven years ago Hal and a realtor friend organized a weekly luncheon group in one of the city's poshest eateries. The well-dressed men around the table park their brief cases, but many would recognize them as physicians, architects, lawyers, bank officials, politicians and para-professionals.

They drink coffee, tea or milk.

All admit to a drinking problem, but they feel uncomfortable in a regular A.A. meeting. Besides the luncheon meetings, they also have weekly night sessions.

Despite the non-A.A. affiliation, the group spends a great deal of time on the first step of A.A. 12-step approach. They admit their powerlessness over alcohol.

"A dying man will listen," Hal says. "They don't have to be on Skid Road to listen. One can reach them when they still have a job, a car, a wife and a house."

Hal admits he is taking an A.A. program and changing it. That makes it controversial.

"A.A. may be right in criticizing this approach," Hal says. "I owe everything to A.A. But I'll take a drunk where I can get him. If the problem can be arrested without going through all the hell I did, then it's worth while to bend the rules."

Hal added, "It really cheats the entire community when these highly trained men fall. I have worked with disbarred attorneys, fallen coaches and priests with alcoholic tremors. Look around you, if you can't see a guy with a problem in your office, you need a new pair of glasses."

The first thing one must do for an alcoholic is to get him sober, Hal emphasizes. All the talk in the world is useless until that happens.

"Alcoholics are insane. They really are. They get arrested for drunken driving, their wife is sueing for divorce, the boss threatens to fire them, they blackout with two drinks and when you say, 'You've got a problem,' they reply, 'Who me? You sound like my wife'."

Hal continued: "After you get a guy off alcohol, it's a never-ending process no matter how long you've been recovered. Then you've got to restore some spiritual values in the man. Many laugh at this. But it's terribly important."

Hal is living his sobriety day by day. He likes the fact he can walk down the street, head high, and see scores of friends. Occasionally he thinks what distinguished mourners they will make.

[From the Seattle Times, July 26, 1971]

AGENCIES THAT AID ALCOHOLICS

(By Don Duncan)

The telephone rang in the office of Richard Silver, director of the Seattle-King County Council on Alcoholism, a U.G.N.-funded information and referral center.

A desperate-sounding woman on the line said her uncle hadn't eaten for two weeks, couldn't stop drinking and was going into convulsions. Where could she turn for help?

Within a few hours, Silver had the man in a treatment center. But he knew it probably wasn't the end of the man's problem. Even a brush with death doesn't keep many alcoholics sober for long.

"You can't get them into most hospitals when they are like that," Silver said. "They want them sober. It's like treating a kleptomaniac after he has quit stealing."

Silver's office is at 3109 Arcade Building. There are similar, usually busy, information and referral centers in Bellevue, Renton and the King County Courthouse funded by other sources.

Across town from Silver's office, in the Courthouse Annex, 100 Crockett St., is the office of Nick Hughes.

Hughes is director of the Seattle-King County Commission on Alcoholism, often confused with the Seattle-King County Council on Alcoholism. The commission is funded by state, county and city. Unlike the council on alcoholism, its job is to coordinate planning for a multiplicity of organizations dealing with alcoholism.

The commission, appointed by Mayor Uhlman and County Executive Spellman, also passes on requests for tax funds.

"Alcohol certainly is the nation's most frustrating problem," says Hughes, a social drinker. "You can say quit smoking or get lung cancer. You can say quit drugs, because they not only wreck lives but are illegal. But alcohol is legal, the government makes a heck of a lot of money from it, and, let's face it, millions of people drink without any trouble."

If Hughes is oriented to political, legislative and economic nuances of alcoholism, Silver is just as oriented to the social-worker standpoint, since that is his academic background and he spent several years as a counselor at a Veterans Administration hospital.

Silver has been critized as not being close enough to Alcoholics Anonymous and too often sending a person elsewhere in the state or nation for private treatment. But he also is applauded in many social-work and education circles for this tireless work.

"I've changed my mind considerably about alcohol problems in recent year," Silver admits. "I used to enjoy talking about the alcoholic's hangups, his feelings of inferiority, his poor sex life and his mean boss—and now I now that it was all very comforting to the alcoholic because I never got around to telling him to stop drinking, which was the real root of his problem."

Silver sees about 140 men and women a month, some with alcohol problems and some merely spouses of those with problems. He is familiar with most of the denial techniques of alcoholics and with wives who say, "My husband isn't an alcoholic, he just has this drinking problem."

Most schools, in Silver's opinion, sadly have neglected the subject of alcoholism.

"The major drug problem isn't with kids, it's with adults," Silver said.

Silver frequently counsels the spouses of problem drinkers. He is amazed at stories of physical brutality, of women keeping clubs beside their bed to ward off drinking mates who pull them from bed and beat them up when they return from drinking bouts.

"So many women who have lived in a hell for years say to me that they would divorce their husbands, but they don't believe in divorce," Silver says. "I often reply to them, 'I am surprised you believe in marriage, because you haven't got one.' "

Differing radically from many in the field of alcoholism, Silver says, "I don't buy this business of 'I was drunk and I hit my wife,' or 'I was drunk and I killed somebody with a car.' There is some responsibility for drinking. As long as we protect the drunk from himself and excuse him he can get away with murder."

Silver sometimes wonders if others are as concerned about the alcohol problem as he is. A typical reaction from old friends he meets on the street:

"Dick, what are you doing?"

"I'm a counselor for alcoholics."

"My God! You had such potential."

[From the Seattle Times, July 27, 1971]

HELP UP FROM THE BOTTOM FOR ALCOHOLICS

(By Don Duncan)

A "halfway house" or a "recovery house" (call it either) is somewhere between a permanent home and the gutter or the inside of a jail for many persons with crippling alcohol problems.

Seattle has two big ones—the Louis Martin Home, 1808 18th Ave., and the Bishop-Lewis House, 703 8th Ave. Both provide counseling, Alcoholics Anonymous programs, religion, group therapy and job placement.

Few residents of either go on to lifetimes of sobriety the first time. Many eventually do, however.

Chuck Hughes runs the Louis Martin Home, an old monastery on Capitol Hill. On the wall of his paneled, carpeted office are these framed words:

"As it is written, there is none righteous, no, not one.

"For all have sinned and come short of the glory of God."

Hughes used alcohol as an escape for years—"an escape from pain and from problems."

"They say a person isn't going to straighten up until he reaches bottom," Hughes says. "But who's to say where your bottom is? It may be when you still have a home and family. Mine was the Skid Road."

Hughes' staff of six handles a capacity load of 134 men. About 600 a year pass through, with an average stay of about three months.

"I'm sorry to say we get a good percentage of rebounds," Hughes says. "The majority who make it to sobriety permanently will do so between the fourth and sixth tries. The guy who makes it the first time takes your word for it that he can't ever drink again, that he can't become the first man in history to beat the disease of alcoholism and become a social drinker."

It takes about 24 months for the nervous system to return to normal so a recovered alcoholic can sit back and enjoy life "without being fidgety or nervous," Hughes says. "There are bad spots along the way. Regular cycles. We can chart them."

The big tragedy, Hughes says, is when he finds a brain-damaged alcoholic—"and we see more than our share." There are plans for a center in Sumner, Pierce County, just to handle the custody of such alcoholics.

Hughes has had all types in his halfway house—parolees, Skid Roaders, craftsmen, business and professional men.

The men sitting around staring at walls or doing little chores as their bodies slowly get rid of alcohol's poisons know Hughes found sobriety and hope they can, too.

Hughes took his first drink at the age of 3 and got drunk. He never took a drink in his life that he didn't wind up drunk. No sipping for him. Just fast, hard drinking.

For years he managed to get to his automobile-repair business the next day. But youth passed and finally his body's tolerance of alcohol fell to zero.

"There's no immunity guaranteed to you, no matter what your education or background," Hughes says, "Knew a kid who never touched a drink until he was 24. Minister's son. On his 24th birthday he said to the guys egging him on, 'O.K., I'll try one.' Four and a half months later he was dead. Drank himself to death. The heck of it is, guys will always buy you a drink but they won't buy you a sandwich if you need it."

Hughes added: "Knew an alcoholic gal in town who sneaked out of Harborview in her nightgown in the dead of winter, walking to a tavern barefoot. The police caught up with her, but she nearly died of pneumonia."

"Still another alcoholic I know has lost all his marbles. Goes to Western Union every day, waiting for a check that never comes in, and never will. He has lost all touch with reality. People think he's funny. Not me. He once was a normal human being."

The Bishop-Lewis House, "a recovery house" from which many patients leave daily for outside jobs, is part of the Pioneer Co-operative complex that runs houses for alcoholics and public offenders and operates a business, Pioneer Industries, that has paid out close to $1.5 million in earned income since its first contract in December, 1966.

The operation began with an apple box for a chair in 1963. It now has an annual budget of $460,000.

The Bishop-Lewis House differs from the Louis Martin Home in having more job-holding patients and in its industrial program.

Harold Heath (Heath-Tecna Corporation) "angeled" Pioneer Industries at the outset. His name is spoken with reverence by Norman Chamberlain, executive administrator, and Dick Hudson, program director.

The Bishop-Lewis House is strongly A. A. oriented. It offers group therapy, visiting lecturers and counseling.

"We certainly aren't always successful," Hudson says. "But look at it this way. A guy is sober in our plant for six or eight months. Then he falls off. That's six or eight months of a lot better life than he would have had otherwise. Lots of guys do make it, permanently."

Recently a former resident of the Bishop-Lewis House visited Hudson and said he was on his first paid vacation in 20 years. He is buying a home. He has never been sober 18 months.

"The guy is 50 years old," Hudson said, "and he's beginning to find out what life's all about for the first time."

FIRST AND FOREMOST AN ALCOHOLIC: "IF I DRINK AGAIN I'LL DIE; I DON'T WANT TO"

Chuck started to drink in the fifth grade. Nobody drank at his home, but a friend's father always kept liquor around the house and they raided the supply.

That's how it all started, Chuck recalled, his good-looking young face straining to remember the details.

Chuck is in the Louis Martin Home as a parolee. First and foremost he is an alcoholic.

They don't often reach Chuck's stage at 28. But not everyone gets off to a rousing start in elementary school.

Chuck told his story in a slow drawl:

"In junior high I'd save my lunch money to drink with. I'd save up all week with my buddies, and we'd plan a beer bust on the weekend. But when the weekend came, they'd change their minds and go to a movie instead, because drinking didn't mean that much to them. So I'd go on my own and get some beer and drink. I was real fat then. I couldn't talk to anyone unless I had something to give me courage.

"I was especially shy around girls. But if I drank I could go out of my mind and feel I was a big man. I got into trouble before I got out of high school. Broke into a school. Then I stole money from a woman whose lawn I was mowing. She was real nice, but I needed the money to buy more to drink. I lived to drink.

"At 17 I went into the service. I got out about a year later. All I did in the service was drink. It was easy. Nobody stopped you.

"I broke into a service station near the small town where I lived in Texas. I only felt comfortable around other drunks. To finance my drinking, I stole all the time. But I couldn't steal unless I had something to drink first. It gave me courage.

"They gave me five years in prison, and I got out after 14 months. The day I got out, I hit the booze again. I was drunk a solid month. I stole all the time. And when I finally got caught, it was back to prison.

"I'd black out when I drank. I was real surprised when I learned what the rap was—breaking the lock off a newspaper stand to get at the nickles and dimes.

"I got five more years in prison. Made a little booze inside the walls but it wasn't easy to fool the guards.

"That last sentence ran 33 months, and all I thought about every day was hitting the streets and drinking again. The day I got out, I got drunk. I stole a car not long after and went back to jail. I got a 10-year probation. Don't ask me why, with my record. Anyway, I couldn't live with it. I ran, I ran and I ran.

"I've been running since 1968. All over the Southwest. Then the Deep South. Running and drinking and running. I came to Washington State. The first thing I did was get arrested up in the northern part of the state.

"The judge didn't send me back to Texas. He gave me probation. He said he was calling some Alcoholics Anonymous guys to take me to a treatment center in Seattle where I'd be under the court's jurisdiction. Boy, that judge had faith. He let me go out on the steps to wait. No guard. Nothing. I figured he was plain nuts to do that with a bum like me.

"I could have run to Canada. I thought about it. I thought about it, and I didn't. Because, God I'm tired of running. I've got a wife—she's 22 and very immature—and we've got a five-month-old daughter. So there I was when the A.A. guys came.

"I walked in here figuring I couldn't put my trust in anything but a bottle. But Marg and Chuck (Mr. and Mrs. Chuck Hughes, who run the Louis Martin Home), they're really nice. Marg listens to me. I told her my whole story, even the mean parts.

"Now I've been sober three weeks. I wash windows, anything to keep busy. My wife's in Texas with her folks. But they don't want her and the baby and she'll be coming up. I'd like to be a human being when they do."

Chuck's voice choked. He said:

"You know what I'd like to do? You know what? I'd like to be clean inside and outside, and be able to take my wife and baby on a ferryboat to Bremerton on a Sunday afternoon. We could sit on the deck and watch the boats and the water and feel the fresh air.

"I'd like to work all day and come home and help with the dishes and read the paper and maybe turn on the TV and talk with my wife and play with my little girl.

"They tell me if I drink again I'll die or wind up in a mental institution. I don't want to die.

"You know what? I never saw a time I couldn't cadge a drink. At least one. I could walk uptown. And I could come back drunk."

And never get on the ferryboat to Bremerton.

[From the Seattle Times, July 24, 1971]

ABSTINENCE MOVEMENT: IT'S LESS POPULAR BUT STILL ALIVE

(By Don Duncan)

Ax-wielding Carry Nations may no longer be the scourge of bartenders. But there still are a few abstinence-minded preachers in pulpits and there are organizations which lean that way.

Remarkably the Alcohol Problems Association, Arcade Building, manages to sublimate its old temperance image (once it was the Washington Temperance Association) and do a good job of reaching high-school-age youngsters in classrooms throughout the state.

Much of the credit must go to low-key Lester Wetzstein, who is a graduate of the Yale University school on alcoholism and who carefully avoids moralizing in his lectures.

The physiology of alcoholism, what alcohol does to brain and body, particularly of the drinking driver, are his areas of expertise.

"In the classroom, I emphasize that you must understand alcohol and yourself," Wetzstein says. "You must make the decision on whether or not to drink."

Among the points Wetzstein hopes will influence that choice:

Alcohol is a depressant, not a stimulant. It first anesthetizes the frontal lobe of the brain, dulling judgment and social inhibitions. Drink enough at one time and you can die.

Social drinkers may well cause more highway carnage than drunks do, because many drunks don't drive.

Alcohol is worthless as a remedy for snake bite, head colds or shock.

Alcohol actually decreases body warmth when one is exposed to cold.

Hot, black coffee may awaken a drunk, but only his body's own rate of oxidation can sober him up.

Heavy drinkers are short on vitamins and minerals; their nutrition is impaired and they deteriorate physically and mentally.

Wetzstein's boss, Leon Hawley, long-time executive director of A. P. A., is less amenable to making alcohol a choice, however.

"Many churches have capitulated from the principle of abstinence they once held," Hawley says. "There is a breakdown where the talk about self-discipline should be the strongest."

Wetzstein says, "I prefer to say that a drug-free life pays dividends. It gives back values."

"And I'd say that family breakdown accentuates the alcohol problem," Hawley said.

Many who work in the field of alcoholism wish they could rid themselves of the "moralists," who they feel frequently turn many persons away from an understanding of alcohol problems.

But Hawley can say, with some conviction: "If you moralize them into never taking a drink they sure can't become alcoholics, can they?"

One can almost hear Carry applauding up there somewhere.

TEEN-AGE SURVEY—ALCOHOL EDUCATION HAS LITTLE EFFECT

Three years ago, Unigard Insurance Group of Seattle sponsored a survey of teen-age drinking habits and of the alcoholism-education programs aimed at youth in several states.

The conclusion: While education may result in a slight modification in the nature or form of drinking habits, it is not likely to reduce the number of drinkers.

The conclusion was reached by Ronald L. Akers, of the University of Washington's Institute for Sociological Research, and by John L. King, former university regent.

Other findings:

From 25 to 90 per cent of high-school students, varying by geographic region and by schools, have consumed alcoholic beverages.

While most have done little beyond tasting them, about a third to a half of high-school boys and about a fourth of the girls have established a "pattern of drinking."

There appears to be an increase in the number of teen-age drinkers in the past 20 years, just as there has been an increase in the number of adult drinkers. But over-all consumption of "absolute alcohol" actually has decreased in the past 60 years.

Abstaining adolescents are most likely to come from abstaining homes. Similarly, heavy-drinking adolescents most often come from heavy-drinking homes.

"The impact of socializing agents such as church, school, mass media and others in the adult community are much less than that of either parents or peers."

The study indicates that "scare" tactics are pretty useless, particularly warnings about the dismal future awaiting adolescents convicted of drinking violations.

"Teen-agers can recognize this and would probably write it off as just another example of adult duplicity," according to the survey.

The surveyors go on to say that speeches and the distribution of booklets and pamphlets to adolescents, particularly those emphasizing the dangers of drinking drivers, have more impact than preaching "don't drink."

But there have been no good evaluations of such programs.

The best approach appears to be that of providing adolescents with adequate information about alcohol, warnings ("not horrible or improbable") about the consequences of drinking and driving, education in the early warning signs of problem drinking, advice against drinking alone or at "wild" parties, and education of parents in ways of undergirding either their abstinence positions or their moderate-drinking standards for their children.

Some states, according to the survey, have fairly good programs. Others have little to offer. Washington rates so-so.

[From the Seattle Times, July 29, 1971]

MANY APPROACHES TO THE PROBLEM . . . WITH MORE AND MORE OPEN-MINDEDNESS

(Eleventh of a series)

(By DON DUNCAN)

Seattle has a variety of men and women, in various disciplines, who are trying to make significant contributions to an understanding of alcoholism.

The fact that they may not always agree is less important than the growing spirit of cooperation, or at least open-mindedness, on so many fronts.

James E. Royce, S.J., Ph.D. and professor of psychology at Seattle University, founded the first undergraduate course on alcoholism in the United States in 1950. It still is going strong.

To it, Father Royce has added biennial institutes on alcoholism at Seattle University that have attracted some of the best minds now at work in the field of alcoholism. Recently he conducted a telecourse on alcoholism for KOMO–TV. It later was rerun by Channel 9.

Father Royce's broad and balanced presentation includes visiting psychiatrists, sociologists, social workers, physicians, physiologists, representatives of Alcoholics Anonymous, Shadel Hospital, Alcoholism Center Associates and temperance workers.

Despair is expressed by Father Royce over failure of the government to appropriate "one penny" of the multimillion-dollar federal grant for alcoholism research and treatment. He is highly critical of California's Gov. Ronald Reagan "for wiping out the entire alcoholism program in his state."

"I got into alcoholism because I saw so much of it as a priest and as a psychologist," Father Royce says. "And I was ashamed that psychologists weren't dealing with it."

Dr. John Lindberg, who headed the University of Washington's alcoholism-research department in the Harborview Annex until funds ran out recently, got interested when he discovered that so many of his private patients had liver disease and they "almost invariably were alcoholics."

Pointing up the dilemma of the physician, Dr. Lindberg said, "The physician cannot separate himself from this problem and maintain his professional status. Yet it is frustrating to a physician to do anything meaningful and satisfying. We tend to turn away."

Dr. Lindberg said that while alcoholism is controllable and preventable, there are irreversible damages to the body of an alcoholic "far down the pike." He is particularly saddened to learn of teen-age "thrill drinkers" who kill themselves by gulping more alcohol than body and brain can handle—"because the poor kids aren't even alcoholics."

"Once alcoholism is identified as a disease, and I think it is," Dr. Lindberg says, "you can apply control and prevention. You also have a handle with which to educate students and adults. The die for alcoholism is cast before 21 for a number of young people."

Dr. Lindberg adds:

"We know that in delirium tremens there is a severe brain syndrome that can, but should not be, fatal; that it takes more anesthesia to put an alcoholic to sleep, that he is more susceptible to other drugs. We also know that the greatest effort is being expended in picking up the person who is far advanced in alcoholism and in treating the consequences of his disease."

Dr. Lindberg believes the drug fads will run their course. LSD, "speed," barbituates have lost their lure. Heroin is in. "Maybe cocaine will be next."

"But what is there after that?" Dr. Lindberg asks. "After all the fads, the most legal, social and acceptable drug will be alcohol. They will try what's left."

All the levels of top government are going to have to become models of alcohol control, making it a point that alcohol is not involved in high-level decisions, Dr. Lindberg believes.

"A lot of snuff was used at the turn of the century," Dr. Lindberg said. "Very little is now. The leaders of society and government simply stopped using it."

Dr. Raymond Vath, psychiatrist, believes there is too narrow a focus on alcoholism.

The psychoanalyst looks at the alcoholic's head, the internist at his metabolic changes, the sociologist at his environmental stresses, the churches at his moral and spiritual well-being.

"I really believe each has its place and no one is the total answer," Dr. Vath says.

Dr. Vath also it not "entirely sold" on the idea that alcoholism is solely physiological.

"I'm very wary of any illness that is strictly biological," the psychiatrist added. "The organic approach helps deal with the guilt feelings. But I think there is more to it."

Dr. Vath contends there is an "alcohol schizophrenia" in our society.

"Alcohol is a major industry, a major source of tax revenues. It is also a major health problem. It is hard to fight things that have such tremendous economic value."

One of the things Dr. Vath believes is terribly important, and is being lost in our society, is the family unit. A good, solid family unit, he feels, is much more able to deal with alcoholism than one that has disintegrated.

If Charles Shadel, a chiropractor, could pioneer a breakthrough in the treatment of alcoholism, there is no reason to discount a a veterinarian. Dr. William Sudduth has been conducting alcoholism experiments on rabbits at Northeast Veterinary Hospital. They are so promising that he has hopes of getting a federal grant to expand his research.

Dr. Sudduth's years of observing animals with extreme bowel toxicity made him wonder if alcoholics might have a similar pathology, "since the symptoms in animals are the same as those for alcoholics on withdrawal."

The veterinarian's work has taken him back, he says, to the old, largely discarded "auto-intoxication" idea that all illnesses were caused by bowel intoxicity.

"Medicine began using auto-intoxication to explain every ailment known to man, and that is silly, of course," Dr. Sudduth says. "But I think they discarded the idea too soon."

Dr. Sudduth added:

"My theory is that ingestion of alcohol upsets the delicate bacterial balance in the bowel that determines health or sickness. These bacterial toxins flood the system, when thrown out of balance, causing mental, liver, hallucinatory and pancreatic symptoms, all identifiable in alcoholics.

"Continued use of alcohol, however, blocks the central nervous system, and, acting as a temporary antibiotic, keeps these toxins in check. But once the alcohol is stopped, the nervous system no longer is anesthetized and the toxins pour out their poisons on the body. There are tremors, delirium, tremens, convulsions and all the other withdrawal symptoms."

The man who gets into trouble is one whose resistance mechanism has broken down so that he is dependent—"the craving"—on alcohol to keep himself functioning, Dr. Sudduth believes.

"We need a massive effort on a national scale, just as we did for the A-bomb," the veterinarian said. "We can find the answers in five years, I believe, if we really go all-out on this."

And then one meets Miss Jane Kuhlman of the King County Alcoholism Clinic, 2120 First Ave. N., who doesn't exactly rule out physiological causes for alcoholism but says:

"Our philosophy is not held by everyone, of course. But we feel alcoholism is symptomatic of underlying emotional problems."

Miss Kuhlman says some people are known to continue to drink after they visit us.

"But I don't feel complete sobriety is the only measure of success," she adds. "Their total adjustment may still be poor after they become sober. Some may still have drinking bouts after coming here, but they are better off if they have solved some of their other problems. Of course, we've had many, many people we haven't helped at all."

Miss Kuhlman's' office sees problem drinkers that run the full gamut of the socio-economic scale. Most of her referrals come from the Seattle-King County Council on Alcoholism.

[From the Seattle Times, July 30, 1971]

MOST ADULTS KNOW LITTLE ABOUT ALCOHOL

(By Don Duncan)

It is not outside the realm of possibility that all alcoholic beverages some day may bear a label similar to the one first placed on cigaret packages:

"Warning—The surgeon general has determined that consumption of alcoholic beverages may be dangerous to your health."

The word "is" now has been substituted for "may" on cigaret packages. But "may" should suffice for alcohol.

Millions of adult Americans drink alcohol without any ill effects.

But about 40 per cent of drinkers experience occasional problems. Some even kill people in automobiles while "under the influence." About 8 per cent of all adults kill their own bodies and brains—and frequently their homes, marriages and employment opportunities—because they are alcoholics.

The only certainty about the apparently selective disease of alcoholism is that alcoholics never should drink.

The entire subject, frequently identified as the nation's No. 1 health problem, is clouded by myths and misconceptions.

One of the favorite "ironies" of our society is the father lecturing his son on drugs and narcotics after he himself has downed three cocktails. Pretty silly, of course. But hard drugs inevitably are addictive. Alcohol is not inevitably addictive, or even addictive most of the time.

Youngsters don't know much about alcohol, but neither do their parents. And neither do most educators.

It is virtually impossible today for a child to go through school without hearing countless lectures on dope. But it is not only possible, but even likely, they never will hear a scientific one on alcohol.

The idea that alcohol is a drug, plain and simple, still is a shock to some.

You can pour it from a fancy bottle, add a slice of lemon or an olive, drop in some crushed ice and put it in the hand of King, President or the sweetest, white-haired grandmother in the world and it still is a drug. It is a depressant agent that goes to

work on the frontal lobes of the brain, gets into the blood stream and eventually must be processed by the liver, which in the process can become diseased and kill an alcoholic.

As recovered alcoholics have learned, and as teetotalers have always known, there is nothing more boring at best, and downright distasteful at worst, than trying to converse in the company of people who are drinking heavily.

It is possible that Winston Churchill still spoke as a genius after copious quantities of brandy, but Sir Winston simply must have started with more brain than any of the folk who swing at cocktail parties or in bars.

Male nondrinkers no longer should bear the stigma of being something less than masculine. But neither should teetotalers be viewed as strong-willed "saints." Most nondrinkers either have tried and failed to be social drinkers or they prefer better odds than they feel alcohol offers for a long and healthy life.

It is high time the public demanded intensive research of alcoholism, since the drug that causes it is legal, tax-producing and unlikely to go away as long as so many people enjoy it.

The disease of alcoholism, and it must be regarded as that, infects society at all levels. Its true cost is incalculable. Certainly it runs into many billions of dollars annually.

Thus President Nixon's proposed $34.6-million "assault" on alcoholism should be recognized for what it is—a start. The federal government takes in about $4 billion annually in alcohol taxes, or nearly 1,200 times the amount earmarked to fight the problem. Our own rather small state's annual liquor sales are five times the President's "budget" for alcoholism.

Everyone from childhood on should be taught to recognize alcoholism's danger signals. It is criminal that so many people must be at the point of permanent physical deterioration before a helping hand is offered.

The Rev. Bill Prasch and Mrs. Bettye Marsh, both of whom are deeply involved in alcoholism education, testify to appalling ignorance of alcohol among adults as well as children.

Businesses can lead the way in prompt, early recognition of problem-drinking symptoms and exercising paycheck leverage to require treatment.

Insurance companies can recognize alcoholism as a disease best treated in its early stages before there is marked physical deterioration.

Physicians can become as aware of alcoholism's early symptoms as they are of those for appendicitis or hepatitis.

Our welfare laws appear to need some revision when they specify reduced payments for people entering alcoholism treatment centers but keep payments at higher levels if the alcoholic remains in his dwelling and drinks himself to death. That is reverse incentive.

Sources of supply can tighten up sales to inebriates when they are clearly recognizable. This will put a burden on dispensers of alcoholic beverages, but it is the law the same as following prescribed hours for the sale of beverages and not selling to minors.

There were just 33 arrests in the entire state last year for selling alcohol to intoxicated persons. Yet in Seattle alone more than 10,000 drunks were picked up on the streets.

There should be a thorough review of the legal .10 of 1 per cent blood-alcohol limit—already reduced from .15—to see if it still may be too high for safe driving. Many persons in the .05-to-.1 range are in no condition to be trusted with a couple of tons of steel. Alcohol-related traffic death tolls have become a national disgrace.

Although public funds allotted for alcoholism treatment may be meager, it appears they might be better utilized. Most are aimed almost exclusively at the Skid Road or at virtually penniless alcoholics who make up a very small part of the alcoholic population. In defense of the long-time practice, it is these most-visible alcoholics who are the main drain on welfare, public-hospital and police funds. But the loss to society of middle-class alcoholics can be even more costly.

There is growing awareness of alcoholism in women, particularly in the higher socio-economic levels. Marty Mann of the National Council on Alcoholism says old statistics showing male alcoholics outnumbering females 4 to 1 should be junked. She says it is getting closer to 50–50 every day.

King County can be proud of its Cedar Hills Alcoholism Treatment Center, a model court-referral complex that is, in a way, a monument to very-much-alive Ray Olsen, the long-time county public servant who pushed so hard for it.

Our city can be proud to have as citizens Charles Shadel and Harold Heath—the former for recognizing alcoholism as a "disease" when the idea was laughable, the latter for initial financial backing of Pioneer Industries, a firm that helps alcoholics and offenders earn money with dignity.

There can be pride, too, in all the toilers in the field of alcoholism who never are too busy to give a public lecture, attend a meeting or extend a helping hand to an alcoholic in need.

Alcoholics Anonymous truly has been a giver of life to many alcoholics. And even the Skid Road missions, whose soup and psalms may not change too many alcoholic lives, certainly cannot be faulted for being humane about a disease that too often is ignored "uptown."

Some public agencies have learned by making mistakes. But the time has come for the nonproducers to be eliminated. Any program that does not emphasize total sobriety for true alcoholics, as distinguished from those on occasional benders, simply is not doing the job.

To those agencies, public and private, that I did not contact during this series, my sincere apologies. It is my hope that almost all viewpoints were covered, while avoiding duplication.

Ron Fagan, director of Cedar Hills, likens the public's understanding of alcoholism to what we knew about tuberculosis prior to the First World War.

A tent city was set up out in the Ravenna District about 1913 to house consumptives. A broomstick brigade of righteous men and women promptly marched on it and demanded that "those immoral persons" be removed.

Alcoholism's Dark Ages may be about to end.

CHROME ORE FROM RHODESIA

Mr. McGEE. Mr. President, an excellent analysis of the ramifications of the U.S. Congress vote to violate a U.N. ban on the importation of chrome ore from Rhodesia appeared in this morning's edition of the Washington Post.

In an article written by Stephen M. Schwebel, professor of international law at the School of Advanced International Studies of the Johns Hopkins University, five points were scored which should be given considerable study by this body.

As Mr. Schwebel points out the sanctions have exerted considerable pressure on Rhodesia. So much so that the Rhodesian Government may be prepared to pay a price by way of promoting more humanist policies for removal of the sanctions. However, recent action by the U.S. Congress will harden the Rhodesian Government's attitude in this regard and impede Great Britain's efforts to come to equitable and responsible agreement with Rhodesia during their current round of negotiations.

Mr. Schwebel also points out that the image of the United States which has been willing to throw its international weight against racism will be severely damaged.

His third point notes that the U.S. standing and influence in the United Nations could be irreparably damaged "by a move which the generality of the membership finds provocative and the Africans find outrageous."

Fourth, the United States has been the "principal progenitor and patron" of the United Nations and has invariably upheld the Security Council's authority, "insofar as the Council has proved able to exert it. For the United States now to flout the Council's authority is to fly in the face of traditional and continuing American policy—and the self-interest that largely motivates the policy."

Mr. Schwebel's final point is one of very great importance for this Nation and any image of trustworthiness in our dealings in the international community.

As he so aptly points out:

> Violation of a treaty obligation in this unnecessary and unvarnished fashion will once again underscore a disregard for international law that has increasingly characterized American behavior in recent months, with damaging effects not only for the fabric of international law but for the credibility of American diplomacy.

It is apparent that the U.S. Congress did not take cognizance of these ramifications of its vote to violate this U.N. ban. If it had, the outcome would most certainly have been the reverse of what actually occurred.

I am hopeful, as Mr. Schwebel expresses a similar hope in his article, that the President will see fit to take action to remove chrome ore from the strategic and critical materials list in order to maintain the integrity of the United States in this matter. To do otherwise would be to compound the irresponsible and immature action taken by the U.S. Congress.

I ask unanimous consent that Mr. Schwebel's article be printed in the RECORD.

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

[From the Washington Post, Nov. 19, 1971]

A CHROME-PLATED TREATY VIOLATION

(By Stephen M. Schwebel)

President Nixon has signed legislation designed to remove the embargo on the importation of chrome ore from Rhodesia as of Jan. 1. That embargo was imposed by President Johnson in 1967, in response to what the current conference report of the House of Representatives on the subject describes as "mandatory economic sanctions on Rhodesia." Those sanctions are indeed mandatory. They have been adopted and reaffirmed in three U.S.-supported resolutions of the United Nations Security Council which expressly remind members that "the failure or refusal by any of them" to implement the measures prescribed "shall constitute a violation of Article 25 of the Charter."

Article 25, in turn, provides that: "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter." Interpreting that article, the International Court of Justice last June held that, ". . . when the Security Council adopts a decision under Article 25 in accordance with the Charter, it is for Member States to comply with that decision . . . To hold otherwise would be to deprive this principal organ of its essential functions and powers under the Charter."

Whether the U.S. Congress actually meant in enacting the chrome legislation to deprive the U.N. Security Council of its essential functions and powers may be doubted. But, if the President permits this breach in United Nations sanctions against Rhodesia to be applied, the United Nations perhaps may suffer no less a loss to its integrity and potential than did the League of Nations in the Ethiopian case. In any event, the negative consequences of the policy, if implemented, will be substantial.

First, at the very moment when the British Foreign Secretary, Sir Alec Douglas-Hume, has arrived in Salisbury in a renewed effort to reach an agreement between Britain and its rebellious territory of Southern Rhodesia, his negotiating position is prejudiced by this indication from the United States that it may join South Africa and Portugal in openly violating United Nations sanctions against the racist Rhodesian regime. While the U.N.'s sanctions have been far from successful, they have exerted pressure on Rhodesia. The export of goods and import of capital have suffered. The Rhodesian Government may be prepared to pay a price, by way of promoting relatively humanist policies, in return for removal of the sanctions; clearly it will not be so prepared if the United States in any event may take the lead in destroying them.

Second, the image abroad of the United States as a society whose national government is willing to throw its international weight against racism—whatever the racial problems at home with which that government must contend—will be damaged.

Third, United States standing and influence in the United Nations, already impaired by the failure of its campaign to preserve a seat for Taiwan, will be further prejudiced by a move which the generality of the membership finds provocative and the Africans find outrageous. On November 16, a resolution was adopted by the U.N. General Assembly expressing "its grave concern at recent legislative moves in the Congress of the United States . . . which, if carried through and confirmed, would permit the importation of chrome . . . from Southern Rhodesia and thus would constitute a serious violation" of the sanctions. Citing Article 25 of the Charter, the resolution calls upon the United States to take the necessary measures to maintain the sanctions. It was adopted by a majority of 106 to 2 (South Africa and Portugal) with 12 abstentions (the United States not participating).

Fourth, the credit and capacity for accomplishment of the Security Council and the United Nations as a whole will be set back if the power that has been the organization's principal progenitor and patron turns against it in this way. The United States has invariably upheld the Council's authority insofar as the Council has proved able to exert it. Today, it is a main aim of United States diplomacy to achieve a Middle East settlement through Security Council guarantees which, if they are to be meaningful, will have to be binding. For the United States now to flout the Council's authority is to fly in the face of traditional and continuing American policy—and the self-interest that largely motivates that policy.

And last, violation of a treaty obligation in this unnecessary and unvarnished fashion will once more underscore a disregard for international law that has increasingly characterized American behavior in recent months, with damaging effects not only for the fabric of international law but for the credibility of American diplomacy.

The principal reason for the legislation the Congress has just enacted is stated to be that a ban on the import of Rhodesian chrome makes the United States dependent upon the Soviet Union as a major source of a critical defense material. But, while the United States currently imports some 60 per cent of its chrome from the U.S.S.R., it imported about 50 per cent from the U.S.S.R. when there was no ban on Rhodesian chrome. Moreover, the United States possesses so large a surplus of metallurgical grade chromite in its stockpiles that legislation was introduced in the Congress last April, with administration support, to authorize the sale of 1,313,600 dry short tons. That chrome excess is estimated as sufficient to meet defense needs for at least a decade.

Short of the Congress squarely reversing itself, is there a way out? Apparently there may be more than one way.

The legislation just enacted, the "Byrd amendment," while incorporated in the veto-proof Military Procurement Act, amends the Strategic and Critical Materials Stockpiling Act to provide that, notwithstanding any other provision of law, after January 1, 1972, the President may not prohibit or regulate the import of any material determined to be strategic and critical pursuant to the act if such material is the product of a foreign country or area which is not Communist, "for so long as the importation into the United States of material of that kind which is the product of . . . Communist-dominated countries . . . is not prohibited by any provision of law." As the House conference committee report puts it, "Stated very simply, the language provides that the President cannot prohibit imports of a strategic material from a free world country if importation of such material is permitted from a Communist-dominated country."

Accordingly, if the President prohibits the import of chrome from Communist-dominated countries, he may continue to prohibit its import from Rhodesia. This the President apparently is entitled to do by reason of provisions of the United Nations Participation Act and the Trading With the Enemy Act.

A simpler course would be for the President to direct deletion of chromite ore from the strategic and critical materials listed under the Stockpiling Act. He apparently is entitled to do this under the act, which, while requiring congressional authorization for sales from stockpiles, leaves to executive discretion the determination of which materials are strategic and critical. Such executive action would negate the Byrd amendment altogether, since it applies only to materials listed under the Stockpiling Act.

By so proceeding on any of these grounds, the President would enable the United States to uphold its international obligations. Time beyond January 1 would be bought, in which the Congress either could reconsider the question or in which it could—if serious administration pressure were to be exerted—adopt the pigeonholed legislation authorizing the sale of a portion of the national stockpiles of chromite. Were the former course adopted, or were the President to have chromite delisted, the lamentable effects of the Rhodesian chrome amendment would be largely and directly overcome. Were the latter course adopted, a ban on the import of Soviet and Rhodesian chrome could be sustained for an extended time while the stockpiles are drawn down—as the administration has indicated they should be. That also would avoid a position of profound international embarrassment for the United States—and, incidentally, should drive down the inflated price for chrome.

Encouragement that such possibilities are under consideration in the White House may be derived from its statement of Nov. 17 stressing that the Byrd amendment does not come into effect until January and that, meanwhile, the United States will not take any action which will jeopardize long term settlement of Rhodesian problems.

GOLDEN EAGLE PASSPORT

Mr. MOSS. Mr. President, on November 17, the Committee on Interior and Insular Affairs reported S. 1893, a bill to restore and extend the Golden Eagle passport system. This bill is an important part of what should be a concerted effort to expand recreational opportunities for all Americans. There are several important new features of this bill which I feel merit discussion.

First, the bill enacts for the first time the Golden Eagle passport. It has been operating since 1965 as a part of the Land and Water Conservation Fund Act and is scheduled to die at the end of this year unless Congress enacts new authority.

I urge strongly that Congress take this action. Since its inception, hundreds of thousands of people have taken advantage of the Golden Eagle program as an inexpensive way to see some of America's natural treasures. It has provided a way for our citizens to see their national heritage. The enormous success of this program indicates that it should be authorized on a permanent basis.

Second, the bill establishes two different types of Golden Eagle passports. One is the regular passport, as it now exists. Its cost will be $10 per family, and will admit the holder into all designated fee areas. The other passport is the Golden Eagle recreation passport. It will cover both entrance fees and user fees, such as camping. The impetus for this second type of passport is the rapid rise of camping fees in many of our national parks and other areas. Many families were being priced out of this type of recreation. So we have provided a more comprehensive type of permit, similar to the Golden Eagle, to cover these fees too.

I strongly support this concept. In my testimony before the Interior Committee on May 20, 1971, I said:

The answer to camping costs may lie in a double or super Golden Eagle passport which admits a family carload not only into a park but into the park campgrounds. I hope this idea will be explored in these hearings. If the Golden Eagle Passport is retained at $10 and I favor this then a double passport which covers both entrance and camping fees might be priced at $20 or $25.

I am gratified that the committee adopted this suggestion.

In that hearing I also stated:

I also hope in these hearings we can consider the special problems of senior citizens who have the leisure to use our national

parks, but not always the money. We should look into the practicality of issuing a lifetime Golden Eagle Passport to senior citizens when they buy a passport after they reach the age of 65 or should consider other alternative means of making our recreation areas available to them at little or no cost.

I am pleased that the committee has also adopted that suggestion. As reported, S. 1893 provides for a Golden Age passport allowing citizens 65 or older free entrance to designated fee areas. They would not have to buy a Golden Eagle passport. Additionally, they would have to pay only $15 for the annual camping permit.

In reporting the bill, the committee rejected a competing administration proposal that would have gutted the Golden Eagle and replaced it with a $4 per person permit. Besides greatly increasing the cost of visiting our national parks and recreation areas, this proposal would have been an administrative nightmare. In addition, the administration proposed increasing camping fees to levels charged by non-Federal facilities. The committee definitely rejected this concept too, with specific language in the bill that rejected this "equivalency test." In so doing, the committee reaffirmed its commitment to keeping the price of camping within the reach of all Americans.

The committee has reported an excellent bill. I urge the Senate to act promptly on its passage, before the current Golden Eagle program goes out of existence. Hundreds of thousands of American families are depending on us.

NOMINATION OF DR. EARL BUTZ AS SECRETARY OF AGRICULTURE

Mr. HARRIS. Mr. President, I invite the attention of Senators to the testimony I presented before the Senate Agriculture Committee on the nomination of Dr. Earl Butz to be Secretary of Agriculture. My opposition to Dr. Butz' nomination stems not from any personal animosity toward him but rather from the belief that a man who has spent his entire public life working for and with the giant agribusiness corporations that are driving the independent farmer off the land is not the kind of man we need as Secretary of Agriculture. Moreover, the fact that Dr. Butz was on the payroll of several agribusiness giants at the same time as he was serving as dean of a land-grant university engaged in research and other work of direct interest to these firms raises very serious conflict-of-interest questions.

As Senators, we are called upon to confirm or reject the nomination of Dr. Butz. To do so intelligently we need all the information available on Dr. Butz' record. For this reason, I ask unanimous consent that a copy of my testimony before the Agriculture Committee be inserted in the RECORD. The testimony includes a report prepared by the agribusiness accountability project, headed by Mr. Jim Hightower, entitled "Agribusiness Corporations Served by the U.S. Secretary of Agriculture Nominee, Dr. Earl Butz," and a six-page telegram I received from David Hall, the Governor of my home State of Oklahoma, stating his objections to Dr. Butz' nomination. I ask unanimous consent that all these may be printed in the RECORD.

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

STATEMENT OF SENATOR FRED R. HARRIS

Mr. Chairman, since World War II, sweeping changes have taken place in American agricultural productivity, and much more is at stake than efficient food production.

In fact, the very shape and substance of the American countryside has been radically altered—there has been nothing short of a violent revolution in rural America. Consider these facts:

More than 70 percent of our people are now packed onto less than 2 percent of the land;

In 1970, for the first time since the nation was settled coast to coast, our farm population fell below 10 million;

There were more than six million farms in 1940—there are less than three million today, and USDA benignly predicts that at least another million farms will shut down during the next nine years;

Over the last three decades, 30 million rural Americans have had no economic alternatives but to leave their land and their rural homes and to move into the alien environment of our urban concentrations—this forced migration continues today at the rate of 800,000 people a year;

14 million rural Americans are left behind in rural poverty, with millions more existing just on the edge of poverty;

47.1 percent of the farm families in this country have annual incomes that fall below the poverty level of $3,000;

1.5 million farm workers averaged an income of $1,083 in 1970, another one million farm workers raised their average income to $2,461 in 1970 by also doing some non-farm work.

Why can't independent family farmers, farm workers and small town businessmen make a living in rural America?

There are two basic reasons. First, there has been a corporate invasion of American agriculture. Second, government has sided with agribusinessmen, turning its back on the little man who traditionally has been the strength of this country.

Food has become big business. In 1970, America's food tab came to $114 billion. It is not the independent farmer and the farm workers who are bringing that food to market and pocketing those billions. It is agribusiness—corporations such as Tenneco, Del Monte, Bud Antle, Ralston-Purina, Green Giant, Safeway, Swift, Heinz, U.S. Sugar and General Foods. Also, a number of "brave new farmers" are trying to harvest those profits—these are major industrial giants such as Boeing Aircraft, Dow Chemical, Prudential Insurance, Coca Cola, Standard Oil, Goodyear Tire and Rubber, American Brands, and Purex.

If the tractor was the symbol of American agriculture thirty years ago, the corporate board room is its symbol today.

Increasingly, agribusinessmen are in control of the land, of agricultural production and of farm markets. As they have moved into rural America, the little man has been moved out:

While the number of farms has declined by half over the last 30 years, the average size of farms has doubled;

Small farms still constitute more than half of the number of farms, but they account for only 7.8 percent of farm sales;

During the past three decades, an average of almost 2,000 farms a week have folded;

For every six farms that fold, one small town businessman shuts his doors.

Yet why, if the corporate giants are so efficient, do they need the support of the American taxpayer in the form of billion dollar subsidies and other benefits? An investigation of tax returns of large scale corporate farmers would show many losing money. Of course, some *intend* to show a loss in order to get a tax break. And for others, losses in production can be easily covered by huge profits in processing or marketing. The individual farmer doesn't have these options.

What is particularly galling to the independent farmer is that numerous USDA and university studies show that he possesses the needed acreage to farm efficiently. For example, maximum cost-saving production efficiency is reached at about 1,500 acres for cotton, less than 1,000 acres for corn and wheat, and 110 acres for peaches.

Mr. Chairman, the corporation of American agriculture is not the inevitable result of any economic process. The decisions to create and administer a farm policy aiding the giant agribusinesses are conscious ones; they are no more inevitable than a Communist nation's decision to create massive state farms. And the result for the independent farmer and farm worker is the same whether state or corporate interests control rural America: they have no power over their own lives.

We are at a crossroads in this nation today. We can decide that rural America should be a place in which people can live and work in dignity or that it will simply be a giant food factory to produce more corporate profits. This is a fundamental issue, and America has not faced up to it. We have no national rural policy. Instead, we have allowed vested economic interests, guided by nothing nobler than profit, to determine what will exist in the countryside and what will be the fate of millions of rural people.

President Nixon has let us know what kind of rural America he wants to see. I don't share his vision. Dr. Earl Butz, the President's nominee as Secretary of Agriculture, is clearly an agent of the giant agribusiness corporations that are driving the small farmers of America off the land. What we need is an Agriculture Secretary dedicated to stopping the tragic outmigration from rural America. We need a man who will speak for the small farmer, not the corporate executive. Dr. Earl Butz is not that man.

Dr. Butz at the time of his nomination served on the board of directors of Ralston-Purina, International Minerals and Chemical Corporation, and Stokely-Van Camp, all major agribusiness giants. In addition, he served on the board of J. I. Case, a leading farm machinery company, until that company was acquired by Tenneco. As Dr. Butz had readily acknowledged, he was paid $12,000 a year by Ralston-Purina; $10,000 by International Minerals and Chemicals; $4,800 by Stokely-Van Camp; and $3,000 by J. I. Case. He owns stock in all of these corporations, except, to my knowledge, J. I. Case.

Mr. Chairman, I have with me a report by the Agribusiness Accountability Project on the agribusiness corporations served by Dr. Butz. This report offers a valuable insight into the major agribusiness ties of Dr. Butz. I ask that it be inserted into the Committee record.

Dr. Butz has recently announced his intentions to disassociate himself from these corporations. This action will not solve the problem of Dr. Butz' corporate ties, because he cannot so easily give up lifelong attitudes.

The incestuous relationship between regulatory agencies in our country and those being regulated has increasingly become a point of public concern. The relationship between the U.S. Department of Agriculture and the giant agribusinesses should similarly be of great concern. It is curious indeed, Mr. Chairman, that the outgoing Secretary of Agriculture should accept a high salaried job with Ralston-Purina while the new Secretary arrives from the board of directors of the same corporation.

Mr. Chairman, I believe the nomination of Dr. Butz raises very serious conflict of interest questions. Dr. Butz has been and is now an agribusinessman. Moreover, his record gives no indication that this situation will change should he become Secretary of Agriculture.

At Purdue, a national symposium was held this past April 14–16 on "Vertical Coordination In The Pork Industry." The symposium was attended by feed companies, food chains, economists, and USDA officials. At least nine major executives of the Ralston-Purina Company, of which Dr. Butz was then a director, were on hand. Part of the program at the symposium included the showing of a Ralston-Purina film depicting the history of the hog industry—an industry fast being taken over by Ralston-Purina. Twenty-four USDA officials, including two Deputy Administrators, were also on hand. And on one of those days, Dr. Butz was the luncheon speaker.

I don't know whether Dr. Butz in his position as dean of continuing education, arranged this symposium bringing together academics, government officials, and corporate farm interests. But it is a fact that the company paying Dr. Butz $12,000 a year was able to present its position very forcefully at the symposium. I wonder if small hog farmers were as well represented at the conference?

Mr. Chairman, a symposium of this kind involves the use of tax dollars—state and federal. The land grant college system expends well over half a billion dollars a year of tax money—Purdue University has spent $8 million on research alone in fiscal year 1969. The land grant colleges were created in 1862—the same year as the Department of Agriculture—to be the people's universities. Serious questions are raised by Dr. Butz' background as to whether some of them may have in effect become research clinics for agribusiness interests.

Mr. Chairman, I hope that the Committee will not limit itself to two days of hearings here in Washington. Rural Americans have too much at stake for us to take only a cursory glance at who this man is. Governor David Hall of my home state of Oklahoma is evidence of that concern in rural America over Dr. Butz' nomination. Yesterday I received from him a 6-page telegram stating his objections to Dr. Butz' views. I ask that it be printed in the Committee record.

If the Committee acts quickly on the nomination of Dr. Butz, Senators will have to vote on the basis of the information available to us now. That information shows Dr. Butz to be an extremely articulate advocate of big corporate interests in agriculture. His record is clear: In 1957 Dr. Butz stated that many people "just weren't cut out to be farmers. It's not at all cold-blooded to suggest that they seek other employment." And just this week in an interview Dr. Butz told the Washington Post that "this trend toward less farms is not bad."

This attitude does not, I believe, qualify Dr. Butz to be our next Secretary of Agriculture; and I appear here in opposition to this nomination.

REPORT OF THE AGRIBUSINESS ACCOUNTABILITY PROJECT

The nomination of Dr. Earl L. Butz to be Secretary of Agriculture poses a crucial and fundamental question: "What do we want in rural America?"

Dr. Butz states forthrightly that rural America is a place to do business, not a place to live. And for him, doing business is big business. It means that large, agribusiness enterprises will be in charge, "with more highly concentrated capital, higher levels of management, more specialization of labor, and, if you choose, with a higher degree of integration."

Dr. Butz' vision of rural America is of an assembly line running from the field to the table. As corporations become vertically integrated and food production becomes otherwise concentrated, fewer independent farmers will be needed, and those that are left will be brought more and more under corporate control. Farm workers will not be a problem, for mechanization will eliminate the need for them. Purchase of farm machinery, seeds and feeds and other agricultural inputs will be either from corporate subsidiary or will be coordinated at corporate headquarters, so the small-town supplier will be expendable. Rural communities themselves will fold as people move to larger urban centers.

Dr. Butz has spent a lifetime working for this vision. In every phase of his career, he has been close by the side of agribusiness, serving its needs as an academician at Purdue University, as a politician during the Ezra Taft Benson era, as an author and lecturer, and as a stockholder and board member of agribusiness corporations. From his background and with his perspective, Earl Butz is better suited to be Secretary of Commerce.

It is possible to ask more from rural America than corporate profits. Earl Butz is not the only one with visions of what should exist. Millions of people—independent family farmers, farm workers, small town businessmen and other rural citizens—still would like to think of it as home. They want to live and to work there with dignity. They want more alternatives than merging into the corporate structure or moving into the cities. Of course, Dr. Butz puts it to them more bluntly: "Adapt or die," he said. As Secretary of Agriculture, he will be in a position to enforce that admonition.

EARL LAUER BUTZ

Birth: Albion, Indiana—July 3, 1909.

Education: B.A., B.S.A. Purdue, 1932; Ph.D., Purdue, 1937; Student, Universtiy of Chicago, Summer, 1936.

Married: December 22, 1937, Mary Emma Powell. Two children: William Powell, Thomas Earl.

Professional Career: Farmer, Noble County, Indiana; Grad. Research Assist. in Agricultural Economics, Purdue U., 1934–35; Research Economist, Federal Land Bank, Louisville, Ky., 1935–36; Instructor, Agricultural Economics, Purdue U., 1937–39; Assistant Professor, 1939–43; Associated Professor, 1943–46; Professor, Head—Agricultural Economics Dept. Purdue U., 1946–1954; Assistant Secretary, Department of Agriculture (USDA), 1954–57; Director, CCC; Dean of Agriculture, Purdue U., 1957–1967; Dean of Continuing Education, Purdue U., 1968–1971 (President).

Research Economist—Brookings Institute, 1944, 1951; Research Staff—National Bureau of Economic Research, 1944–45; Lecturer, School of Banking, Univ. of Wisconsin, 1946–1965; Lecturer, Rutgers Univ., 1950–1958.

Affiliations: Director, Standard Life Insurance Company of Indiana, Ralston-Purina Company, International Minerals and Chemical Corp., Stokely-Van Camp, Inc., (Ex) J. I. Case Company.

Farm Foundation (Chicago, Ill.) Foundation for American Agriculture (Washington, D.C.).

Chairman, U.S. Delegation FAO, Rome, 1955, 1957; Member, American Farm Economic Association; Vice-President, 1948; Sec.-Treas., 1953–54.

Member, American Society of Farm Managers and Rural Appraisers; Member, Indiana Academy of Social Science; Vice President, 1948.

Member, Canadian-American Committee; Member, International Conference of Agricultural Economists; Member, American Association of University Professors.

Publications (Books): The Production Credit System for Farmers (1944).

Office: Purdue University, Lafayette, Indiana.

Home: 312 Jefferson Drive, West Lafayette Indiana.

Also served on a 16-member committee appointed by President Nixon to study American foreign aid in 1969–1970.

Currently Vice-President of the Purdue Research Foundation.

RALSTON PURINA

Earl Butz was elected to the board of directors of Ralston Purina in 1960. As a member of the board, he received $12,000 annually in compensation and held 2,000 shares of stock. During his tenure, the company expanded from sales of $646,753,000 and net earnings of $22,859,000 during fiscal year 1961, to sales of $1,567,009,000 and net earnings of $56,770,000 during fiscal year 1970.

The first half of fiscal 1971 has been good to Ralston Purina, with the firm reporting record high sales of $859,170,000 and its second highest earnings ($28,948,000) for that six month period. Fortune magazine ranks Ralston Purina 71st in sales among the 500 largest industrial corporations in the U.S.

Ralston Purina describes itself in its annual report as "diversified in . . . operations, multinational in organization, and global in outlook." Its diverse operations are primarily agricultural, including:

Soybean processing for feed production and sale; commercially sold by-products

Grain merchandising

Manufacture of sanitation and biological products for animal disease prevention and control

Animal and poultry feed formulation from grain and grain products, soybean meal, alfalfa meal, cottonseed meal, fishery products, molasses and vitamin concentrates

Manufacture and distribution of breakfast cereals, hot and cold, and crackers

Canning and marketing of tuna fish

Production and processing of catfish

Pet food manufacture

Industrial cleansers and waxes manufacture

Production and leasing of swine

Production of mink and pathogen-free laboratory animals for medical research

Frozen convenience food production

Restaurant operation and restaurant supply (including warehousing and processing)

Protein products production

Operation of a ski resort

Research in feeds, pet foods, beverages, and protein products.

In some categories, Ralston Purina leads the industry. Feedstuffs, an agribusiness weekly, calls Ralston Purina 'the largest single factor in the total poultry industry."

In its annual report for 1969, Ralston Purina dubs itself the number one pet food manufacturer.

The following table shows the amount and percentage of consolidated net sales and consolidated earnings contributed by each lines of business:

[Dollar amounts in million]

	Net sales					Earnings				
	1966	1967	1968	1969	1970	1966	1967	1968	1969	1970
Agricultural products: Animal and poultry feeds, poultry products, soybean processing and other related operations:										
Amount	$709.0	$775.1	$734.8	$790.5	$878.9	$61.3	$32.5	$42.8	$53.6	$70.3
Percent	60	60	57	57	56	58	39	43	44	49
Comsumer products: Pet foods, sea foods, cereals and other products:										
Amount	$210.5	$220.0	$258.3	$293.2	$325.6	$24.5	$30.4	$36.8	$42.8	$43.4
Percent	18	17	20	21	21	23	37	37	36	30
Restaurant: Jack-in-the-Box fast service restaurants and other restaurant operations of Foodmaker, Inc:										
Amount	$20.7	$26.0	$33.1	$46.1	$69.2	$3.4	$4.5	$6.4	$10.0	$12.2
Percent	2	2	3	3	4	3	5	6	8	8
International (including Canada): Animal and poultry feeds, poultry products, pet foods and other related operations:										
Amount	$234.5	$280.1	$255.3	$256.5	$293.3	$16.8	$15.1	$13.6	$14.9	$18.0
Percent	20	21	20	19	19	16	19	14	12	13
Total	$1,174.7	$1,301.2	$1,281.5	$1,386.3	$1,567.0	$106.0	$82.5	$99.6	$121.3	$143.9
Unallocated corporate expenses						10.2	11.9	12.4	9.1	12.1
Interest expense						6.3	10.0	13.2	13.5	15.6
Earnings before income taxes						89.5	60.6	74.0	98.7	116.2

Ralston's "multinational organization" includes activities in 23 foreign countries with markets in Europe, Japan, and Australia accounting for the major sales. Ralston Purina was one of 12 founding companies of a U.S. investment concern, the Latin American Agribusiness Development Corporation.

Several aspects of Ralston Purina's business are subject to regulation by USDA:

Commodity and Exchange Authority—Ralston "protects part of its inventory position . . . by trading in futures markets." Abuses of futures trading are subject to regulation.

Consumer and Marketing Service—C & MS conducts meat, poultry and egg inspection; marketing regulatory programs and a plant variety protection program.

Packers and Stockyards Administration—P & S uses its regulatory powers to insure free competitive practices in the meat and poultry marketing and meat and poultry packing.

Agricultural Research Service—ARS inspects certain exported products and through its veterinary service provides for the humane treatment of animals used in research facilities.

In addition, USDA's activities affect Ralston Purina economically. In its 1969 Prospectus, Ralston Purina states:

"A very large portion of the cost of producing feeds is represented by the cost of raw materials . . . The government's price support programs have a significant effect on the prices of certain of the Company's raw materials."

Ralston Purina sells to USDA. For example, in fiscal year 1971, approximately 9% of the funds expended for the purchase of frozen turkeys through Section 32 funds went to Ralston Purina. (The Company also manufactures cereals for government usage.)

Two private antitrust suits have recently been brought by and on behalf of persons who were lesses of Jackin-the-Box restaurants. The suits seek substantial damages "for alleged illegal resale price maintenance and alleged illegal requirements that lessees lease property and purchase restaurant items from Foodmaker or Foodmaker designated sources at higher than competitive rates."

Four members of the board of directors of Ralston Purina have close ties with other agribusinesses. Donald B. Smiley, is a director of the RCA Corporation which produces Banquet Foods. Erwin A. Stuebner is a former director of Rohm and Haas Company. Leif J. Sverdrup, Jr. is on the board of the St. Louis National Baseball Club, Inc., a subsidiary of Anheuser-Busch. Albert J. O'Brien is a director of General American Life Insurance Company which owns stock in the following agribusinesses: Tenneco, Anheuser-Busch, Dow, Pet, Ralston Purina and Transamerica.

INTERNATIONAL MINERAL AND CHEMICAL CORPORATION

Earl Butz was elected to the board of directors of International Minerals and Chemical Corporation in 1961. As a member of the board, he received $10,000 in remuneration and owned 2,000 shares of stock. During his tenure at International Minerals, net sales increased from $133,786,000 in 1961 to $505,932,000 in 1970. Net earnings changed from $9,039,000 in 1961 to $4,503,000 in 1970. Fortune magazine listed IMC as 218th in sales among the top 500 corporations.

IMC is an international corporation with 109 subsidiaries throughout the world. The Company engages in four major lines of business:

Industrial products—including feldspathic materials and sand binders; highly formulated resins, oils and esters, bentonite clays.

Food Products, including monosodium glutamate sold under the brand name ACCENT. Other food products include rices, pepper, spice and vegetable products.

Business losses ascribed to 1970 publicity questioning the safety of monosodium glutamate led to a decision to sell that line of business

Trading operations, among them Continental Ore Corporation, a wholly owned subsidiary that engages in the purchase and sale of ores, minerals, ferroalloys metals, carbon products and industrial products and materials.

Agricultural, as a world supplier of fertilizer materials, mixed fertilizers, plant growth regulators, and microbiological insecticide.

Contributions of the four divisions to net sales and income are:

[In thousands of dollars]

	Fiscal years				
	1967	1968	1969	1970	1971
Agricultural products:					
Phosphate products	82,100	73,400	72,000	76,200	74,300
Potash products	50,400	49,000	42,400	46,300	51,000
All other agricultural products	101,500	106,700	96,700	70,000	77,100
Total	234,000	229,100	211,100	192,500	202,400

	Fiscal years				
	1967	1968	1969	1970	1971
Industrial products	75,600	102,500	99,200	86,400	68,100
Food products	21,500	26,400	25,600	22,800	23,300
Trading operations	130,600	143,800	168,700	204,200	223,800
Total net sales	461,700	501,800	504,600	505,900	517,600
OPERATING INCOME					
Agricultural products	26,900	16,500	5,800	11,900	25,800
Industrial products	5,200	4,500	4,600	3,200	100
Food products	2,600	3,000	(100)	(2,300)	(2,900)
Trading operations	4,900	5,600	3,300	6,500	7,000
Operating income	39,600	29,600	13,600	19,300	30,000

IMC is the largest domestic producer of monosodium glutamate and the fifth largest producer of agricultural fertilizers in the U.S. IMC mines raw phosphate and potash for its own fertilizer products and for shipment to other producers. "Virtually all of the phosphate mined by IMC goes to agriculture . . . almost none to industry." Phosphate is mined by open pit method in Florida where IMC controls or owns 49,300 acres of land. Of the phosphate recovered in 1970, 50% went to foreign markets and 4% was used by IMC within its own plants. In 1971, IMC formed an association to assist in export shipments of phosphate.

In its potash operation, IMC has federal cooperation. IMC leases land from the U.S. government through the Bureau of Interior

to mine potash. Two tracts of land, one consisting of 1,342.37 acres and the other of 2,550 acres, are leased for $1.00 an acre under contracts that have been modified on several occasions.

Among IMC's potash mines are high grade deposits near Esterhaxy, Saskatchewan, Canada. IMC's income for agricultural products has increased significantly because of higher prices for potash resulting from production controls and a "floor price" higher than prevailing prices set on January 1, 1971 by the Canadian government. IMC's Canadian operations in 1967 netted them an investigation. The United States government "initiated an investigation into the alleged 'dumping' of potash into the U.S. by the Canadian producers thereof, including IMC (Canada) . . ." The investigation determined that Canadian producers sold potash in the U.S. market at lower prices than the prices charged by such producers in the Canadian market and that such sales had injured the domestic industry. Although IMC will be required to pay increased duties, the Treasury Department as late as June 30, 1971 had not determined the extent of the liability.

IMC's operations involve the corporation with USDA in one area. Continental Ore Corporation engages in "barter transactions with the U.S. government under which COC receives surplus agricultural commodities for export in return for supplying materials to the U.S. government agencies or for providing funds for operations of government agencies abroad."

"During 1969 IMC reached agreement with Internal Revenue Service on a substantial number of issues raised by the service units examination of the Corporation's federal income tax returns for the years 1960 through 1963. Accordingly, IMC provided $5,500,000 by a charge to retained earnings for additional income taxes relating to all issues through June 30, 1969, including interest (no income tax effect).

In November, 1963, the federal government filed an indictment charging violations of the Sherman Act with respect to export prices of phosphate rock from 1956 to 1962. (United States vs. International Minerals and Chemical Corporation.)

On December, 1964, an indictment was filed claiming that sales by Concentrated Phosphate Corporation Association (IMC is a member) to the Republic of Korea which were financed by the U.S. government through AID are beyond exemption under the Webb-Pomerene Act and in violation of the Sherman Act. (U.S. Concentrated Phosphate Export Association, Incorporated, et al.).

In 1970, the U.S. government filed a complaint regarding pollution caused by a chlor-alkali plant in Maine.

In addition to Butz, at least three members of the 12-man board of International Minerals and Chemical Corporation served on the boards of other agribusiness corporations (they continue as directors). Robert W. Purcel is a director of the International Economy Corporation and the Agricultural Insurance Company. John T. Ryan is a member of the board of H. J. Heinz, and Thomas H. Roberts is a director of DeKalb AgResearch, Inc.

STOKELY VAN-CAMP, INCORPORATED

Earl Butz was elected to the board of directors (Class II) of Stokely Van-Camp, Incorporated on October 7, 1970. His remuneration is reported at $4,800. Upon election he held no stock in the company, but has publicly stated that at the present he does now own stock.

For the year ending May 31, 1971, Stokely's net sales and operating revenues were $280,863,388, an advance of $6.2 million from 1970. Net earnings were $6,602,058, up $2.3 million from 1970.

The company is listed 362nd in sales according to Fortune magazine's top 500, number 420 in net earnings with a year's growth rate of 0.69%.

Stokely Van-Camp, Incorporated is a processor of foods for human consumption. In addition to its executive headquarters in Indianapolis, Indiana, its canned foods division (Van Camps, Stokely's Finest, Gatorade) operates in California, Idaho, Illinois, Indiana, Kansas, Michigan, Minnesota, New Jersey, Ohio, Tennessee, Texas and Wisconsin. Its frozen foods division (Stokely's Finest, Picsweet) operates in California, Florida, Indiana, Minnesota, Oregon and Washington. In the latter operation, Stokely Van-Camp, Inc. leases land from Indian reservations (tax free) to grow crops, according to one report.

The Capital City Products Division, a processor of food oils to produce highly specialized products utilized by other processors as ingredients, has its general offices and operations in Columbus, Ohio. Pomona Products Division's general office and operations are in Griffin, Georgia. It distributes and processes a line of southern vegetables (Sunshine). It is the major marketer of pimientos in the United States.

The Kuner Empson Company Division, with headquarters and operations in Brighton, Colorado, distributes a line of canned fruits and vegetables (Kuners) in the Rocky Mountain and Plains areas. Purity Mills Division, with headquarters in Dixon, Illinois, and operations in Illinois, Indiana, and Ohio is a processor of unpopped popcorn (Popeye, Betty Zane) and puffed wheat and rice (Popeye).

Stokely's Can Manufacturing Division, with a general office in Indianapolis, Indiana, and operations in California, Indiana, Tennessee, and Illinois, is a manufacturer of cans from tin plate. The cans are supplied to other divisions for use in canning.

Subsidiaries include:

M. W. Graves and Company, Ltd., and Canada Foods, Ltd., Berwick, Nova Scotia. Distributors and processors of canned and frozen vegetables and fruits in Maritime Provinces of Canada under their own labels.

Hawaiian Fruit Packers, Ltd., Kapaa, Kauai, Hawaii. Packer of pineapple products for sale and use of Stokely Van-Camp, Inc.

Stokely Van-Camp of Puerto Rico, Manati, Puerto Rico. Sales corporation.

Stokely Van-Camp of Canada, Ltd., Essex, Ontario, Canada. Processor and distributor of canned vegetables distributed in Prairie Provinces of Canada under its own label.

The U.S. Department of Justice filed suit August 11, 1971, against Stokely Van-Camp, Incorporated, seeking to recover all the "substantial profits" made by the company on sales of the drink, Gatorade. The complaint stated that the formula for the drink had been developed at the University of Florida under grants from the Department of Health, Education and Welfare. All such inventions arising out of such grants are the property of the government, the Justice Department contends. In 1968, Dr. James Robert Cade, the developer of the drink, along with a few assistants formed a trust and sold the marketing rights for Gatorade to Stokely Van-Camp. A 1969 company report states the company pays the trust an annual royalty of $25,000 plus 3¢ per gallon sold. Three weeks prior to the government suit the Board of Regents at the University of Florida filed a similar suit against its employee, Dr. Cade, asserting that it had property rights to the drink.

The U.S. Department of Agriculture has twice suspended (in 1969 and 1970) its meat inspection operations at Capital City Products Company because of below-standard operations.

On November 1, 1971 the Food and Drug Administration rescinded a previous botulism warning on a 15,000 can batch of Stokely Van-Camp green beans.

Stokely Van-Camp has large exemptions for its workers from overtime provisions of the National Labor Relations Act. Agricultural workers are exempt from almost all provisions (except the $1.30 hour minimum wage and some child labor provisions) of the Fair Labor Standards Act. The company makes almost full use of interstate recruiting system for seasonal agricultural employees under the Wagner-Peyser Act.

On July 31, 1967, the Securities and Exchange Commission, alarmed by two weeks of heavy speculation on Stokely Van-Camp, Inc. stock due to the announced marketing of Gaterade, imposed a ban against margin buying of the stock, i.e. margin was set at 100%.

The U.S. Government (Defense Personnel Support Center and Veterans Administration Marketing Center) was a major 1970 purchaser of Stokely Van-Camp, Incorporated, products ($1,398,757).

In addition to Butz, at least five other members of the 9-man Stokely Van-Camp, Inc. board of directors serve in agribusiness-related organizations. J. W. Fisher is president of the Ball Corporation, a glass and bottle-maker, which is a supplier to Stokely Van-Camp and serves on the board of Calvert Exploration Company, a chemical manufacturer. H. R. Warren is on the board of directors for K–B Farms, Incorporated. W. B. Stokely III is president of the Indiana Canners Association and D. H. McVey (who served with General Mills from 1930–1960) is on the board of directors of the Rockford Can Company, which is owned jointly by Stokely Van-Camp, Inc. and Quaker Oats Company and is a major supplier to Stokely Van-Camp, Inc.

[Telegram]

OKLAHOMA CITY, OKLA.,
November 15, 1971.

Hon. FRED HARRIS,
U.S. Senate,
Washington, D.C.:

Press reports about the philosophies of Secretary-designate Earl L. Butz appear to place him in direct opposition to the best interest of Oklahoma Farmers and our State's economy.

Mr. Butz's strong connections with corporate conglomerates who are making major inroads into farming-ranching enterprises would cast serious doubt as to his acceptability as Secretary of Agriculture.

Mr. Butz's endorsement of consolidated farming and fewer farm families, as quoted by Nick Kotz of the Washington Post and reported in the Oklahoma Journal, ingores two factors:

First—the family farm is a way of life. By forcing families from the farms the rural people are moving into congested urban areas and adding to the problems of our cities,

Second, the experience and tradition of the family farm has produced food for Americans at historically low price. Americans now pay about 16% of their income for food. There is no guarantee that agribusiness combines will continue this trend. Indeed, evidence points sharply toward the fact that the opposite is inevitable with conditions moving closer to monopolies.

While President Nixon is to be commended for changing his mind about abolishing the Department of Agriculture, the confirmation of Mr. Butz as Secretary could have the same impact on Oklahoma Ranchers and Farms if his views have been correctly reported,

Your courageous opposition to Mr. Butz appears sound and in the best interest of Oklahoma Agriculture.

Mr. Butz should answer many questions including the following:

1. Should farmers be given collective bargaining power to deal with agribusiness?

2. With fewer food processors, would not opportunities for monopolistic control and subsequent consumer price increases be inevitable?

3. With competition reduced would not the food and fiber industry be tempted to less innovative and reduced productive thinking?

4. Were not the great advancements in agriculture made in a highly competitive, family farm environment?

5. Does not your past close relations with corporate conglomerates place you into a position that would detract from your understanding of the needs of a farmer who desires to serve his nation and make a living on his own free enterprise farm?

6. As farm families are displaced and move to urban areas, how do you propose to utilize workers with farm training in city settings?

Having recently returned from the Soviet Union, I toured the collective farms and saw the listless inefficient and high-cost production of state farms, that was the result of a far-leftwing swing.

In studying Mr. Butz' promonopolistic point of view, especially in light of agribusiness' declaration to control food from the "seedling to the supermarket", I foresee uninspired peonage for farmers and higher prices for consumers, that could be the result of a far-right-wing swing.

Oklahoma farmers want a voluntary farm program that will provide fair and equitable prices for their work and products. They want a responsive Secretary of Agriculture who believes that a viable farm program can preserve family farms which produce quality food at reasonable prices,

Your support of these positions would be deeply appreciated, you have my warmest best wishes

DAVID HALL,
Governor of Oklahoma.

THE UNITED STATES AND THE SOVIET UNION: POWER IN TRANSITION

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD the text of my remarks at the 1971 Eisenhower Symposium, the Johns Hopkins University, Thursday, November 18, 1971.

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

ADDRESS OF SENATOR MIKE MANSFIELD

I am delighted to find myself delivering the benediction at these proceedings. It is an uncommon experience. The last word is something that is rarely reserved for the Leadership in a Senate of unlimited debate.

Notwithstanding this built-in propensity for talk, however, the Senate has acted with unusual dispatch during the past few weeks. While this symposium has pondered the dilemmas of power, the Senate has sought to resolve several of them.

With regard to Viet Nam, for example, the Senate voted first to establish a national policy of full withdrawal within six months. Later, at the insistence of the House, which had an assist from the Administration, the specific time span was removed and full withdrawal was accepted only as a Congressional rather than a national policy. Still later, in other legislation, and with the reluctant concurrence of the House and the Administration, the Senate's insistence on full withdrawal from Viet Nam was established as national policy but still without a specific withdrawal date. Finally, in a foreign aid bill, the Senate is making one more effort to restate its pristine and more emphatic position on Viet Nam, that is, full withdrawal within six months.

In similar tugs and starts and stops, the Senate voted to cut, then to increase parts of foreign aid, then to reject it in toto, only to resuscitate most of the Administration's aid program in two bills a short time later, underscoring the fact that foreign aid is a program with more lives than a cat.

Contrary to the appearances, these actions are more than marches up the hill and down. They are not empty gestures. They say what the people of the nation are saying. In language which is audible in the other Branches they say that the Senate wants the war in Viet Nam to end completely and soon. They say, too, that the Senate is growing insistent on a sweeping revision and scale-down of foreign aid.

The apparent indecisiveness of the actions arises, in part, from the fact that there are other centers of federal power—in the House and in the Presidency—wherein other ideas are held and with which the Senate must come to terms. It is also a reflection of a kind of dilemma of power: it is symptomatic of the uncertainty of the Congress in confronting the salient factor of the contemporary international situation.

I am sure this symposium has long since identified that factor. It is the surge of change which is sweeping the globe. From the rimlands of Asia to the western littoral of Europe international relationships of a generation are giving way; just as currencies, fixed in value for decades, are now floating, so too are old alliances and alignments.

In this nation, a new outlook is readily detectable. It is present especially in the young who are not bound by the fixations of the past but it is by no means confined to the young. The international experiences of the past few years have shocked the thought patterns of the entire nation.

In the United States, the time for a change in foreign policy is ripe. If this situation finds a counterpart in the Soviet Union, then we may well be on the threshold of the liquidation of the dubious heritage of the cold war. Ironically, the era of cold war is ending not in the "positions of strength," which at one time were regarded in U. S. policy as an essential of peace; indeed, the Secretary of Defense has even raised doubts about the present capacity of our defenses. Nor is the cold war closing in drastic changes in the state systems of Eastern Europe, or the West, which, once in the eyes of more militant ideologists in both countries, were held to be the only basis for its ending.

Rather, the heat has been taken out of the cold war, if I may mix the temperatures, by degrees. Old conflicts have dissolved slowly in symposia such as the one which is taking place here, to which I allude as symbolic of the growth of peaceful interchange between the two systems.

The old conflicts are also diluted by the emergence of other international considerations which have pressed into the purview of the two nations. China, for example, now looms large in the concerns of the Soviet Union. At the same time, the United States is immersed in the practical and urgent threats to the economy, more or less to the exclusion of the theoretical and distant menaces of alien ideologies.

Ironically, this transition comes at a time when the affairs of the nation are presided over by a Republican Administration which was once in the front ranks of what was termed the "battle for the minds of men." May I say that the irony is all to the credit of the incumbent political leadership. President Nixon has been able to set aside the things of the past. In the light of present realities, he is acting to remove some of the barnacles which encrust the foreign policy of the United States.

Without detracting from the Administration's achievement in any way, I think it is fair to note that the times have been overripe for this change. I like to think, too, that the level of reason is such in this nation that the transition might have come under any perceptive administration of whatever partisan stripe. But, perhaps, that is an excessively sanguine expectation. In any event, there is little question of the general effectiveness of the incumbent Administration. It is an effectiveness which tends to support Walter Lippmann's thesis that liberal change is best brought about by conservative government.

The critical element in the Administration's new approach to international policies, it seems to me, is the Nixon Doctrine which was unveiled in Guam in 1969. That Doctrine set the stage for a diminution of the role which the United States has played across the spectrum of world affairs for 25 years. In so doing, it elevated a concept of policy much articulated but little practiced since World War II—that of shared responsibility for the maintenance of world peace. The changes which have been wrought by the Doctrine are already evident not only in Southeast Asia but elsewhere around the globe, as bases are closed and U.S. military forces abroad are reduced.

In some quarters, there is a tendency to see in this process of military contraction some sort of shameful furling of the flag. Rather, the change is sensible and long overdue. It acts to reduce the too heavy burdens which have been carried for too long by the people of the nation often in the vague name of "international commitment." Moreover, if the flag has been placed by a mistaken policy in places where it does not belong—as in Indochina—its withdrawal under the Nixon Doctrine is not only an essential act in our vital national interests, it is also the only honorable course. Indeed, if the Doctrine is to have historic significance in my judgment, it will bring about not a partial but a complete termination of U.S. military involvement in Southeast Asia; that means everywhere on the mainland, be it in Viet Nam, Cambodia, Laos, or Thailand and by land, sea and air. The Doctrine will also provide, if it is to have historic significance, the rationale for a continuing reduction in our one-sided military efforts elsewhere in the world, notably, in Western Europe under NATO.

Notwithstanding the diminution of the U.S. military presence abroad, the United States is not about to disappear from the international scene. This nation's weight is immense and it will continue to be felt in many ways and in many places.

That is as desirable as it is inevitable. Indeed, a sensitive concern with affairs beyond our borders remains an essential of the world's civilized survival. That such is the case argues strongly for a most judicious use of our resources abroad. There is no longer a surplus to be extended in haphazard, almost indiscriminate fashion, for fear that the label of isolation may otherwise be pinned on our policies.

It is reassuring, therefore, that along with the military contraction, the omnipresence of U.S. economic aid is also in the process of receding around the globe. In this scale-down which affects largely the bilateral programs of aid, the Senate has played and will continue to play an important part. It is to be anticipated that pressure from the Senate will bring about further changes in the basic design of the program.

The fact is that the present system has lost much of the charisma which was imparted to it by the Marshall Plan, the Point-Four program and the Peace Corps of another time. Foreign aid has become, in recent years, a lavish grab-bag, an international pork barrel, and a world wide arms distribution. As presently constituted, the program is an economic drain on the nation. More seriously, it has led the United States via the path of a well-meaning humanitarian generosity into unwarranted political and military involvements in the inner affairs of other peoples.

It may be that foreign aid can be recast into its earlier form of people-to-people cooperation. As it involves economic develop-

ment, the program has already moved in large part out of bilateral channels and into multilateral agencies. That is a welcomed change. It has the virtue of permitting the burdens of cost to be shared with other nations. At the same time, it insulates this nation from adventures in *unilateral internationalism* which can lead, as we have seen in Indochina, into tragic entanglements.

Underlying the new direction in U.S. policies, I believe, is a growing tendency to view this nation's interests less in the context of ideological generalities and more in terms of national well-being and survival. Viet Nam has alerted the people to the consequences of a blind pursuit of ideological obsessions. The dollar crisis and the dangerous sidetracking of the nation's inner needs by the demands of the involvement in Southeast Asia have revealed what lies at the end of the road of *indiscriminate internationalism*. Henceforth, it is to be expected that the United States will exercise greater discretion in choosing grounds on which to defend a more narrowly construed concept of this nation's responsibilities and interests in the world.

It is essential that the implications of the new U.S. approach be considered most carefully by the other nation whose dilemmas of power are juxtaposed against our own in this symposium. Indeed, the risks of confrontation between the United States and the Soviet Union may even be increased temporarily by the present contracting of the U.S. position. That would be the case if the contraction led to probings of the new limits of our interests abroad. If such probings were to occur, they could very well strike close to the vital considerations of civilized survival.

The effect of a number of other shifts in the balances of world power must also be considered in this time of transition. The world is moving away from a bipartite determinism of international politics. Major questions of war and peace may no longer rest overwhelmingly in the province of the Soviet Union and the United States. Now China is emerging as a major power. So, too, at least in economic terms, is the European Community and Japan.

With more major nations on the scene, more differences to settle and perhaps, more sources of military and nuclear power to manipulate, the problems of peace grow more complex. We may find that the risk of conflict increases in proportion to the rising number of contenders and the broader the diffusion of international power.

Hopefully, these unhappy possibilities will not come to pass. They need not if the dilution of the roles of the United States and the Soviet Union is accompanied by greater understanding and restraint between these two nations and timely adjustment of relationships with third nations. The United States and the Soviet Union are in a unique position at this point in history. They are emerging from a protracted period of mutual antagonism, without having come to a direct military confrontation. There is little doubt that the combined strength of the two nations, in harmony, could assure to them a substantial share in shaping the conditions of peace. By the same token, in disharmony, that strength can lead to the ultimate disaster of nuclear war or, at the least, it could condemn the possibilities of establishing a durable peace for decades to come.

I do not think that this new situation and the opportunities presented for negotiation have been lost on the Nixon Administration. The President, as you know, is pursuing a policy of rapprochment with the Soviet Union. He is proceeding on the assumption that many of the differences between the two governments can now be accommodated and that the interest of neither is served by continuing conflict.

In this process, the highest priority should continue to rest on the negotiations with regard to disarmament. The SALT talks have been described by the President as "the most important arms control negotiations this country has ever entered." Their success could provide an inestimable contribution to international stability. By the same token, however, their failure could signal a resumption of the nuclear arms race at a point of great risk.

The initial indications reveal at least a mutual understanding of viewpoints and a mutual eagerness to move towards agreement. The Soviet concern is already delineated as seeking to forestall the U.S. deployment of defensive weapons, that is the anti-ballistics missiles, and to enlarge the talks to include U.S. nuclear weapons which are deployed at forward bases in Europe and elsewhere within relatively short-range bases in Europe and elsewhere within relatively short-range of Eastern Europe. On the other hand, the prime U.S. concern, it is clear, is the desire to limit Soviet offensive missiles and to maintain our alliances in Europe and the Far East.

Each of the two governments have acknowledged the priorities of the other. At least that is a beginnig, in which the cards have been placed on the table. The candor is refreshing and provides, in my judgment, some modest basis for hope to the arms-burdened people of both nations. In the months ahead the negotiators will be preoccupied with complex questions involving the mathematics of limitation. In what way must the United States curb its deployment of ABM's and by how much if agreement is to be reached? At what point should there be a ceiling on offensive Soviet ICBM's or on Soviet missile carrying submarines in order to achieve an agreement?

If the negotiators find answers to questions of this kind and an agreement is reached, the Senate will be well prepared to act on its responsibilities with regard to ratification. Even now, the talks are being watched with special interest in the Senate. Just a few weeks ago, I visited the U.S. Ambassador to the SALT talks who was at that time in Helsinki and, I must say, was reassured by his optimism.

Beyond disarmament, it seems to me that the two most complex issues which will confront the Soviet Union and the United States during this period of transition involve the relationships with inner Europe, east and west, and with China. With respect to China, it seems to me that the President has taken a highly significant initiative in his decision to go to Peking. The visit should not be expected to achieve much in the way of substance. After a lapse of contact for almost a quarter of a century, however, the very act of going should open new prospects for building a stable peace in the Western Pacific. If these prospects are to materialize, clearly they cannot be pursued by the United States in China oblivious to the concerns of the Soviet Union or Japan. It would be dangerous in the extreme if the path to Peking were to bypass either Moscow or Tokyo.

In my judgment, a durable pattern of international stability in East Asia depends upon relations of comity among all four principal powers. I am delighted, therefore, that by the Treaty of Okinawan Reversion, as well as in his brief meeting in Alaska with the Emperor of Japan, the President has acted to protect—so to speak—one flank of his peregrination to the Chinese capital. At the same time, his announced visit to Moscow should safeguard the other, especially when it is coupled with the public assurances which he has given that a rapprochement between China and the United States is in no way designed to exacerbate Sino-Soviet difficulties.

It may be that the round of personal contact by President Nixon will lead subsequently to more tangible results than meetings of this kind in the past. Who, now, for example, remembers Glassboro? And what was achieved there?

A natural follow-through of the President's visits, it seems to me, might well be quadrapartite talks on the maintenance of peace—a peace of the Pacific. In considering this question there is a need for a frank confrontation of the four major nations—Japan, the Soviet Union, China and the United States—whose power converges in the Western Pacific. There is also need for greater contact on this question between them and the smaller countries of the region. The clarity of direct contact can contribute, I believe, to the stability of a situation in which the nuclear power of three nations already converges and where the technical capacity exists to add a fourth input at any time. Indeed, it would seem that Japan, alone having chosen to eschew nuclear weapons, might well take the initiative in calling such a conference. A quadrapartite conference might well be designed in the first instance to seek to bring nuclear dangers—whether in testing or in potential conflict—under rational control in the Western Pacific.

With regard to Europe, negotiations underway and agreements already achieved appear to be leading to a more stable situation. That progress provides further rationale for the reduction of the military deployments of both the Soviet Union and the United States. The circumstances are there, I believe, for a new thrust for peace in Europe. The present Administration has shown a greater responsiveness to these circumstances than has heretofore been the case. For its part, I believe the Soviet Union has given evidence of a new flexibility in responding affirmatively to the "eastern policies" of Chancellor Willy Brandt. I refer in particular to the non-aggression pact which the Soviet Union and West Germany have already initialed and a similar treaty with Poland wherein West Germany has explicitly accepted the Oder-Neisse boundary. Finally, it should be noted that the Soviet Union has provided, in a four-power agreement, with France, the United Kingdom and the United States, official acknowledgment of the present status of West Berlin and its ties to West Germany.

In the light of these agreements as well as the hopeful emanations from the SALT talks, there is a timely opportunity for negotiating mutual and balanced reductions of forces between the NATO and the Warsaw Pact countries. Such reductions might well be over and above what I have long since believed can be a unilateral draw-down of 50% in U.S. force levels in Europe. May I say that I do not regard the present level of U.S. forces in Europe in any sense as a "bargaining chip" in negotiating a mutual reduction of forces with the Soviet Union. There is no bargaining power in the irrelavant; and excessive and antiquated U.S. deployment in Europe, and the enormous costs which it entails cannot strengthen the U.S. position in negotiations. It can only weaken further the international economic position of this nation.

Whether the Soviet Union reciprocates or not, therefore, I believe the United States would be well-advised to make a substantial reduction of its military deployment in Western Europe. Indeed, a unilateral initiative in this connection may even act as a spur to mutual agreement. I do not think the Soviet Union will find it practicable to keep inflated forces in Eastern Europe when there are not inflated U.S. force levels in Western Europe. I am reminded again of Dwight D. Eisenhower's conclusion that one division of U.S. forces in Europe would suffice for the purposes of the North Atlantic Treaty. That conclusion was set forth a dozen years ago by the first NATO Commander but has been studiously ignored by successive administrations ever since.

Looking beyond prospective developments

in arms control and the political and military stabilization of Europe, it seems to me that a major objective of our relationship with the Soviet Union should be a substantial increase in economic interchange. This nation's trade with the Soviet Union and the entire Eastern bloc has been held in check for many years by rusty barriers designed to prevent the shipment of so-called strategic items to Communist countries.

The present Administration has moved to facilitate the growth of trade in non-strategic goods with Eastern Europe. Nevertheless, the volume of U.S. trade with the bloc countries remains slender by any measure. Even though this trade rose by 30 percent in 1970 over the previous year, the total volume now amounts to only seven-tenths of one percent of U.S. trade with all countries.

Until the advent of the present Administration, the United States government had been most reluctant to spur commercial relationships with Eastern Europe. By contrast, the Western Europeans have pursued these ties with great vigor for a number of years. In 1969, their combined trade with Eastern Europe was 15 times that of the United States in dollar volume.

The potential of East-West trade could be more fully realized by U.S. business if certain steps were to be taken at once. One would be the restoration of equal treatment to Soviet export commodities and a bill to accomplish this is now pending in Congress. Another would be to revise the list of strategic items to permit American business to sell goods in Eastern Europe which are now freely offered there by other western nations. Still another would be to broaden the executive waiver power by which prohibitions can be lifted on financing sales to Eastern European nations through the Export-Import Bank. None of these things will necessarily result in a dramatic upsurge in trade but they might lead to increasing economic contacts. Over the long run, that could do much to strengthen the stability of the Soviet-U.S. relationship.

Following closely on the heels of trade, is the whole matter of cultural interchange which has so much to do with the perceptions that the two nations have of each other. Hopefully, if the people of the United States and the Soviet Union educate enough of each other's students, listen to enough of each other's musicians, watch each other's athletes compete, hold a sufficient number of symposia and so on through a wide range of activities, they might come to an increased understanding and appreciation with consequent reduction in the possibility of conflict. That is the premise on which our cultural exchange program is based. It seems to me to be a sound premise. Unfortunately, the present program with the Soviet Union has fallen on hard times for a variety of reasons, not the least of which have been acts of harassment by militant groups in this nation.

The Soviet Union and the United States have come a long way from the days of the Berlin Blockade, the Hungarian uprising, the Cuban missile crisis, and the bombastic encounters of the 1950's and early 1960's. We stand now at the threshold of a new era in which many of the suspicions and antagonisms of the past can be set aside. President Nixon has an opportunity to consolidate this progress, indeed, this progress to which his Administration has so greatly contributed.

It is a moment of historic opportunity—not in terms of national gain or political profit—but in the opportunity which is offered to increase the probability of the decent survival of modern civilization. If there is any lasting conclusion to which this symposium has led, I trust it is that we—both nations—the Soviet Union and the United States should not fail to seize this opportunity.

CLIFFORD M. HARDIN

Mr. CURTIS. Mr. President, Secretary Clifford M. Hardin has many friends and admirers in Nebraska. He is affectionately known as Cliff to Nebraskans. The Omaha World-Herald, in its lead editorial on November 15, 1971, wrote of Mr. Hardin's service as Secretary of Agriculture. I am sure that all the friends of Mr. Hardin will be pleased to have this editorial placed in the CONGRESSIONAL RECORD. I ask unanimous consent that it be printed at this point.

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

CLIFFORD M. HARDIN: A SUCCESS STORY

There is an outstanding characteristic that has shown up repeatedly in the various endeavors undertaken by Clifford M. Hardin throughout the 56 years of his life. The characteristic is success.

As an Indiana farm boy, he was an outstanding 4-H Club member. That success won him a scholarship to Purdue University, where he became an agricultural economist.

At 31, five years after receiving his doctor of philosophy degree, he was chairman of the department of agricultural economics at Michigan State University. At 37, he became dean of that university's School of Agriculture. And at 38 he was appointed chancellor of the University of Nebraska, the youngest man ever to hold that position.

Thes university flourished under Dr. Hardin. There were important academic and physical improvements. Even before the University of Nebraska annexed the University of Omaha, enrollment had more than doubled during the Hardin administration. Hardin had much to do with that merger.

In 1969, Hardin left Nebraska to become a member of President Nixon's Cabinet.

It is not easy to gauge the success or failure of a secretary of agriculture. It's a "no-winner" kind of job. Hardin served through extremely difficult times—a period of inflationary costs for farmers without commensurate increases in most commodity prices paid them, especially for feed grains.

Darwin Olofson, the chief of this newspaper's Washington Bureau, is one of the most knowledgeable writers on agriculture and Department of Agriculture-related politics in the capital.

He described Hardin as a good secretary, a successful secretary.

His rapport with Congress was good, said Olofson, and "he managed reasonably well to keep people off the President's back."

Last year, as the Republican representative of a Republican administration, Hardin managed to steer major farm legislation through a Democrat-controlled and largely urban-oriented Congress.

Those are attributes of a good Cabinet officer.

Hardin had his critics, but he never was attacked as violently and as bitterly as his two predecessors, Orville Freeman and Ezra Taft Benson.

Those who have been condemning him will be assailing his successor, Earl Butz, "in two or three weeks," Olofson predicted.

When a Cabinet officer leaves before the end of a presidential term, there is often the suspicion that he was pressured out of his job. There is nothing to indicate that this was the case with Hardin. There is every reason to believe that he did leave because, after years of public service, he could scarcely afford to turn down what President Nixon described as "an exceptionally attractive offer" in private industry.

Hardin will become vice chairman of the mammoth Ralston Purina Co.

Nebraskans who know him so well will wish him success. And it is a sound prediction that he will be successful in private business and that he will contribute to the success of his new company.

CLEAN AIR ACT PROVIDED AUTHORITY FOR ACTION TO COPE WITH SERIOUS POLLUTION IN BIRMINGHAM, ALA.

Mr. RANDOLPH. Mr. President, within the past 2 days we have witnessed perhaps the most stringent response to an emergency situation arising from pollution ever taken in the United States.

With a heavy pall of pollution hanging in stagnant air over the city of Birmingham, Ala., a Federal judge used for the first time, the authority granted in the Clean Air Amendments of 1970 and ordered 23 major industrial installations closed. This was drastic action, but the situation that prompted it was declared serious enough to justify drastic action to protect the health of the people of the Birmingham area. The temporary closure of these industries affected 25,000 workers.

When Congress developed the Clean Air Act last year, questions were raised about the inclusion of strong provisions to cope with air pollution. Mr. President, the approach taken by Congress was shown this week to be right. Emergency powers are necessary to permit officials to act swiftly when the well-being of people is threatened.

The Senate recently passed a water pollution bill which I believe to be equally strong in its provisions. The situation in an Alabama city this week shows that our country, with its concentrated, industrialized communities, must have the tools at hand to act immediately when unusual situations arise.

It is my hope that the legislation we are passing in Congress will prevent these problems from developing in the future. If they do, however, we must be ready to act to safeguard our people.

THE 478TH ANNIVERSARY OF THE COMMONWEALTH OF PUERTO RICO

Mr. KENNEDY. Mr. President, today the Commonwealth of Puerto Rico is celebrating the 478th anniversary of its discovery. This year, the celebration has an added importance since Puerto Rico is also commemorating the 450th anniversary of the founding of its capital, San Juan.

Since 1952, Puerto Rico has had a special and unique relationship with the United States, a relationship whose origin can be traced to the imaginative mind of former Gov. Luis Munoz Marin.

The political and economic maturation of the island resides in great part on the development of the commonwealth concept.

That relationship was ratified in a referendum by the people of Puerto Rico 4 years ago, and the United States has abided by that determination. I would hope that the key to future change in Puerto Rico always will be the view of the majority of the citizens of that island.

In the past 20 years, the economic de-

velopment of Puerto Rico has been among the fastest in Latin America. The heritage and culture of Puerto Rico has enriched all who have traveled to the Caribbean island, and the many residents of the 50 States who trace their past to the island have brought their culture and language to enrich our own.

In my own State of Massachusetts, there are estimated to be more than 70,000 Puerto Ricans, with the largest number living in Boston. For New England, the Puerto Rican community has added more than a language to the Massachusetts citizenry. The Puerto Rican community has begun to take a full share in the life of the State, providing an additional proud chapter in the history of Puerto Rico-United States relations.

RIGHTS OF THE MENTALLY AND PHYSICALLY HANDICAPPED

Mr. PERCY. Mr. President, at a time when national interest has been so intensely focused upon the human rights of socially and economically disadvantaged persons, it is ironic to find our country's 6 million mentally retarded persons and 22 million physically handicapped persons lacking in equally zealous advocacy and representation.

I am therefore, very pleased to join my distinguished colleague from Kentucky in introducing, today, this resolution calling for a declaration of rights for the mentally and physically handicapped.

It shocks me that in this day and age such a declaration is necessary. However, many Americans are unaware of not only the special problems of the mentally and physically handicapped but of the fact that those afflicted are denied many rights and privileges which you and I take for granted. The evidence of prejudice toward the handicapped is reminiscent of antiquated attitudes toward persons who are "different." Vestiges of such attitudes can easily be seen in such areas as unequal job opportunities, unequal educational opportunities, social ostracism, exclusion from normal community and family life and the stubborn myth that programs for the handicapped are basically for charity.

I recognize that not all handicapped persons will be able to enter or return to the full social and economic mainstream of our society, but given the opportunity to education, training and the right to legal process and equal treatment, the handicapped can all be helped to achieve a more productive and satisfying quality of life.

The social, economic, and human impact on the Nation of limitations in the daily living, health, education and employment of 28 million mentally and physically handicapped Americans—or 14 percent of our population—can no longer be ignored. As the President's Task Force on the Physically Handicapped reported:

> The magnitude of the needs of the present and steadily increasing numbers of these handicapped people should be of the most serious concern to government at all levels and to the citizens of this nation.

Mr. President, this resolution, I hope, will begin a national commitment to eliminate the glaring neglect of our handicapped citizens. The mentally and physically handicapped should have the same basic rights and privileges as you and I. They should have the right to the possibility of maximum independence, security and dignity.

THE GETTYSBURG ADDRESS

Mr. BUCKLEY. Mr. President, 108 years ago, on November 19, 1863, President Abraham Lincoln delivered an address dedicating the cemetery at Gettysburg. Abraham Lincoln's words need no introduction, and I ask unanimous consent that the Gettysburg Address be printed in the RECORD.

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

ADDRESS DELIVERED AT THE DEDICATION OF THE CEMETERY AT GETTYSBURG, NOVEMBER 19, 1863

Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we can not dedicate, we can not consecrate, we can not hallow, this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

November 19, 1863.

ABRAHAM LINCOLN.

WELFARE REFORM ON THE AUCTION BLOCK

Mr. CURTIS. Mr. President, it is my observation that the issue of welfare reform has recently been openly and flagrantly put on the auction block for sale to the highest bidder.

For 18 months or more, ever since the administration first indicated its willingness to consider the concept of a guaranteed annual income as a part of welfare reform, the wild bidding to up the ante has been building to a crescendo. This auction, conducted under the cloak of concern for America's poor, is beginning to be seen for what it really is—the rankest kind of political vote buying.

Such antics, I think, diminish the stature of the Congress. Perhaps we should be grateful, though, inasmuch as they also serve to point up the disastrous consequences which must be anticipated if the concept of a guaranteed annual income is ever given legislative approval.

Let me review the record. When first proposed by the administration, the annual income guarantee was to be $1,600 for a family of four. The outcry from the welfare lobby was so great that the figure was raised to $2,400 when the bill was reintroduced in the 92d Congress as H.R. 1. Thus, the ante was raised once before Congress ever acted on the measure.

Every one of these bills disregards certain kinds of income and continues various other forms of assistance—rent subsidies, medicare, child care, and so forth, which inflates the annual income figures well above the minimum which they appear to decree.

For example, benefits potentially available to a female-headed family of four in Wilmington, Del., under provisions of H.R. 1, can increase the federally guaranteed income of $2,400 to a figure of $4,357. This is accomplished by an earnings disregard for the first $720 of earned income, a State supplement of $216, public housing assistance amounting to $598, and medicaid benefits of $460. From this is deducted $37 in Federal, State, and social security taxes. If there are no earnings at all, no taxes are paid and public housing assistance increases to $728, netting this same family the equivalent of $3,804 in cash and benefits.

In Chicago or New York the total income equivalent for this family is substantially greater. These figures are based on the so-called "Williams charts," prepared for the Senate Finance Committee. Even when the more conservative estimates preferred by the Department of Health, Education, and Welfare are used, this family, with no earned income at all, will net $3,368 in Wilmington. With earnings of $720, the net figure increases to $4,195.

Now an amendment has been offered in the name of 18 Senators providing an initial minimum income of $3,000 which will escalate by 1976 to a level no less than an income equal to the poverty level. Not satisfied with that, another Senator and presidential aspirant has introduced S. 2747 calling for an initial minimum income of $4,000 escalating by 1976 to a level no less than an adequate income as defined by the Bureau of Labor Statistics low living standard, adjusted annually for changes in the median family income and local cost of living differences.

Moreover, whereas H.R. 1 provides for income supplements up to an annual income level of $4,300 for a family of four, S. 2747 provides such supplements, initially, to those with incomes up to $6,500, going eventually to a level of more than $10,000. It is very clear then, from these maneuverings, the pressures which will constantly be on the Congress to increase the benefit levels once the concept is adopted.

What of the cost of such grandiose scheme? The Washington Post blandly announced that S. 2747 would cost initially, $5 billion more than H.R. 1—which varying estimates indicate will cost from $5 to $10 billion more than the present programs in its first year—and eventually the gap probably would widen. Given the escalatory provisions

built into the bill, probably can only be described as a patently deceptive adverb in that context.

Of more significance is the following observation of Chairman WILBUR MILLS during the House debate on H.R. 1:

If we went the route of the National Welfare Rights Organization and had brought a bill to the House that had a basic floor of support for a family of four without any income of $6,500 we would have been asking the House to approve a measure that would add not less than $70 billion to the present cost of welfare—$70 billion.

Yet the Bureau of Labor Statistics lowest adequate income standard, the benefit level goal for 1976 set out in S. 2747, is now $6,500. If it would cost $70 billion to implement such a program this year, it will undoubtedly require an even greater outlay by 1976. But how many enthusiasts for such legislation have stopped to consider that its cost—at $70 billion—represents more than half the national income from personal and corporate income taxes for fiscal year 1972, which is estimated at $130.4 billion, and nearly one-third of the entire fiscal year 1972 budget of $229.2 billion.

The Washington Post quotes the author of S. 2747 as saying he introduced the measure "in hopes of raising the threshold of eventual compromise," above the level of H.R. 1 which he termed "fatally inadequate." At least there is no equivocation about the desire to see the bill auctioned off to the highest bidder.

But if Chairman MILLS' figure is even remotely accurate then the cost assessment of S. 2747 as reported by the Post is a ludicrous understatement.

Consider, too, that a minimum guaranteed annual income level of $3,600 for a family of four would qualify one-fourth of the entire U.S. population to go on the dole. At $6,500, nearly half the population would become eligible.

Worst of all, the debate over the minimum guaranteed income has centered almost entirely around these so-called ceilings and whether or not they constitute a living income or a raid on the taxpayers when, in fact, they are grossly misleading figures that are not representative of the economic impact of the measures, either on the income to be received by individual families or on the cost to the Federal Treasury.

The practical effect of all these programs would be once again to tilt the economic picture toward rampant inflation, the cruelest of all taxes upon the very poor they profess to help.

It all adds up to a gigantic political shell game—a "now you see it, now you don't" attempt to con the voters out of their votes in return for the promise of more and more.

It is time to stop evaluating welfare reform in terms of the minimum level of income guaranteed. It is time to begin looking at it in terms of those things which really need reforming—the inequities, the rigidity, the abuses and inconsistencies. If these were reformed and State and local officials were given meaningful control over the programs, costs could be reduced instead of increased while higher quality, more equitable assistance was being provided those who are truly needy.

The guaranteed minimum income should not be a part of welfare reform. Let it be divorced from welfare reform. You cannot reform welfare by adding 10 or 12 million to the existing rolls. Let us get on with the business of true welfare reform and not welfare expansion under the guise of reform.

RESOLUTIONS OF THE NEW ENGLAND MACHINISTS

Mr. PELL. Mr. President, this past October the International Association of Machinists and Aerospace Workers in New England held a conference and expressed their support for no-fault automobile insurance, a strong consumer protection agency, and legislation to protect American jobs from the impact of foreign imports.

Mr. President, I believe it is important that we consider the significance of these resolutions; and I ask unanimous consent that they be printed in the RECORD.

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

RESOLUTION No. 1

NO-FAULT RESOLUTION

Whereas, the cost of automobile insurance, a necessity for virtually every working man and woman, has risen more than 65% in the past decade, a rate far greater than the average increase in take-home pay or the cost elements for which such insurance compensates, and

Whereas, only 40 cents of each dollar paid by consumers for liability protection is actually spent for the protection of accident victims, and

Whereas, the total sums paid for personal and family loss from serious-injury and fatal automobile accidents is only 20 per cent of the actual loss suffered under the present "fault" insurance system, and large numbers of families suffer serious financial reverses as a result, and

Whereas, the average cost of automobile insurance to all policyholders is as much as 40% greater under the present "fault" system than it would be under a no-fault system, and a major portion of this excess is the result of expensive, time-consuming litigations;

Now therefore, the Connecticut State Machinists, AFL-CIO, strongly re-iterates its support of adoption by the New England Conference of Machinists of a no-fault system of automobile insurance covering all accidents except those in which the victims are permanently disabled or disfigured or suffer extreme financial loss, and

Be it further resolved, that this resolution be communicated to the Governors, the chairmen of the appropriate committees of the General Assemblies, and Special Commissions which at the direction of the Legislatures are studying the no-fault system.

RESOLUTION No. II

CONSUMER PROTECTION

Whereas, the American consumer has been victimized by fraudulent advertising, deceptive packaging, and products far below acceptable standards of safety and performance. Comprehensive legislation backed by an effective administration agency, is needed to protect the rights of the consumer,

Therefore be it resolved, that this conference go on record in support of appropriate federal legislation to establish an agency with sufficient powers and staff to protect American consumers against fraud.

RESOLUTION No. III

IMPORTS

Whereas, tons of thousands of American workers in all industries have seen their jobs wiped out by the flood of imports from low-wage countries. While American workers average more than the national $1.60 minimum wage, workers in foreign countries earn but a fraction of this amount, as little as 9 cents an hour in South Korea, 11 cents in India and Pakistan, 15 cents in Taiwan, 18 cents in Portugal, 23 cents in the Philippines, 30 cents in Mexico, and 39 cents in Japan, to give but a few examples. So long as imports have free and unlimited access to the American market, garment and textile jobs are in jeopardy.

Be it resolved, that this conference wholeheartedly support the AFL-CIO efforts to secure federal legislation to regulate the rise in apparel and textile imports; and

Be it further resolved, that the Officers and Executive Board of the New England Conference of Machinists continue its efforts to secure the necessary legislation and undertake every action at its command to check job erosion brought about by imports.

THE WELFARE EXPLOSION

Mr. ALLOTT. Mr. President, much discussion—much of it intelligently critical—has been occasioned by the publication of a new book concerning the welfare explosion.

The book is by Profs. Frances Fox Piven and Richard Cloward and is "Regulating the Poor: The Functions of Public Welfare," published by Pantheon.

We owe the authors a debt of gratitude, but not for their theory—which is that welfare is a vicious scheme engineered by the powers that be for the torment of the unfortunate; and that the disastrous working of the welfare system is a blessing in disguise because it destroys social cohesiveness and hastens the advent of some unspecified revolutionary change.

Rather, we owe them thanks for provoking intelligent men of good will to demolish their theory.

On September 13 I caused to be printed in the RECORD a spirited and wise demolition by Mr. Irving Kristol. Today I want to call the attention of the Senate to another tidy essay with similar aim and effect. This is by Nathan Glazer and is from the current issue of New Yorker magazine.

So that all Senators can profit from Professor Glazer's wise analysis of the welfare issue, I ask unanimous consent to have his essay printed in the RECORD.

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

"REGULATING" THE POOR—OR RUNNING THEM

(By Nathan Glazer)

New Yorkers might properly be concerned about the tripling of the number of persons on welfare in New York City during the 1960s. That rise, from 330,000 to 1 million, was accompanied by an enormous increase in the budgetary requirements for relief, to the point where welfare costs in New York City for the first time in history exceeded education costs, traditionally the larget single element in the city budget. It occurred while the unemployment rate dropped (unemployment began to rise again in 1970, but that was after this enormous increase had already been accomplished). And it was accompanied by an aggravation of almost every problem that we associate with poverty—family breakup, the loss of social control over youth, increas-

ing juvenile delinquency and crime, increasing drug addiction, increasing filth in the streets, increasing signs of misery and anger among the poor.

Those who seize upon Frances Fox Piven and Richard Cloward's *Regulating the Poor: The Functions of Public Welfare* (Pantheon, 389 pages, $10) will remain, I am afraid, only partially enlightened. They will, however, learn a good deal about how this enormous rise came about—where it took place, at what time, and even under what administrative and legal conditions. Oddly enough, it happended during a decade when new reforms were instituted that were designed to reduce the rolls, first with kindness (the reforms of 1962, which were to support more social work with clients for purposes of rehabilitation), and then with harshness (the reforms of 1967, with work incentives and attempts to simply freeze the AFDC rolls). No matter. The numbers on relief rose. They rose in New York City to the point where one in seven or eight of the population was on relief, and they rose in the rest of the country.

From one point of view, there is no mystery to the rise of the numbers on welfare in a time of relative prosperity. They rose, as Piven and Cloward (both faculty members at Columbia's School of Social Work) explain, because there was a substantial body of people employed to see that they rose. There were 100,000 workers in Community Action Agencies, established under the Office of Economic Opportunity after 1964; one of the major tasks of this legion was to tell poor people about welfare, accompany them to welfare agencies, argue for them, organize them in sit-ins, distribute simplified accounts of the rules governing welfare and the benefits available. In short, there were 100,000 recruiters for welfare that were not there before. In addition, there were at least 1,800 lawyers paid for by OEO projects in 1968; one of their functions was to challenge the restrictions around the granting of welfare—residence restrictions (relaxed), restrictions on "man-in-the-house" rules (also relaxed), and midnight searches and other harassing forms of investigation (abandoned). Litigation eliminated restrictive practices and intimidated welfare agencies and workers into accepting more on the rolls and into giving them more. Finally, there was the National Welfare Rights Organization—the book is dedicated to George A. Wiley, its leader—which was organized, according to the authors, in large measure by federally paid and recruited VISTA organizers, and which continued and expanded the pressure of community organizers and lawyers.

So in a sense there is no mystery, and Piven and Cloward have explained clearly how and why the number of families on welfare in the late 1960s exploded. The unsatisfying part to New Yorkers is likely to be not the immediate why, which we understand well enough, but rather, what we are to think of it. Was this a good thing or a bad thing? Is it good for the city? Is it good for the poor? And in the largest sense, what welfare policies should we adopt for the good of the city, the poor, and the nation—which of course suffered in very much the same way, even if the New York figures are most impressive in their size.

The purpose of welfare today, as in the past, the authors suggest, is to "regulate," or "discipline," the poor, so that they are required—forced—to take low-income jobs that no man or woman should be required to take. It "succeeds" by making it very hard to get on welfare, and by degrading the poor so they are shamed when they accept welfare, and try to avoid it if at all possible.

This theory of welfare as regulating the poor comes through clearly enough. But it is when the authors try to explain the role of the *explosion* of welfare in regulating the poor that they get very fuzzy. Welfare did not go up simply because the numbers of the poor increased. Piven and Cloward point out that the number of poor people in Northern cities increased in the 1940s and 1950s owing to the agricultural revolution in the South, and it was only in the 1960s that the welfare rolls exploded, and in the second half of the decade at that. Welfare did not go up because we became more generous and Presidents Kennedy and Johnson wanted to do more for the poor in the 1960s. "The historical pattern," they assert, "is not one of increasing liberalization." The power structure never *wants* to do more for the poor. Welfare did not go up because the administration was *forced* to do more for the poor, because of disorder and demands. That comes closer to it, but Piven and Cloward do not quite say that either. Rather, they say, the powers-that-be decide quite consciously to do somewhat more for the poor in order to draw the teeth of disorder. So by scattering the crumbs of welfare, they attempt to accommodate the disorder of the poor by concessions. Once these concessions are granted—temporarily, it is insisted—and have their effect in stilling disorder, then the "regulating" functions of the welfare system come into effect again. The *direct* relief of welfare is replaced by *work relief*. Through work relief at low wages the poor are forced to take any job on the market. Low-wage labor is replenished, and employers may now utilize it for greater profits, and the welfare rolls are cut back.

Thus there is a cycle of welfare, and the authors insist the cycle is not to be found only in the United States between the early 1960s and the early 1970s, but also in Roosevelt's New Deal (unemployment, increasing welfare, disorder, more welfare, work relief, cutting back first on welfare and then on work relief), and even in England between the sixteenth and nineteenth centuries.

Now there are a number of oddities about this approach. One oddity is the assumption—indeed the insistence—that powers—the administration, or the corporate leaders, or the government—are all-knowing, all-powerful, never wrong, and fully united. The authors *know* why the poverty program was established—it was a phase in the regulation of the poor, to draw their teeth by providing a bit more, prior to the phase of increasing harshness and repression, as they are driven back into the labor force. No one else involved, however, seems to know this. Piven and Cloward's attitude toward the participants who formulated the poverty program and wrote their accounts is one of disdain. Yet, as indicated clearly in this book, there were indeed all sorts of objectives in the poverty program. Some people wanted reform (which the authors characteristically put in quotes because in their view nothing ever happens except as part of a cycle, and "reform" is only one stage of it); some wanted to do something for the poor, some wanted to get votes, some wanted to coordinate federal services so they were more efficient, some wanted to put pressure on public and private welfare agencies to change their practices, some even wanted revolution, some wanted to rub raw the sores of discontent, etc., etc. All these, according to Piven and Cloward, are either mistakes, misunderstandings, or the views of persons without the higher insight that the purpose of the government poverty program was to respond to mass discontent by a phase of repression. And similarly with the New Deal.

There is a second oddity about this point of view. In this approach, history consists of one active element—the powers—and a passive element—the poor. Left out are all the intermediaries, *e.g.*, the social workers whom Professors Cloward and Piven teach, and the theoreticians of change (whether "reform," "revolution," or something else) that they themselves are. But more strikingly, Cloward and Piven's poor remain a faceless mass with no distinctive characteristics—people who are worked on by the powers, and respond as the powers wish. Even when they become apparently active, and pour onto the welfare rolls, that is all a matter of design by the powers—they after all gave the money to hire the community organizers and the lawyers and NWRO organizers, and have it all worked out as to where it fits into the scheme. According to Cloward and Piven, the power of the powers is indeed quite awesome. If there are few on the welfare rolls, well, that is because the powers want to maintain an army of unemployed, keep pay rates down and require people to accept any work at any rate. If there is an explosion of the welfare rolls, that is because the powers want to draw the teeth of the restive poor by throwing them some bones.

Professors Piven and Cloward are quite modest about their own role in the explosion of the welfare rolls. They are more committed to their view of history—in which everything comes from the existing powers—than to the proper evaluation of their own role. Seven or eight years ago a foundation executive spoke to me of their plan to get everybody possible to join the welfare rolls, thus bringing on a real crisis, and replacing the rotten system with—what, I asked? I was skeptical less of the possible success of this venture—it was very successful, it turned out—than of the hope that it would be replaced by something "better" rather than—as is happening even in such liberal states as New York—by something harsher. I thought that to encourage as many people as possible to take advantage of welfare benefits would lead to a worse society, and they thought it would lead to a better society. It is this issue that is most troubling to me; oddly enough, it plays all too small a role in their account.

Cloward and Piven are unreservedly committed to increasing the numbers on welfare. They are against work requirements—and, as far as one can tell, even work incentives. In any case, they do not discuss them in this book, either those introduced in 1967, or those introduced in experimental and demonstration projects, or those proposed in the Nixon welfare reform proposals. They are still quite committed to their welfare revolution, and against all proposals currently considered for reform. They conclude: "In the absence of fundamental economic reforms . . . *we take the position that the explosion of the rolls is the true welfare reform, that it should be defended, and it should be expanded* [their italics]. Even now, hundreds of thousands of impoverished families remain who are eligible for assistance but who receive no aid at all."

But what do they mean by "fundamental economic reforms"? In view of the fact that only this would justify the ceasing of the expansion of the welfare rolls it would be important to know. They are quite coy, but are willing to give one indication: "Reforms in economic policy that would lead to full employment at decent wages." This is all they say. It does not get us far. For the second half of the 1960s at least we had full employment in New York City, in the sense that anyone could get a job at the minimum wage if he or she were willing or able to get to work on time and perform at a minimally satisfactory level. Tens of thousands of such jobs went begging. But obviously that is not what the authors mean. What then do they mean?

At what point would they feel their "fundamental economic reform" consisting of "full employment at decent wages" had come to pass? They do not say and there is no way of knowing. They are quite insistent about what it is not. It is not the Nixon plan, with its incentives for work. It is not public service employment ("work relief")—this, they insist, is only the prelude to cutting the relief

rolls and forcing people to work at wages they apparently would not consider decent.

Short of this totally unspecified reform, they seem quite complacent about insisting that more and more people be organized to get onto the relief rolls, even though they give what is to my mind a quite horrifying account of what this means. Thus, they write: "When large numbers of people come to subsist on the dole, many of them spurning what little low-wage work may exist, those of the poor and near-poor who continue to work are inevitably affected. From their point of view, the ready availability of relief payments (often at levels only slightly below prevailing wages) undermines their chief claim to social status: namely, that although poor they nevertheless earn their livelihood. . . .

"Moreover, when attachments to the work role deteriorate, so do attachments to the family, especially the attachment of men to their families. For all practical purposes, the relief check becomes a surrogate for the male breadwinner. The resulting family breakdown and loss of control over the young is usually signified by the spread of certain forms of disorder—for example, school failure, crime, and addiction. In other words, the mere giving of relief . . . does little to stem the fragmentation of lower-class life, even while it further undermines the patterns of work by which the lower class is ordinarily regulated."

These are truly astonishing passages, when taken together with the conclusion of the book that "the explosion of the rolls . . . should be defended, and expanded." Why would Piven and Cloward want to reduce the commitment to work? Why should they want to encourage the further breakdown of the family and the loss of control of the young?

Perhaps they feel most work is makework, or leads to profits for private entrepreneurs, or is demeaning, and thus the reduction of commitment to work for the poor is the way to their ultimate salvation. The authors are consistently suspicious of low-paid work. Thus, they describe the New Deal's WPA as "enmeshing people in the work role" in order to "quiet" the populace. On the other hand, whatever their antipathy to work, they are quite clear that the dole does weaken the family, does weaken social control over the youth, does lead to an increase in crime and addiction. If this is the effect of weakening the commitment to work produced by money relief, they should be less committed to an expansion of relief than they are. They should at the least consider how relief with dignity should be given. They should consider more seriously how persons can again be involved in work. One can only conclude that their commitment to the destruction of the system of work is so complete that they are quite prepared to see the full destruction of the poor on the way to reaching this objective.

This may be happening already. Ten years ago in New York City there were only one-third as many families on welfare as we have today. Ten years ago 12–13 percent of the black population was on welfare—today it is more like 35 percent. The figures for Puerto Ricans are even higher. And one can soberly ask oneself, whatever this has done to the city, what has it done for low-income blacks and Puerto Ricans? Has it reduced starvation and given them more food? Has it improved their housing? Has it improved their environment? Has it improved their clothing? Has it heightened their self-respect and sense of power? Has it better and more effectively incorporated them into the economic and political life of the city? These are not questions the authors ask, or seem very bothered about. Yet these are questions they should ask. Blanche Bernstein, director of research at the New School's Center for New York City Affairs, has estimated that 50 percent of the increase in welfare receipts in New York City during the 1960s was due to desertion and 25 percent was due to illegitimate births. She reports that in 1961 there were 12,000 deserted families on welfare in New York City. By 1968 there were 80,000. What happened in New York City was not an explosion in welfare alone. The city witnessed an explosion in desertion and in illegitimacy, an explosion concentrated in the black and Puerto Rican population.

Astonishingly, Cloward and Piven seem totally indifferent to that explosion and what it meant. Was it a response to lack of jobs or opportunities? Then why did it occur when jobs became plentiful and opportunities expanded? Or was it in part a response to welfare itself—its incentives, its ways of life, and the aspects of degradation that are integral to the notion of means-tested support and that seem inevitable, regardless of the liberality of welfare administrators and the numbers of lawyers engaged in defending welfare rights? I would argue that there was a close relationship between the explosion of welfare and the disaster that overtook the poor black and Puerto Rican areas, a disaster on a scale that we have not seen before in any other impoverished immigrant group. The disaster was that welfare, along with those who pressed its expansion, deprived the poor of New York of what was for them—as for the poor who preceded them—the best and indeed only way to the improvement of their condition, the way that involved commitment to work and the strengthening of family ties. In place of this, the advocates of revolution through welfare explosion propagated a false and demeaning sense of the "rights" of the poor, one which had disastrous consequences. For whatever the rights to welfare—and they are certainly rights—they are not the rights through which people can come to the best and strongest conception of themselves and their powers, and through which they can come to the best path to advancement.

Relief is necessary to the poor. In any civilized society it must be given generously, and if needed, extensively. But it should be the aim of every society to find and encourage *other* means to the maintenance of a decent standard of living than the distribution of charity. For whatever the position of modern advocates of welfare rights, welfare can never, if given regularly on an extensive scale, be other than alms, and whatever alms did for the souls of those who gave them, they could not be good for the souls of those who received them. Every society—capitalist, socialist, or "welfare state"—tries to find ways to replace money relief and to make it unnecessary. To advocate its expansion as a means of dealing with distress is one thing; to advocate its expansion as a means of breaking the commitment to work with its attendant effects on self-respect and on family life is irresponsible.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). Is there further morning business? If not, morning business is concluded.

REVENUE ACT OF 1971

Mr. HUGHES. Mr. President, I ask the Chair to lay before the Senate the unfinished business.

The PRESIDING OFFICER laid before the Senate the pending business, H.R. 10947, to provide job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

The Senate resumed the consideration of the bill.

AMENDMENT NO. 708

The PRESIDING OFFICER. The pending business is Amendment No. 708 of the Senator from Arizona (Mr. FANNIN), which the clerk will state.

The assistant legislative clerk read as follows:

On page 29, after line 19, insert the following:

"PROHIBITION OF CERTAIN POLITICAL ACTIVITIES

SEC. 1062. (a) Section 501 (relating to exemption from tax) is amended by redesignating subsection (f) as (g) and by inserting after subsection (e) the following new subsection:

"'(f) PROHIBITION OF CERTAIN POLITICAL ACTIVITIES—No organization described in section 501(c)(5) which requires any person to pay membership dues, fees or other assessments, as a condition of employment shall be exempt from taxation under subsection (a) for any taxable year in which any part of its income or of the amounts received for its support is used—

"'(1) to support or oppose any candidate for public office,

"'(2) to support or oppose any political party.'

"(b) The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act."

The PRESIDING OFFICER. Who yields time?

Mr. FANNIN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from Arizona is recognized for 10 minutes.

Mr. FANNIN. Mr. President, first, in all candor, I must say that I believe the income tax checkoff system that is being proposed by amendment No. 692 is undesirable. It would provide for a new monolithic political party system.

If amendment No. 692 should pass, it will provide the national parties and major candidates with a great new source of campaign funds. We are told that candidates will no longer have to be beholden to big business or big labor.

Therefore, there should be no objection to my amendment which simply would provide an effective means of barring further illegal political contributions by unions or other organizations.

Senator GRIFFIN, my distinguished colleague from Michigan, pointed out yesterday that even if amendment 692 passes it still would not prohibit massive contributions by big labor. We do have laws, rather effective laws, which hold down the abuses by big business. Since we have delved into the matter again here today, let us close the loophole that has robbed union men of millions of dollars each year to pay the cost of campaigns run by the political favorites of union bosses.

If we are to provide a truly voluntary checkoff system through the income tax, we should be ready to abolish the illegal

political bite being taken out of the union checkoff for involuntary dues.

Millions of American working men and women are forced to pay dues each month to unions. Contrary to the wishes of many of these union members, their dues and assessments are being used for political purposes.

Unions reported spending $10.7 million for political purposes in the 1970 elections, and this is only the very tip of the iceberg. Millions more were spent by the unions for unreported contributions, to provide facilities for campaigns, to pay for supplies for campaigning, to pay the salaries of supposed union officials who actually were full-time political campaigners for various candidates.

Mr. President, last week, I inserted in the RECORD a list of salaries and expenses totaling $443,862.95 paid to officials of the AFL–CIO for political education. These salaries were not filed with the Clerk of the House of Representatives, as one would suppose under our reporting system procedures. These salaries were reported to the Department of Labor by the AFL–CIO. As far as can be determined from records, it would appear that the funds to pay these salaries came from the AFL–CIO general fund which is drawn from union dues.

It should be noted that the salaries are only for employees earning $10,000 or more. COPE reported other expenditures of $969,328 for 1970 in its report to the Clerk of the House. It is obvious that the entire COPE total should have been at least $1.4 million for 1970.

Mr. President, as we all know, this kind of report is misleading in that it grossly understates the actual expenditures—estimated to total $6 million or $7 million.

Mr. President, I ask unanimous consent to have printed in the RECORD two tables from the book entitled "Financing the 1968 Election," written by Herbert E. Alexander.

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

LABOR NATIONAL-LEVEL COMMITTEES GROSS DISBURSEMENTS, 1956, 1960, 1964, 1968

	Reporting committees	Gross disbursements (millions)
1956	17	$2.2
1960	21	2.3
1964	31	3.7
1968	37	7.1

GROSS DISBURSEMENTS OF THE 10 LARGEST LABOR NATIONAL-LEVEL COMMITTEES, 1960, 1964, 1968

	1968	1964	1960
Committee for good government	$251,000	$122,000	$77,000
COPE (AFL–CIO)	1,207,000	989,000	794,000
DRIVE (Teamsters)	211,000	270,000	50,000
ILGWU	1,077,000	426,000	316,000
Machinists	572,000	260,000	193,000
Marine engineers	262,000		
Seafarers	947,000	121,000	
Trainmen	215,000	43,000	10,000
UAW	309,000	269,000	61,000
Steelworkers	240,000	251,000	239,000

Adding the 2 UAW committees together, $560,000 was spent in 1968, $391,000 in 1964, and $138,000 in 1960.

Mr. FANNIN. Mr. President, these reports, show that the Labor National-Level Committees gross disbursements for 1956, 1960, 1964, and 1968 were: 1956, $2.2 million; 1960, $2.3 million; 1964, $3.7 million; and 1968, $7.1 million.

Those are rather sizable amounts.

Mr. President, these tables show that in 12 years the number of labor committees reporting on the national level more than doubled. Their reported contributions went from $2.2 million to $7.1 million. Again, let me point out that these represent only a fraction of the actual union expenditures for political campaigning.

The executive director of COPE, Alexander E. Barkan, has provided some impressive statistics on the role that his organization and other union bodies played in the 1968 elections.

Barkan has said that they distributed 110 million pieces of printed matter.

They registered 4.6 million voters—mostly of one political party.

COPE operated telephone banks in 638 locations with a total of 8,055 telephones.

This—and again it is only a very small sample—shows how deeply the unions were involved in the election of public officials. It was the union members who paid the freight for the materials and facilities used, and for the salaries of union officials who served as the key political organizers.

No one asked the union workers whether they approved of this.

No one asked the union rank and file which candidates should be supported.

The decisions were made by the union bosses who have fantastic resources at their disposal to use in grinding their favorite political axes. These union bosses naturally are going to use these resources to promote the election of public officials who will support legislation and policy that is to the benefit of the union bosses.

One of the major jobs of Government is protecting rank and file workers from exploitation by ruthless union leaders. How is Congress supposed to do this when so many Members become deeply indebted to the union bosses?

This brings us back to the matter of protecting the integrity of our entire political system.

Congress has enacted effective laws to prevent big business from gaining an iron grip on the Government. In the legislation we are considering today, the objective is to keep some balance in our campaign and election system—to prevent special interests from "buying" the candidates.

It is my contention that big money from union bosses is the biggest threat to our political system because of the concentration of resources and the control of not only funds but the facilities and manpower that can make or break candidates for public office.

If we do not put some meaningful restraint on the unions they will be left free to "buy" the candidates election after election.

It occurs to me that without my amendment, the passage of amendment 692 would enhance the role of kingmaker for the union bosses.

Unions will be able to concentrate their buying power on primary elections. They can throw their considerable resources behind chosen candidates in the early, hard-to-finance days of campaigns. Once they get the nomination of their man, then they can rely on the public funds to help carry their man to victory in the general election.

Mr. President, unions have prospered because they have been given broad protection by Congress. Our laws are heavily biased in their favor. This is why they can exact dues and assessments to amass the resources that can make or break politicians in certain areas of our Nation.

Yet, the union membership makes up only a small portion of our country—less than 10 percent of our population.

Mr. President, it is time that we whittle the political power of the union bosses back down to its rightful size.

The amendment I have introduced would deny tax-exempt status to organizations using mandatory membership dues or assessments for political purposes.

The bill would prohibit any organization which requires the payment of dues or other assessments and which membership in such organization is a condition of employment from claiming an income tax exemption for any taxable year in which any part of its income or of the amounts received for its support is used, directly or indirectly:

First, to support or oppose any candidate for public office.

Second, to support or oppose any political party.

The PRESIDING OFFICER (Mr. BENTSEN). The time of the Senator has expired.

Mr. FANNIN. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized for an additional 5 minutes.

Mr. FANNIN. Mr. President, labor unions currently are taxed on unrelated business income, but under 501(c)(5) of the Internal Revenue Code they are not taxed on passive or investment income, such as dividends, interest, annuities, or royalties; 501(c) of the code provides some 17 categories of exemptions for a number of varied organizations.

Section 501(c)(5) is the only one of the 17 paragraphs that contain no definitions, limitations, or prohibitions. Because of this, my amendment is an absolute necessity.

Tax exemption under section 501(c) of the Code is a special privilege which was intended only if tax exempt organizations do not engage in activities beyond their exempt purposes.

Congress clearly intended that unions should not engage in political activities through the use of involuntary dues. This was spelled out in the Federal Corrupt Practices Act.

The Internal Revenue Code has been interpreted as permitting a union tax exempt status no matter how much of its money it spends for political purposes. In a very real sense, the Internal Revenue Code is condoning illegal political activity and rewarding it with a tax exemption.

Mr. President, it is common practice

for a portion of involuntary union dues to be allocated to special committees which channel these funds into political campaigns. These often are called "Political education" or "community action" committees, but this is a very thin veil. These committees "educate" people to support the politicians who are in favor with the union bosses. They bring about "community action" which will boost the political fortunes of the chosen party or candidate.

This amendment is intended to put some reasonable restraint on the staggering sums of money and resources now being poured into these political activities by the unions.

This would not prevent the use of separate political arms or organizations. I do not dispute the right of unions to have political action machinery which is truly supported by voluntary contributions.

This amendment would not affect other voluntary political action groups such as the League of Women Voters or associations which are allowed to engage in certain political activity under other sections of the Internal Revenue Code.

Someone is bound to argue that we do not need this amendment because political spending by unions already is illegal.

Mr. President, it is obvious that the Federal Corrupt Practices Act has not done the job. There have been attempts to enforce this law, but the results have been singularly unimpressive.

Mr. President, my amendment would bring an effective new restraint on the undesirable and illegal political spending by labor organizations. These organizations are more concerned about maintaining their tax exempt status than they are about the remote possibility of prosecution under current law.

As I said earlier, tax exemption under section 501(c) is a special privilege. The amendment would make it clear that this privilege will continue only so long as unions do not abuse the privilege.

Unions could remain tax free simply by sticking to the business of being unions rather than playing at the role of kingmaker. To keep their tax-exempt status, they would have to remain free of political wheeling and dealing.

One more point I would like to make is the fact that my amendment is consistent with the Supreme Court decisions in the Street and Allen cases. The Justices held that Congress did not intend to authorize unions to use compulsory dues and fees for political purposes.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FANNIN. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized for an additional 2 minutes.

Mr. FANNIN. Mr. President, I am very concerned about the abuses being perpetrated by labor unions in collecting dues and assessments for political purposes. The Wall Street Journal recently carried an excellent article telling of the shameful tactics used by the Marine Engineers Beneficial Association, AFL–CIO, to collect political funds from pensioners.

The Wall Street Journal article says, in part:

> The Marine Engineers, or MEBA, is not a union that seems in need of help. It collects initiation fees of $1,000 from young men wanting to join, and it can afford to pay President Jesse Calhoon a $75,000 salary.
>
> But MEBA lacks a membership willing to give generously to the union's political fund. So, to compensate for stinginess among seagoing engineers, it leans on pensioners who can't so easily elude the political collectors—and at times leans on deceased members' widows too.
>
> Supposedly, the retirees are all donating voluntarily, as Federal law requires. But because the union controls pension payments, a member applying for retirement thinks twice before refusing to contribute. Once a pensioner has agreed to give, the union makes sure he doesn't forget: it deducts the $10 contributions from the monthly retirement checks it sends out.
>
> In most cases, the oldsters supplying political dollars don't know where their money is going.

Mr. President, we should provide some protection from this type of extortion by union bosses. We should protect not only pensioners, but every rank and file worker who is having money taken from his paycheck for union dues. And in the process we will be protecting the American public from union officials who are more interested in pulling the strings of political power than they are in watching over the welfare and rights of their members.

Allow me to summarize.

The purpose of this amendment is to protect the rights of rank and file union members who are now forced to contribute to political causes they do not believe in. It is designed to maintain some balance in our political system by requiring unions to abide by the same regulations that apply to other segments of our society.

Mr. President, I yield 6 minutes to the distinguished Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 6 minutes.

Mr. PACKWOOD. Mr. President, prior to my election to the Senate, I practiced labor law for about 5 years and had a fair degree of personal relationship with most of the union business agents for the various different unions that exist in a normal city.

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

Mr. PACKWOOD. I yield.

Mr. FANNIN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. FANNIN. I thank the distinguished Senator.

Mr. PACKWOOD. Mr. President, in addition to practicing labor law I had occasion to be the Republican county chairman in the county that included the Portland area, with about 500,000 people, from 1960 to 1962. During that time I had some degree of relationship with COPE, the Committee on Political Education.

In Oregon and throughout the Nation on occasion, unions endorse some candidates. I had occasion to go to the Labor Temple and to work during the day with union-paid officials, who were on union salaries, on the union premises, in an effort to lend a hand in making phone calls and sending out literature. We worked on behalf of Republican candidates or Democratic candidates, but the union was working on behalf of all those they endorsed.

I am talking about the expenditure of money—not COPE contributions because in theory those are voluntary. In theory the union member checks off $1 or $2 for COPE and that money goes to the expenditure of funds for political candidates.

I am talking about salaries, sound trucks, telephones, space, mimeograph and typewriters, all paid for out of union dues and being used for true partisan support of candidates, Democrat and Republican, all in violation of the law, and none of those violations ever prosecuted.

Mr. President, the unions are going to tell you, and I have heard them say this with a straight face, "Why, all of our contributions are voluntary. We do not spend any 'dues'."

Anyone who has been in politics, especially to the extent of having been elected to the Senate, cannot be blind to the fact that union dues, uniform assessments, and membership fees, which are paid by union members, are being used for partisan political endeavors, in addition to the so-called COPE contributions. This Senate cannot turn its mind from the fact that it exists. There is not a single Senator in this room who knows other than that it does exist.

If because it inures to the partisan benefit of some is reason not to choose to recognize it legally, so be it. But let us make it clear when we vote. If the amendment of the Senator from Arizona is rejected the Senate is saying to the unions of this country, "You go ahead and illegally spend your dues, illegally spend your uniform assessments, because we in the Senate, while we piously claim you should not do it, are going to refuse to pass the one law that could make a difference, and that is the removal of your tax-exempt status."

I know it would be said by other Senators that there are other laws prohibiting unions from giving money and why do we not enforce those laws. There are other laws. The Corrupt Practices Act prohibited people from giving more than $5,000 to a campaign, and other kinds of contributions, and that is observed in the breach. The reason we passed the Campaign Financing Reform Act was that we recognized that the Corrupt Practices Act, despite its legal limitations, does not work. We should recognize that the legal limitations on the books to prevent unions from spending dues, assessments, and initiation fees do not work. If we truly want it to work, we should agree to this amendment. If we do not care, let us reject the amendment, but let us admit what we are doing when we do it.

Mr. FANNIN. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. FANNIN. I reserve the remainder of my time.

Mr. PASTORE. Mr. President, I am very safe in saying that this amendment

is an old chestnut. It has been before this body several times and sponsored by the same individual. It is an antilabor amendment. It was voted down in 1969. It seems to pop up every time we have a bill of any nature.

Now, the inconsistency here, if I may say so, in rebuttal to the two speeches made, is the fact that if they really want purity in presidential elections they should vote for the checkoff. And this is the reason. If you allow every taxpayer of this country to allocate to the presidential fund $1 of what he owes the Government, candidates will be free of any influence of any organization, be it labor or anything else.

But this is a sledge hammer amendment to beat labor over the head.

We hear the argument they are doing things illegally and getting away with it. You have a Republican Attorney General; why does he not prosecute? He has the jurisdiction and the responsibility. If you know of any labor leader or anybody else in this country doing anything illegally, I say have him indicted, tried, and convicted. But this idea that you cast an aspersion on the whole labor movement in this country just because some individuals do not agree with that movement is something I cannot accept.

Mr. President, I do not want to take too much time. This amendment should be rejected. Its proponents do not have the courage to say "labor." They say only "organization." They even hide that when they make speeches. All they say is "labor." Why do they not be honest with themselves and put it explicitly in the amendment.

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

Mr. PASTORE. I yield.

Mr. GURNEY Mr. President, I think what the Senator wants to accomplish with his amendment, as I understand it, is to take the political influence out of elections.

Mr. PASTORE. That is right.

Mr. GURNEY. That is, the influence that may go with substantial contributions.

Mr. PASTORE. That is right.

Mr. GURNEY. Regardless of where they come from.

And they also seek, I presume, to get into the campaigns of both parties an equal amount of money or something that is approximately equal so that a political campaign will hopefully hinge upon the candidates themselves and the issues as they present them.

Is that not what the Senator seeks to do?

Mr. PASTORE. Precisely.

Mr. GURNEY. Very well. Now I go to my question. I think that the Senator is right in his assertion that as far as this campaign contribution amendment is concerned, that will put an equal amount of money into both political parties. That is all right as far as it goes. But now, let me ask the Senator this question. The Senator has been in politics a lot longer than I have, and a lot longer than most of us have.

Mr. PASTORE. Thirty-five years continuously.

Mr. GURNEY. He knows precisely how the political apparatus in this Nation works. He also knows what the distinguished junior Senator from Oregon just said, and that is that there is a great deal of political activity in every campaign on the part of labor, and there is nothing wrong with that. It goes to some of our candidates, as well as to some candidates on the Senator's side.

Mr. PASTORE. That is right.

Mr. GURNEY. Only, unfortunately, it goes to candidates on the Senator's side. That is all right. That is part of the process.

But my question to the author of the amendment is this: It was estimated in the 1968 campaign that organized labor put $60 million into the campaign. I do not know whether that is an accurate statement but certainly we all know that they put tens of millions of dollars into that campaign. How in the world is the Senator going to explain to the Senator from Florida or any other Member of this body how you can make both political parties equal so far as moneys that go into that campaign are concerned, under the Senator's amendment, if he does not do something to plug the loophole of what the labor organization spends on political campaigns that we cannot do anything about. If he can tell me how we can equalize that input, I will be inclined to support his amendment.

Mr. PASTORE. The Senator asked me a question. First of all, this is an indictment you have not proved. Did they put in the $10 million legally or illegally? The argument here is that it was done illegally. They indict on the floor of the Senate a respectable organization. Now, there are possibly some thieves and crooks somewhere in labor organizations. There are thieves and crooks even in public life. But the point is why are you choosing labor and indicting all labor without proof?

Mr. GURNEY. I did not do that.

Mr. PASTORE. Without——

Mr. GURNEY. Just a moment now. I did not do that.

Mr. PASTORE. All right. You are asking me the question: Why do I not support the amendment? For the simple reason that this amendment is an indictment of labor and you have not proved the case.

Mr. GURNEY. I have not said it was an indictment of labor.

Mr. PASTORE. No, but——

Mr. GURNEY. As a matter of fact, I admitted that the amendment was fair to both political parties insofar as the amendment itself goes. What I asked the Senator is this: How are you going to equalize on the side of all the other influences that go into a campaign—businesses, professionals, just ordinary people? How are you going to equalize the tens of millions that organized labor puts into political campaigns? That is all I want to know.

Mr. PASTORE. Do you mean they do it voluntarily through their workers?

Mr. GURNEY. What is that?

Mr. PASTORE. Do they do it voluntarily through their workers, and if so what is wrong with that?

Mr. GURNEY. Well——

Mr. PASTORE. Why cannot a workingman put $2 into my campaign like the man who bought a $500 ticket to go to your Republican affair last week?

Mr. GURNEY. I can tell the Senator from Rhode Island that there are a whole lot of workers who came to me after the election and said, "Senator, why don't you do something about the AFL–CIO"—or the particular union involved—"taking my union dues and putting them into the campaign of a man running against you when I support you?" I know people came to me in Florida after every election——

Mr. PASTORE. You are indicting——

Mr. GURNEY. I am not indicting.

Mr. PASTORE. Because they came to you.

Mr. GURNEY. You said these contributions are voluntary. That was the answer to the Senator from Oregon that they are not voluntary.

Mr. PASTORE. The voluntary thing is that they have put it into COPE. The question to decide is whether that is violating the law. If that man came to me, I would say, "Go see the district attorney."

Mr. FANNIN. Mr. President, is the Senator saying that all this money is voluntary?

Mr. PASTORE. I have no idea, but I say most of it is. It is just as voluntary, or maybe just as honest or just as questionable, as the man who pays $500 for a fund-raising ticket.

Mr. FANNIN. When you talk about an indictment of labor organizations; yes, that is true. I am indicting some of those labor organizations who are committing illegal acts and it is in the news every day what they are doing.

Mr. PASTORE. You are indicting them all.

Mr. FANNIN. Those who are in violation of the law; yes. The best article that illustrates what is happening——

Mr. PASTORE. Mr. President, on whose time are we working?

The PRESIDING OFFICER. On the time of the Senator from Rhode Island.

Mr. FANNIN. I was answering the Senator's question.

Mr. PASTORE. You are not answering the question. You are asking a question.

The PRESIDING OFFICER. The Senator from Rhode Island——

Mr. PASTORE. Use your own time. Make your speech.

Mr. FANNIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. PACKWOOD. Mr. President, I would like to ask the Senator a question.

Mr. PASTORE. On your time, I will answer any question.

Mr. PACKWOOD. I will ask it on your time.

Mr. PASTORE. No. On your time.

Mr. FANNIN. Mr. President, I yield 2 minutes to the Senator from Oregon

Mr. PACKWOOD. Are you suggesting that if there is any violation of the laws, we have ample laws to prosecute?

Mr. PASTORE. That is right.

Mr. PACKWOOD. Was not the same thing true with respect to other violations; we had the Corrupt Practices Act that covered this situation?

Mr. PASTORE. That is right.

Mr. PACKWOOD. Did not we pass the Campaign Reform Act because we knew the law did not work?

Mr. PASTORE. That is right.

Mr. PACKWOOD. Just exactly the same situation as here.

Mr. PASTORE. That is not just exactly the same situation as here. You jump over two humps.

Mr. PACKWOOD. Does the Senator from Rhode Island support the use of involuntary dues—not voluntary contributions, but involuntary dues and assessments, and membership fees—for partisan politics?

Mr. PASTORE. No one should be forced to do anything. That is duress, and it is against my principles.

Mr. PACKWOOD. You do not accept that?

Mr. PASTORE. I will not accept it.

Mr. PACKWOOD. In your 35 years in politics have you ever seen money paid by union members or union workers as dues used for partisan politics?

Mr. PASTORE. I have received money from COPE. I have received money from individuals. I have never received money under the table.

Mr. PACKWOOD. Answer my question: Have you ever seen money or dues paid by union members or a union building used for political partisan purposes?

Mr. PASTORE. No.

Mr. PACKWOOD. In your 35 years you have never seen that?

Mr. PASTORE. No, no.

Mr. PACKWOOD. Let me ask you one last question: If I bring you evidence that it happens, would you support this amendment?

Mr. PASTORE. No.

Mr. PACKWOOD. That is right——

Mr. PASTORE. No. Wait a minute.

Mr. PACKWOOD. I see what you are saying.

Mr. PASTORE. You know what I will do.

Mr. PACKWOOD. You do not want to support the amendment when we have evidence that it happens——

The PRESIDING OFFICER. Senators will cease until we get this body back in order. The Senator from Rhode Island has the floor.

Mr. PASTORE. You bring that individual to me and I will take him down to John Mitchell.

The PRESIDING OFFICER. Is the Senator asking to be recognized?

Mr. PASTORE. Yes, on my time. You bring him to me and I will take him down to John Mitchell to let you prove he did it.

Mr. GURNEY. Mr. President, will the Senator yield for one brief question?

Mr. PASTORE. On your time.

Mr. GURNEY. I do not have time.

Mr. PASTORE. Well, get it.

Mr. FANNIN. Mr. President, I yield 1 minute to the Senator from Florida.

Mr. GURNEY. Following the colloquy between the distinguished Senator from Oregon and the distinguished Senator from Rhode Island, have you ever witnessed or known of a boilerroom operation in the State of Rhode Island run by labor unions?

Mr. PASTORE. What is a boilerroom operation?

Mr. GURNEY. Well, I must say, if the Senator does not know what one of those things is, he had forgotten all the 35 years' experience he has ever had.

Mr. PASTORE. No, I have not forgotten one thing.

Mr. GURNEY. It is where a union has about 100 or 200 or 300 people in a room.

Mr. PASTORE. And they do what? Torture them?

Mr. GURNEY. And they tell them what to do. Have you never heard of one of these operations?

Mr. PASTORE. No, no. Where I come from we have good unions and I am proud of every one of them.

Mr. GURNEY. That does not have anything to do with it.

Mr. PASTORE. I am not ready to indict them.

Mr. GURNEY. What has that to do with what the Senator is saying? We just got through saying that the unions finance partisan operations, and the Senator from Rhode Island knows that just as much as I do.

Mr. PASTORE. How come you end up with all the money? How come you end up with all the dough?

Mr. GRIFFIN. Because the unions do not report what they get.

The PRESIDING OFFICER. We will return to regular order. Who is asking for recognition?

Mr. PASTORE. The Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PASTORE. On my time. Will you tell me how much you have in your treasury now?

Mr. GURNEY. Are you asking me a question?

Mr. PASTORE. How much do you have in the Senate Republican Campaign Committee?

Mr. GURNEY. If I knew, I would answer. If there is anybody here who knows, I hope he does answer.

Mr. PASTORE. If you find out, let me know.

Mr. GURNEY. I will ask the Senator what is wrong with that? Is there anything wrong with the Democrats or Republicans raising money?

Mr. PASTORE. No.

Mr. GURNEY. The Senator is envious because the Senator's party has a huge campaign debt that is not paid and the Republicans have received that and some other money.

Mr. PASTORE. You mentioned something here. You have been throwing around $60 million from the unions. You have been throwing around $10 million. I am just asking how much has been thrown into your office.

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

Mr. PASTORE. On your time.

Mr. COOK. If I may have 30 seconds, I will only say——

Mr. PASTORE. Wait a minute. I do not yield. Take it out of your time.

Mr. FANNIN. Mr. President, I yield 30 seconds to the Senator.

Mr. COOK. The Senator from Rhode Island said all day yesterday and the day before, "Do not worry about your fund. You already have it." I thought you knew how much we had. That is what you have been telling us. You told us repeatedly for two and a half days, "You do not have to worry about that," and so on. The Senator does not have to know the answer. He already has it.

Mr. PASTORE. What is your question?

Mr. COOK. You have been telling us all about this. I thought you knew. That is the question.

The PRESIDING OFFICER. Who yields time?

Mr. FANNIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arizona has 3 minutes remaining.

Mr. FANNIN. Mr. President, the distinguished Senator from Rhode Island has made quite an issue about identifying the role of labor in electoral politics. I have here an article entitled "The Political Activities of Unions" by Alexander E. Barkan, director of COPE, which appeared in "Issues in Industrial Society," in 1969.

Here, I think, is the best example of what is being done, and it is not being done by voluntary dues, it is being done through compulsory dues. This is what Alexander Barkan says:

The real untold story of this election—

Referring to the 1968 election—

is the role of the labor unions in it. This is a remarkable story. There is no question but that the trade union movement effort materially affected the outcome and contributed substantially to Mr. Humphrey's total vote.

Then he goes on to say:

Evidence of the intensity of labor's political activity in 1968 was the 55 million pieces of printed matter distributed by national COPE to union members and an additonal 60 million-plus distributed by state AFL–CIO bodies and international unions. It is unlikely that any organization—including the two major parties—ever produced so much political literature in any one campaign.

Is the Senator from Rhode Island trying to tell me that all these activities were supported entirely by the voluntary contributions to COPE? I am sure he does not. Would the Senator care to respond to the question as to whether he believes that this was all done by voluntary dues to COPE?

Mr. PASTORE. The Senator from Rhode Island will speak for himself.

Mr. FANNIN. I just asked the Senator a question.

Let us see what George Meany said:

The fact is that labor has never succeeded in raising by voluntary contributions more than a small fraction of the total amounts expended in any campaign.

That was published in the Washington Post, in a statement by AFL–CIO President George Meany.

I do not know what could be more impressive as to what has actually happened than the quotations from these gentlemen who are so active, both in the AFL–CIO, of which George Meany is president, and in COPE, of which Alexander Barkan is director.

The PRESIDING OFFICER. All the time of the Senator from Arizona has expired.

Mr. SPONG. Mr. President, during the Senate's consideration of the Revenue Act of 1971, an amendment was offered by Senator FANNIN to deny a tax exemption to any organization which requires

membership dues or fees as a condition of employment and which uses any part of its income for political purposes. Existing law already prohibits use of compulsory dues for political activities. The Fannin amendment as I read it would have established a penalty for use of voluntary contributions as well. That raises serious constitutional questions in my mind. I do not believe the Congress should be in the business of restricting the voluntary political activities of a particular group of individuals and for that reason I opposed the amendment.

By contrast, I voted not to table the Dominick amendment to the campaign spending bill which was before the Senate on August 4. That amendment sought to strengthen the prohibition against political use of compulsory dues money but it specifically exempted voluntary contributions. Section B of the amendment provided that:

Nothing herein shall prohibit the voluntary contribution of any individual members of any organization to or for the benefit of any candidate or political committee, as long as such contribution is unrelated to dues, fees or other monies required as a condition of membership in such organization or as a condition of employment.

I am opposed to forcing individuals to contribute to a political candidate or party whom they may not support and I would vote to strengthen existing law in this regard. But it is not corrective of such abuses as may exist to turn the coin and say there will be no political contributions of any kind by the members of that organization.

Mr. GAMBRELL. Mr. President, during the Senate's consideration of the Revenue Act of 1971, containing the proposals for tax relief under phase II of the President's economic policy, an amendment was offered by Senator FANNIN of Arizona to deny tax exempt status to any organization which requires "any person to pay membership dues, fees, or other assessments, as a condition of employment," if the organization uses "any part of its income or the amounts received for its support" for political purposes.

Under existing law, use of compulsory union dues contrary to the wishes of union membership is restricted. The Fannin amendment, however, would have denied tax exempt status to a labor organization which makes political contributions with the consent of, and even from voluntary contributions of, its membership.

In this respect, the Fannin amendment was more restrictive than the Dominick amendment, which was tabled in the Senate in early August, and I therefore voted against the Fanning amendment.

It is unfortunate that efforts to prevent involuntary political contributions by union members, have been so poorly prepared. The Fannin amendment, like the Dominick amendment, was hastily drawn during debate covering other subjects, and overshot the mark which it sought to reach.

I would join in a responsible effort to eliminate involuntary political contributions, and am opposed to heavy political influence from special and secret sources. For this reason, I have supported the Political Campaign Reform Act of 1971 placing limits on spending and contributions, and requiring full disclosure of contributions and contributors. This legislation covers contributions by labor unions and other special interest sources.

Mr. PASTORE. Mr. President, I want to say one thing. When we held the hearings on the campaign expenditures bill that was approved by this body, and against which the Senator from Arizona appeared before our committee with the same kind of an amendment.

When the Deputy Attorney General, Mr. Kleindienst, came before our committee, I asked him categorically, "Do you recommend the insertion of this amendment into the law?"

He said, "No, I do not. I do not."

That is all I wish to say to my Republican brethren.

Mr. KENNEDY. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield.

Mr. KENNEDY. Is there anything in this amendment that applies equally to business and corporations in terms of their contributions, or is this solely directed against the labor unions?

Mr. PASTORE. Well, there is quite a bit. Very cleverly, it says "no organization," but when they get up to make their speeches, all they talk about is the labor unions. They know if they would write in there "labor unions," it would be a dead duck. They know that.

That has been the ploy here. That is the maneuver: "Let's sugarcoat it a little bit, and maybe they will swallow it."

I do not think the Senate is willing to swallow anything like that.

In answer to the question of the Senator from Massachusetts, there is honesty in everyone and there is a little dishonesty in almost everyone. I am not saying labor unions are 100 percent pure, and I am not saying that everyone who belongs to the National Association of Manufacturers is not a decent man, or that everyone who belongs to the chamber of commerce is not a decent man, or that everyone who works for the Lockheed Co. in an executive capacity is a dishonest man. I am not saying that. All I am saying is that they are running an amendment here as an indictment of the entire labor movement of this country, and I cannot buy it, and I will never buy it. I hope the amendment will be defeated.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BENTSEN). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Arizona (Mr. FANNIN). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Alabama (Mr. SPARKMAN) and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), and the Senator from Alabama (Mr. SPARKMAN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Kansas (Mr. PEARSON) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 31, nays 61, as follows:

[No. 362 Leg.]

YEAS—31

Allen	Dominick	McClellan
Allott	Eastland	Miller
Bellmon	Ervin	Packwood
Bennett	Fannin	Roth
Bentsen	Goldwater	Stennis
Brock	Griffin	Taft
Buckley	Gurney	Thurmond
Byrd, Va.	Hansen	Tower
Cotton	Hruska	Young
Curtis	Jordan, N.C.	
Dole	Jordan, Idaho	

NAYS—61

Aiken	Gambrell	Muskie
Anderson	Gravel	Nelson
Baker	Harris	Pastore
Bayh	Hart	Pell
Beall	Hatfield	Percy
Bible	Hollings	Proxmire
Boggs	Hughes	Randolph
Brooke	Humphrey	Ribicoff
Burdick	Inouye	Schweiker
Byrd, W. Va.	Javits	Scott
Cannon	Kennedy	Smith
Case	Long	Spong
Chiles	Magnuson	Stafford
Church	Mansfield	Stevens
Cook	Mathias	Stevenson
Cooper	McGee	Symington
Cranston	McIntyre	Tunney
Eagleton	Metcalf	Weicker
Ellender	Mondale	Williams
Fong	Montoya	
Fulbright	Moss	

NOT VOTING—8

Hartke	Mundt	Sparkman
Jackson	Pearson	Talmadge
McGovern	Saxbe	

So Mr. FANNIN's amendment was rejected.

Mr. PASTORE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. BENTSEN). Who yields time?

Mr. GRIFFIN. Is time required to suggest the absence of a quorum?

The PRESIDING OFFICER. Someone must yield time.

Mr. GRIFFIN. Mr. President, I ask unanimous consent to suggest the absence of a quorum, with the time not to be charged against either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. MATHIAS. Mr. President, I ask unanimous consent that Mr. Ken Davis, a member of the staff of the Senator from

Pennsylvania (Mr. SCOTT); Mr. Joel Abramson, a member of the staff of the Senate Judiciary Committee——

Mr. HANSEN. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. GAMBRELL). The Senate will be in order. The galleries will be in order. The Senator wishes to speak.

Mr. MATHIAS (continuing). And a member of the staff of the Senator from New Jersey (Mr. CASE), as designated by him, be permitted on the floor during the debate and votes on the pending amendment.

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

ORDER OF BUSINESS

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

Mr. COOK. Mr. President, would the Senator withhold that request?

Mr. HARRIS. I withhold that request.

PRIVILEGE OF THE FLOOR

Mr. COOK. Mr. President, I ask unanimous consent that David Huber, a member of my staff, be permitted on the floor during the debate and votes.

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

Mr. WEICKER. Mr. President, I ask unanimous consent that my assistant, Timothy Brosnahan, be permitted on the floor during the debate.

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

Mr. ALLOTT. Mr. President, I ask unanimous consent that during the course of the debate and the votes today, James Sanderson, of my staff, be permitted on the floor.

Mr. PROXMIRE. Mr. President, reserving the right to object, the distinguished acting majority leader, the Senator from West Virginia (Mr. BYRD), has asked me to help him out, because he is at a meeting right now. I know that he has been very careful about this kind of request. I think that there would be no objection if the staff members were permitted to be present on the floor for debate on the amendment. However, I think that I must object to the request until the Senator from West Virginia can be consulted. However, if the Senator from Colorado wishes to request permission for him to be present during debate on the pending amendment, I have no objection.

Mr. ALLOTT. Mr. President, I will wait until the Senator gets through, and I will take the floor in my own right.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. On whose time?

Mr. HARRIS. Mr. President, I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. ALLOTT. Mr. President, after conferring with the assistant majority leader, I now request that my staff assistant, Mr. James Sanderson, may be permitted on the floor during the course of the debate——

Mr. KENNEDY. Mr. President, reserving the right to object, and I shall not object——

Mr. ALLOTT. Mr. President, I should like to state my request before I am interrupted.

I ask unanimous consent that James Sanderson, my staff assistant, be permitted on the floor during the debate and rollcalls today.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, and I will not object, I would like to ask unanimous consent that my assistant, Mr. Carey Parker, also be permitted on the floor.

Mr. BYRD of West Virginia. For how long?

Mr. KENNEDY. During the course of the debate.

Mr. BYRD of West Virginia. On this bill?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. Is there objection? Hearing no objection to the request of the Senator from Colorado, that request is agreed to.

Does the Senator from Massachusetts have a request?

Mr. ALLOTT. I yield to my distinguished colleague.

Mr. DOMINICK. I send an amendment to the desk.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BYRD of West Virginia. He made a similar request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. HANSEN. Mr. President——

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I send to the desk two amendments for printing.

The PRESIDING OFFICER. The amendments will be received and printed, and will be held at the desk.

Who yields time?

Mr. WEICKER. Mr. President, I request that my amendment No. 710 be reported.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 7, line 8, delete "1971", and insert in lieu thereof "1973".

On page 26, line 22, delete "1972" and insert in lieu thereof "1974".

On page 29, line 2, delete "1970" and insert in lieu thereof "1972".

Mr. CURTIS. Mr. President, will the distingushed Senator yield?

Mr. WEICKER. I yield to the Senator from Nebraska.

Mr. CURTIS. I thank the Senator. If the Senator would prefer to make a statement on what his amendment is about——

Mr. WEICKER. No. I realize the Senator has other business to look after, and I yield the floor to him for 7 minutes.

Mr. CURTIS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, as I understand the amendment of the distinguished Senator it would delay the effective date of the Pastore amendment. That I would support. My reasons for supporting it are that I believe that the Pastore amendment, amendment No. 692, before us, is an outrage. I predict that it will meet with the disapproval of a vast majority of the American voters when they find out what has happened. I hope that the Senate will stop and think before the final vote is taken to incorporate this amendment as a part of the very necessary tax bill which must be passed.

This amendment carries the provision that any taxpayer in making out his income tax return can make a certain check mark on his return and $1 of his taxes can be paid into a fund to be used for the campaign expenses of politicians running for office.

Let us consider just how this works. If the Treasury Department takes the dollar and turns it over to this fund for political purposes the Treasury is short a dollar. The transaction is the same as if the Treasury mailed to the taxpayer a dollar and the taxpayer in return put it into a political campaign, or it is just the same as if there were a direct payment out of the Treasury to finance the presidential campaign. This, I would oppose, but at least it is more forthright.

This amendment is before us not because of the desires or actions of the rank and file of citizens of the United States who affiliate with the Democrat Party. These Democrats, like Republicans, put our country above party. This amendment, I dare say, is not before us because the rank and file of Democrat Senators approve of it. It is before us because of the scheming of the political strategists of the Democrat Party.

This raid on the Treasury is no small matter. Should in a given year 150 million taxpayers file individual tax returns and one-half of them authorize the check-off which comes not out of their money but out of the public treasury, it would amount to $75 million.

Mr. President, we hear a lot about priorities. There is not enough money in the Treasury to provide the full amount for those worthwhile causes that have a high priority. We could recite a long list of activities for human welfare where more money is being sought. In addition to the human needs of people, there are many public needs that are suffering for the lack of money. Why should the politicians' coffers have a "super top priority"? If this nefarious scheme passes, these Democrat strategists will get their hands on the money before it ever rests in the Treasury or comes within the jurisdiction of the Appropriations Committee.

Mr. President, I hold in my hand the daily statement of the United States Treasury for November 9, 1971. It shows that the national debt on that date was

$413,999,139,134.81. A year ago on that date it amounted to $383,093,867,954.87. Think of the idea of turning millions and millions of dollars over to the Democrat National Committee at a time when the national debt is increasing at the rate of $58,000 per minute.

The Republican National Committee does not want this money. In the first test vote in the Senate every Republican voted against it.

It is difficult to believe that the Democrat National Committee is callous enough to insist that the Democrat Members of this Senate should have to vote on such an immoral proposition. I am convinced that great numbers of the Democrat Senators would find this most distasteful.

This raid on the public treasury and this clever but unwise and unsound and unfair strategy on the part of the Democrat chieftains is not only bad but it is worse because of the attempt to place this in the much needed tax bill that should be enacted.

The bill before us does a number of things. It brings relief for individuals which will mean more jobs. It provides, among other things, for the reinstatement of the investment credit and the repeal of the tax on new automobiles. The whole objective of these actions is to produce jobs. Jobs mean wages. Wages and income mean more revenue for the Government. Jobs mean fewer people on welfare.

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

Mr. CURTIS. Will the Senator yield to me for 1 additional minute?

Mr. WEICKER. I yield.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CURTIS. Mr. President, if the Democratic high command forces the President of the United States to either veto the tax bill or accept it with such an outrageous provision in it, it will be the biggest political blunder on the part of the Democratic National Committee of the century.

To say the least there should be no money flow out of the Treasury for political campaigns until the Congress of the United States sets the Nation's financial house in order. I, therefore, will propose an amendment which makes this pending amendment ineffective until the budget is balanced.

Mr. President, in the meantime I shall support the amendment of the distinguished Senator from Connecticut, and I thank him for yielding.

Mr. WEICKER. Mr. President, I thank the distinguished Senator from Nebraska because he has put his finger on the key issue of priorities. I am sure the distinguished Senator from Nebraska receives daily in his mail pleas from his constituents relative to problems of employment, problems of health, problems of transportation, problems of housing, problems of environment, disease, and so forth.

I would like to know from the Senator from Nebraska just how many cards and letters he has received imploring him to do something about supplying him or anybody else on this floor with additional campaign funds.

Mr. CURTIS. I am certain I cannot tell how many requests I get, but I am certain the elderly of this country who are waiting for more housing to be built for the elderly will be up in arms if they find out we are taking money out of the Treasury instantly without any appropriation—device, even—and put it in political campaigns. It is public money. It is not the politicians' money. I think it would be wrong for the budget balance, but we ought to wait until we take care of the needs.

Mr. WEICKER. I thank the Senator. The point I am making here is, Who asked for this? Who asked for it? Where are all the cards and letters asking us to "Please pass this amendment so that the politicians will be taken care of"? They told us to produce a revenue bill so we could get people back to work, so we could get the economy going again. We certainly have received mail relative to the real problems and priorities that exist, but where are the cards and letters asking for the Pastore amendment? I have not received one single letter suggesting that a Federal campaign fund is a priority.

Mr. PASTORE. Mr. President, will the Senator yield, on my time?

Mr. WEICKER. I yield.

Mr. PASTORE. How many cards did the Senator receive on the accelerated depreciation reserve?

Mr. WEICKER. I have received letter after letter saying, "Please do something to get the economy going"—something that has caused me sometimes to go against the administration. But finally we have arrived at an economic cure that we can agree on. Yes; I have received letters asking me to do something about the 10-percent unemployment in my State.

Mr. PASTORE. And most of them are Democrats, and we have unemployment in my State, and I am for the Senator's bill. When some of our colleagues voted against the ADR, I voted for it. It was carried only by three votes. I heard some of our colleagues say, after my argument, that my argument was the only reason they voted for it.

I am for the accelerated depreciation reserve. I am for the 7-percent investment credit. That has nothing to do with it. What I am complaining about is that you are delaying the passage of this bill by the tactics used. You wanted to delay the operation of it for 7 years. Now you bring it down to 2 years. If you lose that, you will bring it down to 1 year. If you lose that, you will get it down to 2 months, and keep going until you get it down to tomorrow.

Mr. WEICKER. The reason is that I think it is a travesty to use human misery and unemployment to vote a smelly bill through the Senate.

Mr. PASTORE. You speak on your time.

Mr. COOK. Mr. President, I have the floor. It was yielded to me by the Senator from Connecticut.

Mr. PASTORE. Mr. President, he can only yield for a question. He does not own the floor, but he can peddle it around.

Mr. COOK. You do not own the floor either, I would suggest to the Senator from Rhode Island.

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

Mr. PASTORE. You yield the floor?

Mr. WEICKER. Yes.

Mr. PASTORE. Mr. President——

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PASTORE. I want it clearly understood that the tactics being employed here are to delay—delay—delay. Yesterday the Senator from Connecticut suggested that we postpone the effectiveness of this legislation until 1977. Today he comes in and he says, "Let us make it 2 years." He will come in tomorrow, if he loses this one, and say, "Let us make it 1 year." And this is how it is going.

Now, my friend from Connecticut keeps talking about unemployment, as though he is distressed about it more than I am. Unemployment means as much to me as it does to him, and I dare say I have done more about it than he has ever done.

Mr. President, we want the bill that the President would like to have. But, for some reason, it matters not that the Republicans on that side of the aisle be in the minority or the majority, it is either their way or nothing at all. This is a filibuster. Let us face it—it is a filibuster. If they are going to use these tactics, what they are doing in effect is delaying the President's program. That is what they are doing. So I say the time has come to look at this matter straight in the face.

They keep saying here, "You are going to raid the Treasury of the United States." Now, let us see what this bill actually does. The bill leaves it up to the individual taxpayer, who can determine, by his own choice, that of the money that he is to pay——

Mr. MATHIAS. Mr. President, will the Senator yield for a question?

Mr. PASTORE. Let me finish my sentence. Of the money he has to pay to the Government anyway, he is saying, "Take that dollar that will go into the Treasury, that I have to pay anyway, and allocate it to this fund, so that the people of this country will have the proper exposure of the candidates, whether those candidates are rich or poor, so the people may decide for whom they shall vote."

If a person feels that this is a raid, he does not have to check it off. But who has the definite decision? The Senator from Connecticut? No. The Senator from Rhode Island? No. My decision can only go to $1, and his decision can only go to $1; but the real decision is to be made by the American taxpayer for himself.

What does it amount to? When you add it all up, about $60 million—$15 million less than we spend in 1 day in Vietnam. To do what? To lose American boys, the way they are dying in Vietnam? Nothing of the kind. It is just to make sure we get the best individual to be the President of the United States. That is our purpose.

They say the American people are not going to like the opportunity of the check-off. Let us assume that responsibility. We will assume the responsibility of going before the American people and protecting and defending what we are doing here today. I am not afraid of it. I am not afraid to explain to the American people and to the people of my State why I voted for the bill. I will stand up and tell them why, and when I do, I will wave the American flag at the same time. I will

wave the flag and say, "It is because the day has come when we remove the old roadblock—the fact that the only time one can afford to run for the Presidency is if he has a barrel of money—either he or his family—either that or he has to go out and get on his knees and humiliate himself at cocktail parties, at $500 dinners, in order to raise his campaign money."

That is what we are here for. I can keep making this speech time and time again, and I say to you Republicans who have voted solidly against this proposal, we Democrats accept your challenge to defend ourselves. We are glad to do it. You like to use the word "raid." Well, use it. We like to use the word "purity" of the ballot. We like to use the word, the best to become President. And that is what it is all about.

Mr. COOK. Mr. President, a parliamentary inquiry.

Mr. MATHIAS. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I will yield on the time of the other side.

Mr. COOK. Mr. President, will the Senator yield for a parliamentary inquiry?

The PRESIDING OFFICER. Will the Senator yield for a parliamentary inquiry?

Mr. PASTORE. On the time of the Senator from Kentucky.

Mr. COOK. Does the Senator mean a parliamentary inquiry cannot be made, that it has to be charged to a side?

Mr. PASTORE. When we are operating on limited time, that is true.

The PRESIDING OFFICER. The Senator who has the floor does not have to yield for a parliamentary inquiry.

Mr. PASTORE. Mr. President, I ask unanimous consent that time be allowed for the Senator to make a parliamentary inquiry without charging the time to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COOK. Mr. President, I would like to submit a parliamentary inquiry. The Senator from Connecticut had the floor and yielded the floor to me, and I was told by the Senator from Rhode Island that he could not yield the floor to me except for a question, and I want to put to the Chair the question: If the Senator from Connecticut had the floor and he yielded the floor to me for 5 minutes, is it not correct that I was entitled to the floor for the 5-minute period?

The PRESIDING OFFICER. The Senator from Connecticut had the right to yield to the Senator from Kentucky under the unanimous consent agreement, but the Senator from Rhode Island had the floor at the time the request was made.

Mr. PASTORE. Another parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Is it not true that all the Senator from Connecticut can do is yield 5 minutes? He cannot yield the floor. The power of recognition is in the Chair.

The PRESIDING OFFICER. The Senator is correct.

Mr. PASTORE. Is the Senator from Rhode Island right or wrong?

The PRESIDING OFFICER. The Senator is correct.

Mr. PASTORE. That is what I thought.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield the floor at this time?

Mr. PASTORE. I am all through. I made my speech.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I ask unanimous consent that the Senator from Michigan may have the opportunity to make a parliamentary inquiry without the time being taken from either side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. As long as we are trying to get the rules clear here, is it not also a fact that when the Senator from Rhode Island has the floor, he does not have the option to yield it, provided it is assigned to the other side? If he wants to hold the floor, it seems to me he would only be able to hold it from his side. If he is going to require that time be yielded from the other side, he would have to yield the floor, would he not?

The PRESIDING OFFICER. A Senator is entitled to place conditions on his yielding especially when we are under limited and controlled time.

Mr. WEICKER. Mr. President, I yield 5 minutes to the Senator from Kentucky.

Mr. COOK. I thank the Senator.

Mr. President, this amendment is really very simple, and I cannot quite understand the ranting and raving of the distinguished Senator from Rhode Island. All it says, very frankly and very honestly, is that here we are, in 1971, there is an election next year, and as a matter of fact I would assume that, with this amendment, the Senator from Connecticut would even buy this bill, if it did not carry with it an amendment that, first of all, requires that the President of the United States, who is President now, must sign the bill and, when he signs it, he also says to the American people, at the time that he signs it, "I am assigning myself the ability, if I am the candidate of my party, to take $21 million out of the fund."

It would seem to me that this also applies to every Senator who is a candidate for the Presidency or a potential candidate for the Presidency, so that he could stand up before the people next year and say, "We have got a system going, beginning with the next election, that will see to it that this no longer occurs, but for this election I can honestly stand up and say to you I did not vote for or participate in a bill that gave me $21 million of your money to campaign with."

That is all this amendment says; and I assume that, if it is successful, the Senator from Connecticut will vote for the Pastore amendment. It says we are not creating a fund for 1972, and allowing that fund to be established by the votes of people who will be participants in it, but that it will apply to the following election. That is what it says; and it also says to the President of the United States, whoever he may be, "Mr. President, you do not have to sign it for right now, and be the recipient of the $21 million. You can sign it into law and stand before the people and be able to say, at the next election for President of the United States, 'There will be a fund, but I have not put my name on a bill that has given to me, as the prospective nominee of my party, almost $21 million of your money to spend.' "

That is what this amendment says. And I will be frank with the Senator from Rhode Island, if this amendment is agreed to, so that the provision does not apply to the election that is coming up, I will vote for his amendment; but I do not believe that it looks very good for the Senate of the United States to sit here, with all of the potential candidates voting "yea," and then, after the convention next year, picking up $21 million worth of credits against their bills.

One of the reasons, I might say, is a little article published in the newspaper this morning, which indicates that the telephone company has told the Democratic National Committee to pay its overdue 3-year-old $1.4 million telephone bill by July 1, and they also say that they have got to put up securities or a bond for next year.

Now, what can that security and bond be? It is very simple. They can say, "I'll tell you what, we do not need security or a bond after the national convention, because we will be able to draw on the Federal Treasury." And someone in this room, conceivably, on that side of the aisle, who is voting "yea" on all these things, is going to be the recipient of the ability to take credit for it. I say it is wrong. But if this proposal goes into it, I say to the Senator from Rhode Island, to make it effective 4 years from now, so there will not be any opportunity for there to be what I consider to be the greening of the Democratic Party, not the greening of America, then I will vote for his proposal.

Let us not embarrass the President of the United States, if he does not have all that money the Senator from Rhode Island says he has—and I do not know whether he has it or not—by forcing him to put his signature on a bill that would give him $21 million of the taxpayers' money; and let us not embarass some Member of this body on that side of the aisle by putting him in the same position. Let us put it into operation 4 years from now.

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

Mr. COOK. Gladly.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PASTORE. If a Senator just had to cough a little bit, would the Senator from Kentucky say he was ranting and raving?

Mr. COOK. I would say so, yes.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, I yield 2 minutes to the Senator from Florida.

Mr. CHILES. Mr. President, I was interested in hearing the Senator from Kentucky explain what the amendment said. I was glad to hear that the Sena-

tor from Kentucky now acknowledges that this principle is good, that it is sound, and that if this were 4 years from now he would vote for it, and that he said the Senator from Connecticut would also. I do not know whether the Senator from Connecticut agrees with that, but the Senator from Kentucky has said that. So now we recognize the principle is sound, that this is good, to allow the people to make their choice and determine whether we should have that dollar or not.

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

Mr. CHILES. I am glad the Senator recognizes that the principle is sound and good. When I finish my remarks, I shall be glad to yield.

But the Senator's amendment says a little more to me than that we are going to put this off for 4 years. The amendment says to me, "We acknowledge that the principle is sound, but we do not want to do it now. We want to raise the money another way." The amendment says to me, "We have got $30 million; we can raise it from big contributors. We do not have to worry about $1 contributions, where everyone will only have the requirement of choosing whether to contribute $1. We are going to be able to get into the big money, and then we can worry later about how we have to disburse the fund."

That is what the amendment says to me. Like every other amendment we have had today, it says, "We do not want to give people the right to determine whether they want to check off $1."

But I say to the Senator, we do not merely seek to give people the right to determine whether they want to check off $1. We want to give people an equal voice, so that every man who checks that return can have as much to do with financing the campaign for President of the United States as the guy with $5 million to contribute. That is what the Pastore amendment says to me.

Mr. COOK. Mr. President, I do not say I think it is that sound. I do not favor it in principle. I am just trying to make a better situation out of a bad situation. I am only proposing this amendment so there will be no taint.

Mr. CHILES. The Senator said he would vote for it. I would think the Senator from Kentucky would not vote for the amendment, if he does not think it is sound.

Mr. COOK. Sometimes you have to. I daresay sometimes the Senator from Florida has voted for what he did not think was sound, but voted for it because he was unable to get anything better.

Mr. CHILES. I would hope that the Senator would permit the Senator from Florida to speak for himself, as to how he would vote.

Mr. COOK. Mr. President, the Senator from Florida spoke for me, and said I thought it was the soundest principle in the world.

Mr. CHILES. No, I only understand the Senator to say he would vote for the Pastore amendment, with this provision.

Mr. COOK. The Senator is saying I said it is sound in principle.

Mr. CHILES. I am.

Mr. COOK. I am merely saying to the Senator that if it is sound, it will be just as sound to go into it after a period of time, so that there is no taint on any candidate who would either have to vote for it or sign a bill to say that it was written into law.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. I yield 1 minute to the distinguished Senator from Tennessee.

Mr. BROCK. Mr. President, I say to the Senator from Florida that I hope he recognizes he is using the editorial "we" when he says, "We think the principle of this amendment is sound." I am not part of the "we." I do not. Because I do not think it is sound to tax people and split the money between two major parties and thereby shut out any diversity in our society to institutionalize, if you will, the political process by a tax.

Do not tell me this checkoff is anything but a tax. It is not a voluntary thing that has anything to do with the individual contributing his dollar. No. When he checks that box, he is taxing everybody in the United States for a piece of that action, because you cannot choose what party you want the money to go to. If you really have confidence in the American people, why not let them put down where the money should go? Why split it up between the fat cats on top today? Why not let the young people have some of the money? Show that you have confidence in the American people.

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

Mr. WEICKER. I yield myself 5 minutes.

Mr. President, how much time remains to the proponents and the opponents?

The PRESIDING OFFICER. The Senator from Connecticut has 12 minutes, and the Senator from Rhode Island has 20 minutes.

Mr. GRIFFIN. Mr. President, will the Senator yield, for the purpose of getting the yeas and nays on the amendment?

Mr. WEICKER. I yield.

Mr. GRIFFIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WEICKER. Mr. President, briefly, I should like to set forth the purposes of this amendment, and additionally I shall have some comments to make on remarks that have emanated from the other side of the aisle.

All this amendment tries to do is to bring some sense of ethics and propriety to the proposed legislation. I tried to make the Senate 100-percent clean yesterday by the 6-year amendment making sure that none of us would share in the emoluments generated by the amendment of the Senator from Rhode Island. At least not until we went to the people who elected us and told them what we had done; and then they would have a choice as to whether to keep us or kick us out. That is fair enough.

What I have done here today is to shorten the length of time, so at least we get the presidential election of 1972 out of the way. I do not think the President should share in this money, any more than I think any Members of the Senate should share in it. That is what it does, very simply. It does concede merit to much of what the Senator from Rhode Island is trying to do. Yes, it does. I do not happen to belong to the school that believes that because it emanates from the Democratic side, it is all bad. It is not. I think he has a good idea going here. It is a reform we need. There is not 100-percent disagreement. But, for heaven's sake, let us give it some degree of ethical responsibility.

The Senator from Rhode Island makes mention of the Vietnam war, going to the American people, and so forth. I want to reemphasize the point I made yesterday. Very simply put, the reason why the Democratic Party has no money and the reason why the Democratic Party does not occupy the White House is that the Democratic Party got us into the Vietnam war and was unable to get us out of the Vietnam war; and the American public made the judgment that such a party was deserving of neither their money nor the White House.

Now, let me warn my friends on this side of the aisle that if we fail to get out of Vietnam, or if we involve ourselves in additional conflicts throughout the world, we will not enjoy the confidence of the American public, and it will be we who neither have the money nor the White House.

On our side of the fence, we are in the minority, as I stated last night—both in this body and in the House. There is good reason. It is not, as the Senator from Rhode Island and Members on the other side of the aisle have said many times, that we have all the money in the world to spend. If we have all the money and that is supposed to buy an election, why are we not in the majority? Because over the years—not recently, but over the years—we failed to generate or kindle the response on the part of the American people necessary to being elected. I guess we did not have the ideas, the issues, the candidates. That is what elections really are decided on in this Nation—the quality of the candidates, the quality of the issues. When the money does not come in, it does not come in for a lack of those reasons, or it comes in for those reasons.

This is what is at issue here in the amendment of the Senator from Rhode Island. What he says is that you can make all the errors in the world, you can do anything you want with our international or national policies, and you are not going to be held accountable; that the American people are still going to pay to keep you in office.

That is what is at issue here. It is not a question of the purity of the vote. It is not a question of rich versus poor. It is a question as to whether the emphasis in American politics is still going to be on quality or whether we are going to subsidize failure and mediocrity. It is as simple as that.

Mr. President, am I still operating within the framework of the 5 minutes which I requested?

The PRESIDING OFFICER. The 5 minutes of the Senator have just expired.

Who yields time?

Mr. WEICKER. I yield 2 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I am

glad that the Senator from Connecticut has yielded me time to pursue an inquiry which I made earlier of the Senator from Rhode Island.

The Senator from Rhode Island, when he was speaking so eloquently and so forcefully to the Senate—let me say to the Senator that he did not need to wrap the flag around his shoulders to persuade the Members of the Senate of his patriotism and his devotion to the country.

Mr. PASTORE. I did not wrap it around me; I waved it.

Mr. MATHIAS. I think the Senator was wrapping it firmly around himself.

Mr. PASTORE. That is the language of the Senator from Maryland, not mine.

Mr. MATHIAS. There is no question about his devotion and his patriotism. We are all convinced of that. But he talked about the fact that this proposal would give people a choice. There is a limited amount of accuracy in that statement. It does give people a choice. It gives people the choice of diverting from the general revenues, into a special fund, $1 of the tax money they would otherwise pay. But that is the choice they have—no more—just diverting money out of the Treasury, away from the general purposes of the Government, into a special fund. At that point, they lose all control over their dollar.

In the hypothetical situation I laid out yesterday, of every dollar, 40 cents probably would go to Mr. Nixon, 40 cents to the Senator from Rhode Island (Mr. PASTORE)——

Mr. PASTORE. I am not running for the Presidency.

Mr. MATHIAS. Some people have greatness thrust upon them, and that might be the case.

So 40 cents to Senator PASTORE, 12 cents to George Wallace, and 8 cents to Gene McCarthy. What kind of choice is that for people? Is that a real choice? Many people are somewhat fastidious about the kind of political principles they support. Some might not want to support any one of those four candidates.

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

Mr. WEICKER. I yield 1 additional minute to the Senator.

Mr. MATHIAS. Some of them might feel very reluctant about that.

I am going to offer an amendment, as I promised the Senator from Rhode Island I would at a very early stage of this debate; and if that amendment, which would give a checkoff and a choice, a real choice, to the American people, is adopted, then I am prepared to support this plan. But I do not think the Senator from Rhode Island can honestly say to the American people that any realistic choice is involved here, because the only choice is to contribute to a system, and that system will further dehumanize the political process and limit participation instead of expanding it; and I think it will be altogether harmful.

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

Mr. PASTORE. If the Senator wants more time, I will yield it to him, because I am going to answer him.

Mr. MATHIAS. No.

Mr. PASTORE. Mr. President, let me say to the distinguished Senator from Maryland that I think he has lost sight of the principle involved here. We are not aiming at aggrandizement of the candidate. That is not the question at all. We have got to recognize the fact that, at the minimum, it takes $20 million to make a real run for the Presidency. It takes that amount of money if you expect to win. The big question is, if you do not have that kind of money, do the candidates have the proper exposure for the benefit of the people? If you lose sight of that, you fall into error. The money can be used only for the purposes of a campaign.

The question is, How much money must be spent in order that the people of the United States will have the proper exposure to the candidates and the issues, so that they can make a valid judgment? That is the judgment and theory that is involved here. That is the reason this was made into a fund.

I want to say to my good friend from Maryland that his idea was considered in depth. It has merit. It has considerable merit, because he has a limitation in his amendment that no matter how much is checked off for a party nominee, you can only write in x number, which is the 15 cents formula.

Mr. MATHIAS. No one can run away with the whole box.

Mr. PASTORE. That is right. No one can run away with the whole box. That is a meritorious limitation. The only trouble with it is this: We have had many arguments made on that side of the aisle, by the Senator from Ohio (Mr. TAFT), by the Senator from Colorado (Mr. DOMINICK), yesterday, and by two or three other Senators, that we are not recognizing minority parties or independent parties. They went so far as to glorify the name of Mr. McCarthy, for whom they will never vote anyway.

So, what happens? When you attempt to designate your party, you are doing that by April 15, 1972. That is the last day to file the income tax return. How do you know if McCarthy will run? How do you check him off? What do you do for him? That is the one gap the Senator will have to explain to me. If he can get that solution, he has a good amendment. But let the Senator tell me how we handle the situation where the known candidate will get the checkoff and those not yet known cannot get the checkoff because the taxpayer does not know who he is yet or what party he will represent yet. What do we do about that?

Mr. MATHIAS. Would the Senator like an answer to that right now?

Mr. PASTORE. Wait a minute. I will give the Senator the time, if he needs it. What concerns me is what do we do about minority parties? Take the Wallace candidacy. Whether you like him or not, whether you vote for him or not, he has a right as an American to run. He has a right to be treated like everyone else. That is what you are trying to do. By the same token, someone else might come along and file in a certain number of States whereby be becomes qualified on the presidential ballot. He is a candidate no one ever heard of on April 15 because he does not file until May, June, or July, and he was out of the picture completely then. What happens to him?

Where is the equity? That is what disturbs me. If the Senator can explain that and fill that in, maybe we have an answer here, because I would welcome the Senator's vote.

Mr. MATHIAS. Let me say, in response to the distinguished Senator from Rhode Island, that we contemplated this problem. Of course, it is true that anyone who—

The PRESIDING OFFICER (Mr. TUNNEY). On whose time is the Senator speaking?

Mr. PASTORE. Mr. President, how much time do I have?

The PRESIDING OFFICER. Seventeen minutes.

Mr. PASTORE. I give 5 minutes to the Senator from Maryland. That is the generosity of the Democrats. [Laughter.]

Mr. GURNEY. Will the Senator reserve 1 minute to me to ask a question later on? Do not give it all away.

Mr. MATHIAS. The Senator from Rhode Island is generous, as he always is, and I appreciate it. But what I will have to say will be a good investment of his time, because we can answer the question of whether there is a choice in the plan as it now stands, and how it might be improved so that there could be a choice.

It is true, if a citizen were obeying the law, the last time he would have an opportunity to check off and choose would be the 15th of April. Under long-established political custom in this country, we will not know who the nominee of a party will be until someone in the summer. That is a practical difficulty with which we are confronted. But in the amendment which I intend to offer, we do define what "party" is, and we make it broad enough to take care of not only the major parties but also new political movements so that they are not stifled whether McCarthy or whether Wallace——

Mr. PASTORE. Will the Senator read that part of his amendment, please?

Mr. MATHIAS. We define "party" as follows:

> "Party" for the purposes of this Act shall mean any political party which registers its name with the Comptroller General in accordance with regulations promulgated by the Comptroller General, and declares its intent to nominate a candidate for the office of President and Vice President in the next presidential election.

What could be simpler than that?

Anyone who is seriously considering running for President in November has an inkling of that fact by the 15th of April, so that is broad enough to take care of the problem.

Mr. PASTORE. If the Senator will yield, the Senator from Maryland has a staff member who has researched this. That designation with reference to the Comptroller General will have no standing because you have not qualified in the States to be a party and you cannot be a party until you qualify under State laws. You file in the primary and run in the primary and get a certain number of signatures. All of that is very complicated——

Mr. MATHIAS. These are matters which could be resolved in the period

between the close of the tax year and the 15th of April and the actual designation of a nominee by the party which is so qualified.

Mr. PASTORE. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I am speaking on the Senator's time and I am totally subject to his indulgence, but I would like to finish this thought first, if I may.

Under the committee bill, you guarantee that there will be a Wallace ticket, for example. You really guarantee it, because you guarantee that there will be $6 million or $8 million available for the Wallace campaign. Under this proposal, people would have a choice.

I know that the Senator, with his record in Rhode Island and his record throughout the country, is not afraid to let the people choose. I do not think he is afraid to give the discretion to the people. He does not distrust the choices that people make. He does not do that. That is not his record. However, I cannot understand why he is so reluctant to let a taxpayer choose the political vehicle——

Mr. PASTORE. Of the money.

Mr. MATHIAS (continuing). Through which or under which his or her money will be channeled within the limitation.

Mr. PASTORE. Would the Senator consider——

The PRESIDING OFFICER. The 5 minutes of the Senator from Rhode Island have expired.

Mr. PASTORE. Mr. President, I yield myself 2 minutes to pursue this.

Would the Senator consider a combination of the two in some form? The thing that concerns me is the new starters. I would not want to feel that here we are jacketing in parties that have received 5 percent of the vote and who do have legal questions that arise, as to whether a legal party can be considered in April when someone has to qualify for that party in May. This raises the question whether we cannot work in a combination of the two, whereby a person would have the choice to say it could be a Democratic or a Republican nominee, or an American Party nominee, or whatever party nominee—at the same time we could open the door so that the individual can put his dollar in the pool without any choice or further allocating it to protect a new party or a third or a fourth party.

Mr. MATHIAS. I would like to explore that with the Senator. We have to recognize plan is involved, the auditing and the bookkeeping problems will be extremely difficult to solve. A candidate who arrives on the scene without the old base will have the right to be reimbursed under the Pastore plan, but he will not know what the reimbursement will be until the votes are counted. So that there are all kinds of enormous auditing problems here.

If we are going to say that the auditing problems and the practical considerations are going to be so great that nothing can be done, I believe that we had better go home and give up the game.

Mr. PASTORE. There is no pride of authorship here. There is no desire to do anything that is partisan, although, apparently, we have not been able to get that point over. If the Republicans come up with a combination that is acceptable, I tell the Senator frankly, I would be amenable to it and I would be recommending that your staff sit down with our staff and see if we can work out something that makes some sense. I am perfectly willing to be reasonable. Even though we have been winning consistently, we are not trying to clobber anyone here. If we could come up with something that will be more palatable to the other side, yet not do injustice to the concept we are trying to establish here, I would be agreeable to talk it over and to consider it.

Mr. MATHIAS. Mr. President, as the Senator knows, I told him yesterday that I was willing then and I am willing now to sit down with him and have the staff sit down and explore it to the fullest.

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

Mr. GURNEY. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield for a question.

Mr. GURNEY. Mr. President, on this very point, because I think all of us should be concerned with the proliferation of political parties and I think we see some of that going on today, I think we can agree that one of the great strengths of the American political party has been a stable system of politics.

I would like to inquire of the Senator from Rhode Island if, where the amendment breaks down the money and permits it to be available to different groups and political parties, it would not encourage proliferation.

Mr. PASTORE. Well, it might. However, the point was made on the other side, in the argument against my amendment, that we were not doing enough for third and fourth parties. I do not mean to be facetious, but they even raised the point that it might involve McCarthy. I do not want to stop him if he wants to get on the ballot. I want him to get on the ballot like everyone else, if he wants to do so. It is true that it does contain a suggestion of proliferation.

Mr. GURNEY. Mr. President, I am delighted that the Senator made that point. I voted against the amendment yesterday for that reason. I do not support the idea either. I think the idea is extremely dangerous. One of the reasons we had a hangup in this body on the electoral college system, which is long overdue, is because of the fear that we might come up with an idea that encourages the proliferation of political parties.

As I see it, this is the greatest danger that has been presented to the Senate. I hoped that the Senator from Rhode Island and the Senator from Maryland could come up with some workable arrangement so that we could make a decision that would eliminate at least proliferation.

Mr. PASTORE. Mr. President, as I said before, I am amenable to anything that makes sense. We are trying to take the whole presidential electoral process out of the arena of big, astronomical money and contributions. That is all I am trying to do.

Mr. GURNEY. Mr. President, may I make one other comment on the Senator's time?

Mr. PASTORE. Yes, the Senator may.

Mr. GURNEY. Mr. President, I think that the last colloquy that we have just had between the Senator from Maryland and myself and the Senator from Rhode Island points up the very fact that we should not be writing political campaign bills on the floor today in a tax matter which affects the country. I think that points this up more than any other colloquy we have had.

Mr. PASTORE. Mr. President, I might say in answer to the Senator from Florida that he brought up a social security amendment which I supported. And that was writing legislation on the floor of the Senate. And certainly I did not accuse him of anything wrong. I supported him. I was one Democrat who supported him.

Mr. GURNEY. Mr. President, will the Senator yield for 1 minute on his time?

Mr. PASTORE. Mr. President, I do not have the time.

The PRESIDING OFFICER. The Senator from Rhode Island has 6 minutes remaining.

Mr. PASTORE. Mr. President, I yield 2 minutes to the Senator from Louisiana.

Mr. LONG. Mr. President, I am for the Pastore amendment. I am all for it. I am for the most controversial part in the amendment. Mr. President, I assure the Senate and my distinguished friend, the Senator from Rhode Island in all honest sincerity that I am for the amendment.

I would like to say as floor manager of the bill, however, that we have gotten to the point where we are arguing over amendments to the amendment presented to the Senate by the Senator from Rhode Island that would drastically affect the proposed method of financing presidential campaigns.

We have other amendments to the bill that are purely tax amendments. Could we agree in the interest of getting on with the bill, rather than arguing about amendments to setting the campaign amendment temporarily aside and getting on with the other tax amendments? I would like to do that without prejudice to anyone. Then we could come back to the campaign financing issue after we have made some progress on the rest of the bill.

Mr. President, as far as I am concerned I would like to move ahead with the bill right now. We are at a phase where we are talking about an amendment that I have not seen. However, I do know what the Senator is talking about.

Mr. MATHIAS. Mr. President, I laid it on the Senator's desk yesterday.

Mr. LONG. I have not seen it. I would love to see it.

Mr. MATHIAS. There it is.

Mr. LONG. The Senator has handed me about three papers.

Mr. MATHIAS. There are three copies of the amendment.

Mr. LONG. I see.

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

Mr. PASTORE. Mr. President, I yield 1 additional minute to the Senator from Louisiana.

The PRESIDING OFFICER. The Sen-

ator from Louisiana is recognized for 1 additional minute.

Mr. LONG. Mr. President, I would like to ask whether we could agree to temporarily lay aside the campaign amendment and go back to the tax amendments for a while, because at least in that area, it would seem to me that we would be making progress toward the final culmination of the consideration of the pending bill.

Mr. PASTORE. Mr. President, I will answer the distinguished chairman of the committee.

Mr. LONG. I will vote for it. I am for it.

Mr. PASTORE. I know, but we are talking about tactics and not substance. If the majority leader is willing to put it off temporarily with the understanding that when it comes back we will be at the same point, I would be agreeable.

Mr. LONG. That is what I am talking about.

Mr. PASTORE. That is a matter that is up to the majority leader and that I have no control over.

Mr. GRIFFIN. Mr. President, would we be able to have a short quorum call without the time being charged against either side?

Mr. PASTORE. That would be agreeable.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I ask unanimous consent that there be a short quorum call without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until not later than 12:45, subject to the call of the Chair, with the time not to be charged against either side.

Mr. President, I revise my request and ask unanimous consent that the Senate stand in recess until 10 minutes to 1.

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

At 12:18 p.m., the Senate took a recess until 12:50 p.m.; whereupon the Senate reassembled, when called to order by the Presiding Officer (Mr. TUNNEY) in the Chair).

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut has 4 minutes remaining.

Mr. WEICKER. Mr. President, I ask unanimous consent that no time be charged to either side.

Is anyone from the side of the opponents in the Chamber, before we commence debate?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

Mr. LONG. What is the request?

Mr. WEICKER. I wanted to make sure that Senator PASTORE or Senator LONG or someone else representing the opponents was present before we commenced the debate.

Mr. LONG. I have not had a chance to study the amendment, but I assume that I am regarded as the opposition, so I will undertake that burden.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. I yield myself 2 minutes.

Mr. President, in essence, I think the amendment is clear as to what it attempts to achieve. It does not deny the propriety of the principles espoused by the Senator from Rhode Island. I think we all recognize the necessity for reform. What it does is to cut out the unseemly haste—I think that is the best expression—of getting the hand in the cookie jar.

In effect, it recognizes that there is a valid principle of reform, that should be enacted for the benefit of future Americans, but not for the benefit of those Members who are voting on this bill or the gentleman who presently occupies the White House, or anyone who, in effect, is going to bring into being the legislation. Certainly, in a day and age when we lack credibility, such an endeavor can only be termed honorable and living up to the highest traditions of this Nation.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. WEICKER. I yield myself 1 additional minute.

I would be more than willing to withdraw my pursuit of this goal if, in fact, I could get all parties to agree—I mean the President of the United States, the Republican National Committee, the Democratic National Committee, and those who are Democratic candidates—not to participate in any of the funds engendered by this legislation.

Quite frankly, this request might come forth during the course of the debate, and then let us see who is acting on the basis of high principle for the Nation or who is acting on the basis of low reality.

I think that will cut it pretty fast as to the rhetoric. Principle or reality.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, those of us who favor the amendment feel that if what we are proposing is good, and we believe it is, and if it would make for better government, and we believe it would, then the time has come to do it. If it is not a good idea, then it should not be done at any time.

This is an issue on which, as far as we can determine at this point, we have eliminated the shortcomings that could be raised and have been raised in the earlier phase of this issue.

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

Mr. LONG. I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator has no more time.

Mr. LONG. Then, I will not yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Connecticut has 1 minute remaining.

Mr. WEICKER. Mr. President, I would hope that in the time ahead, in the immediate time ahead, it would be possible to sit down with the proponents of the Pastore amendment and, quite frankly, make it a better amendment, with suggestions presented by the Senator from Maryland and the Senator from Connecticut, on the side of substance, on the side of ethics, and on the side of propriety.

Nobody is saying that the Pastore amendment is wrong. It has merit. But it has become obvious that additional good ideas have been presented on the floor. I hope that as we go back to the tax measure, if that is what we are going to do, we can utilize some of the ideas to make it a better amendment.

The PRESIDING OFFICER. All time on the amendment has expired.

The question is on agreeing to the amendment of the Senator from Connecticut. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Wisconsin (Mr. NELSON), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN) would vote "nay."

I further announce that if present and voting, the Senator from Alabama (Mr. SPARKMAN) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Kansas (Mr. PEARSON) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. BEALL), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from Maryland (Mr. BEALL) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 37, nays 51, as follows:

[No. 363 Leg.]

YEAS—37

Aiken	Curtis	Miller
Allott	Dole	Packwood
Baker	Dominick	Percy
Bellmon	Fannin	Roth
Bennett	Fong	Schweiker
Boggs	Griffin	Scott
Brock	Gurney	Stafford
Brooke	Hansen	Taft
Buckley	Hatfield	Thurmond
Byrd, Va.	Hruska	Weicker
Cook	Jordan, Idaho	Young
Cooper	Mathias	
Cotton	McClellan	

NAYS—51

Allen	Cannon	Eastland
Anderson	Case	Ellender
Bentsen	Chiles	Ervin
Bible	Church	Fulbright
Burdick	Cranston	Gambrell
Byrd, W. Va.	Eagleton	Gravel

Harris	Magnuson	Proxmire
Hart	Mansfield	Randolph
Hollings	McGee	Ribicoff
Hughes	McIntyre	Smith
Humphrey	Metcalf	Spong
Inouye	Mondale	Stennis
Jackson	Montoya	Stevenson
Javits	Moss	Symington
Jordan, N.C.	Muskie	Talmadge
Kennedy	Pastore	Tunney
Long	Pell	Williams

NOT VOTING—12

Bayh	McGovern	Saxbe
Beall	Mundt	Sparkman
Goldwater	Nelson	Stevens
Hartke	Pearson	Tower

So Mr. WEICKER's amendment (No. 710) was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BELLMON. Mr. President, I have an amendment at the desk. I ask that it be reported.

The PRESIDING OFFICER (Mr. RIBICOFF). The clerk will report the amendment.

The legislative clerk read as follows:

On Page 3, line 15, immediately following the word "any" insert the words "independent, unaffiliated".

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

RAILROAD-HIGHWAY SAFETY REPORT OF THE DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. TUNNEY) laid before the Senate the following message from the President of the United States:

To the Congress of the United States:

I am pleased to submit to the Congress Part I of a two-part study of Railroad-Highway Safety in accordance with the requirements of the Federal Railroad Safety Act of 1970 (P.L. 91-458).

Railroad-highway grade crossing safety is not a simple issue. It has many complexities which arise from such factors as the division of authorities and responsibilities for grade crossing safety among many governmental levels and jurisdictions, the important role of the private railroad companies who own and maintain the rights-of-way, the division of financial responsibilities between government and the private industry, and the cost and reliability of protective devices and grade separations.

This Report was prepared by the Department of Transportation as a comprehensive background survey of the problems involved. It contains a useful history of the grade crossing issue, a review of current problems and a discussion of the grade crossing problem within the context of highway safety.

Any recommendations for specific action will be presented in Part II of this Report to be submitted by next July 1972, under the provisions of the Highway Safety Act of 1970 (P.L. 91-605).

I commend this Report to you as important groundwork for a better understanding of the issues in this field, and I request that any definite legislative action on this subject be deferred until Part II of the Report has been transmitted to the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *November 19, 1971.*

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the message received from the President of the United States be jointly referred to the Committee on Commerce and the Committee on Public Works.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 466) providing for an adjournment of the House from November 19, to November 29, 1971, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 946) making further continuing appropriations for the fiscal year 1972, and for other purposes.

The enrolled joint resolution was subsequently signed by the President pro tempore.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

Mr. BELLMON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BELLMON. Mr. President, I strongly support the objectives of title IX of H.R. 10947, to provide more equitable tax treatment for citizens who make contributions to candidates for public office.

I have always resented the attitude that political giving is somewhat less noble, less in the public interest than giving to the United Fund, buying Easter seals, supporting the Red Cross or many other similar so-called tax-exempt organizations.

Government is a necessary part of society. In our system, political parties and campaigns are equally necessary.

Citizens who support the political process are in most cases among the most unselfish and the most to be admired. They deserve to be treated the same as others who make sacrifices in the public good with no expectation of selfish gain.

The citizens who support the political process in most cases are most unselfish and most of them are to be admired and deserve to be treated the same as others who make contributions.

While I am in agreement with the purposes of title IX, I feel there is a small but highly significant deficiency in the amendment. I am offering this amendment to help correct it.

The problem is that, under the bill as written, special interest groups can use the device and the inducement of tax exemption to gather large sums of money from their members and then use these funds to make large single contributions to certain candidates.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma will suspend. The Senate will be in order. Senators will please take their seats. The Senator from Oklahoma is entitled to be heard. The Senator from Oklahoma may proceed.

Mr. BELLMON. Mr. President, special interest groups can use devices that are tax exempt to get larger sums of money from their members and use these funds en bloc to make large single contributions to certain candidates or causes.

For instance, if we had a national association with a 14,000 to 15,000 membership, such as the National Association of Manufacturers, that association could form a political action committee. They could then urge each of the members of the National Association of Manufacturers that they should contribute $50 to the committee, for which he would be entitled to tax deduction. If all of the members contributed, that would mean an amount of $750,000.

I think any of us can realize that this much money in the hands of a political organization can have a significant impact on a large number of candidates or even on an entire political organization. If only one in 10 members contributed $50 it would raise a slush fund of $75,000.

Take another national organization, the American Medical Association. Our research has discovered that there are about 200,000 to 225,000 members of the American Medical Association. Again, if each member of the American Medical Association was to ante up $50, for which they would be eligible to receive a tax deduction, it would provide a fund of more than $11 million, which in the hands of that organization could certainly have a tremendous impact on the outcome of any political campaign. And, again, if only one in 10 were to contribute, it would make available approximately $1,125,000.

Take the Teamsters Union. The Teamsters Union has 1,800,000 members. If each member of the Teamsters Union were to contribute $50, which they could deduct from their taxes, it would make a campaign slush fund of $90 million.

Mr. President, this is the very thing that I would like to get away from. I would like to see individuals give money to any campaign or to the candidate of their choice. However, when the money is given to an organization which may have very strong lobbying practices, in my judgment it provides a dangerous possibility that could damage, rather than help, the political climate in the country.

Here again, if only 1 out of 10 Teamsters were to contribute, it would still amount to $9 million.

The American Farm Bureau has 1,800,000 members. The same facts would apply to the American Farm Bureau as apply with relation to the Teamsters Union.

The National Education Association has from 1 million to 1,100,000 teachers that belong to that association. If each teacher were to contribute $50, for which he would be entitled to a deduction, it would amount to a slush fund of up to $55 million. However, if only 1 in 10 were to contribute, it would still amount to $5,500,000 that would be available for political campaigns.

Mr. President, one can easily see that such coordinated organizational fundraising activities raises the possibility, even the likelihood, that serious abuses will arise, such as coercion of members to get them to give. The ability of an organization to make large single contributions would create a dangerous potential for making deals with candidates, who are desperate for funds.

It is my firm belief that single small gifts from a large number of contributors is the healthiest method of financing campaigns. In this way, the temptation for deals is nonexistent. People who contribute $10, $20, or $50, or $100, do not expect any direct and selfish gain by reason of the contribution. People would be encouraged to make contributions only because they wish to see good government in their country, or their local unit of government. If we could encourage this kind of giving, as I feel title IX generally would do, this would vastly increase the participation on the part of individual citizens in the political process.

Title IX, I believe, if amended, would accomplish this greatly needed objective, which is to see a large number of our citizens making small contributions with no strings attached. The contributions could be to candidates, committees of candidates, or to political parties of the country.

For these contributions, they would expect no special favors, but rather would expect to see that the candidates elected would perform the duties of their office in the very best way possible.

In my judgment, unless the language on page 3, line 15, of amendment No. 692 is changed, the present condition could be worsened instead of improved.

My amendment simply adds the words, "independent, unaffiliated" following the word "any", in line 15 so that the definition of a political contribution would include, among other things, "any independent, unaffiliated committee, association, or organization—whether or not incorporated—organized and operated exclusively for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals who are candidates for nomination or election to any Federal, State, or local elective public office, for use by such committee, association, or organization to further the candidacy of such individual or individuals for nomination or election to such office."

Mr. President, this means that so long as the taxpayer makes his contribution directly to the candidate or to a committee established by the candidate or a political party, the contribution would be tax deductible.

However, if the contribution is made through a committee affiliated with an organization created for professional, business or other purposes, such contribution would not be tax deductible.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I am sure the Senator has good intentions, but it seems to me that this amendment might do many things to frustrate the purpose of the provision he wants to amend. The Senator would add the words "independent, unaffiliated" to the definition of a political committee to which contributions eligible for the credit or deduction could be made. These words raise a lot of questions—independent of what? Unaffiliated with whom?

But even more fundamentally, if people want to get together and form a committee to raise money to support someone for office, why should we prevent people from contributing to that committee? It is a proper political donation. They should be permitted to make it.

This Senator has no intention at all of forcing anyone to make a contribution and the Pastore amendment would not force anyone. But a person should be allowed to make contributions if he wants to.

The Senator's amendment, however, is so vague and indefinite that it probably would apply to all kinds of situations to which the Senator might not want it to apply.

Unaffiliated with whom? If people associated with a labor union want to form an organization and raise money for a candidate they support, the contributions to the organization are proper political contributions. I do not believe that they should not be able to do it. If a group of business people feel a man has done well and has made a good public official and they want to join together and support that man, just because they are members of the Chamber of Commerce or a manufacturing association is not a good reason why they should not be able to get together and raise money to support a candidate.

My point of view is that this language is so vague and indefinite that it might very well prohibit all kinds of very proper and highly motivated people from getting together and raising money for a legitimate political purpose.

For that reason I oppose the amendment.

Mr. President, at this time I yield 5 minutes to the Senator from Georgia with regard to other matters involved here.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. GAMBRELL. Mr. President, I appreciate the distinguished junior Senator from Louisiana yielding this time for me and the Senator from Iowa to engage in a brief colloquy in reference to a matter which I would like to bring to the attention of the Senate.

I offered an amendment to the amendment of the Senator from Rhode Island which, I believe, has been given the number 703.

My amendment seeks to require any candidate who would receive money or distribution of funds under the Pastore amendment to be nominated by a party which is governed by a national committee which has been democratically selected and fairly apportioned.

In substance, the amendment would require the Democratic Party and the Republican Party, if they wish to have their candidates participate in the funds under the Pastore amendment, to fairly apportion their national committees to require them to be elected in a democratic manner.

I do not know the system of the Republican Party, but the Democratic Party has a system under which two national committeemen or a man and woman, are elected from each State by the national convention each 4 years. Democrats resident in the State do not have an opportunity to vote in the selection of those national committeemen and committeewomen.

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

Mr. GAMBRELL. I yield for a question.

Mr. DOMINICK. I wish only to comment on the Senator's reference to our party. Our States select our own national committee from the States.

Mr. GAMBRELL. Are they apportioned by population?

Mr. DOMINICK. By the central committee, at a central committee meeting in each State.

Mr. GAMBRELL. Then, the State of Alaska has as many representatives on the national committee as the State of California.

Mr. DOMINICK. Yes, there is a national committeeman or woman from each State.

Mr. GAMBRELL. This is another part of my proposal, that they be fairly apportioned.

In my party we have during the past 4 years, pursuant to mandate from the national convention in 1968, gone through a program of reform whereby delegates to our national convention next year are supposed to be democratically selected and fairly apportioned within each State. I have supported that reform. I initiated similar reform when I was chairman of the State party in Georgia to require our State committee members to be fairly apportioned in the State and democratically selected.

My amendment would step up to the national committee level the same requirements the national committee imposed on each State delegation to the national convention. I think this would be a desirable reform.

I have not called up my amendment because I think it would be only fair to give the national committee a reasonable opportunity to cause the reform itself.

I, a number of other Members of this body, and a number of Democrats throughout the country would be very interested and seek very urgently to accomplish this reform before the convention next year. I urge my colleagues to give it consideration and I urge sup-

port from their States and in the national committee.

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

Mr. GAMBRELL. I yield.

Mr. HUGHES. I compliment the junior Senator from Georgia on this particular amendment which would incorporate into law, if it were brought up and passed, many of the principles our party has been trying to bring into being through party reorganization as a result of the mandate of the 1968 National Convention of the Democratic Party. It does not go as far as many discussions that have taken place in this country have suggested, but it would reapportion selection of the national committee of the parties involved on a proportional basis, that proportion being on the basis of one man, one vote, or one Democrat, one vote. It could go as far down into the States as being selected on the basis of one Democrat, one vote in the congressional district to affect internal selection in States which have a convention procedure rather than a primary procedure for selecting State nominees. As these matters differ from State to State, the importance of this amendment would be the reapportionment of the National Convention and the representation of the national committee, which thereby makes the decisions handed out through the national chairman of our particular party, that involve selection of the convention site, the procedures by which they are conducted. They must go through that convention political process in order to be translated into a platform that is then translated through the candidates of the people of America and, hopefully, translated at that time through the Congress of the United States, to have a direct effect on the people of the land as a result of the political processes of this Nation.

If this process becomes clogged at any point, it then is a hindrance to the individuals in the State having an active voice in the political procedures that affect their lives every day they live.

The junior Senator from Georgia has brought this issue into focus in having presented his bill, or in presenting his amendment—I do not know whether he intends to call it up—but as one who has been active in the political reform of the Democratic Party, I want to commend him for bringing it to our attention.

Mr. GAMBRELL. Mr. President, I would like to ask the Senator from Iowa, while he is on his feet, if in fact the national committees of the two parties run the two parties for a period of 4 years between the conventions and if the reform we have had in the Democratic Party, when it comes to a head in the convention, simply covers 4 days in 4 years, and the rest of the 4 years we have the undemocratic management system.

Mr. HUGHES. I am unable to speak for any other member of the Democratic Party, in which I have been active, and I know the junior Senator from Georgia has, but the effect is that our national committee today, which national committee was selected prior to the 1968 national convention, not only made the decisions then, but has made the decision now for the next national convention. That has prevailed for the preceding 3 years and will continue for the next 7 or 8 months, until the new selection process takes place. So, in fact, it is the governing body for 4 years.

Mr. GAMBRELL. And if it is not reformed prior to the next convention, we will have an undemocratically selected national committee for the next 4 years and an unfairly apportioned national committee for the next 4 years?

Mr. HUGHES. That is correct, because unless it is reapportioned then for the next 4 years, or until 1976, we will again be faced with an unfair apportionment of the representation of the people of this country in our political party.

Mr. GAMBRELL. I thank the Senator from Iowa for those comments.

It seems to me that all the talk of reform in the Democratic Party is so much hot air if the reform does not go to the body which governs the Democratic Party for 4 years with the exception of 4 days. The reforms we have been talking about and about which there has been so much hue and cry simply reform for 4 days, and not 4 years. The reform we are talking about in the Pastore amendment is a fine contribution to the political history of this country, but it seems to me to be a little hypocritical to be talking about a magnificent reform of this type and talk about reforms in Georgia, Iowa, and other parts of the country, but when the Democratic National Committee meets in Washington to decide such things as who shall be chairman of the credentials committee or who shall be chairman of the platform committee, or such other matters, they meet with an undemocratically selected organization to manage its party.

I feel strongly that our national committee and that of the Republicans, if they purport to be a fair and representative political management body in this country, should adopt reforms along the lines I am suggesting in this amendment.

May I say I do not plan to call the amendment up with reference to the Pastore amendment, but I do intend to call up, and have pending, a bill to this effect, and plan to offer it as an amendment if it continues to be disregarded by the national committee and the leadership in the committee to which it has been referred.

Mr. President, moving on to another subject, but in reference to this bill, and in the absence of the Senator from Louisiana, who has yielded, as I have indicated, I support the Pastore amendment because, as it stands, without any alteration or without any modification, it is a tremendous step forward in the political life of this country. It furnishes a platform on which candidates of all stripes and persuasions can stand and be heard, and no candidate has to be excluded for lack of money or opportunity to make his voice heard in the world.

What bothers me about the position of our brothers on the other side of the aisle is, to carry their position to its extreme in logic, they would not want to have a public platform in a public park provided to members of any political persuasion to make a speech. They do not believe in a publicly supported opportunity for candidates to be heard. That is all in the world this is. It is a platform on which candidates for political office can stand, and I dare say with public facilities that will be made available to presidential candidates of all persuasions. Next year that will be worth much greater than the $20 million or $40 million or $100 million. It is a public platform in a public park or other public place that is equally available to all candidates, whether they be Wallace, McGovern, or anyone else.

I do not see why there is any difference between that and the public furnishing of the opportunity for candidates to be heard throughout the land, without discrimination because they are unknown or without discrimination because they do not have money. It seems to me their opposition is simply an effort to choke it off so they will be in an underfinanced position, which is exactly what the bill undertakes to prevent in the first place.

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

Mr. GAMBRELL. It is not my time. I think the Senator might ask the Senator from Oklahoma to yield on his time.

Mr. MILLER. Will the Senator yield for a question?

Mr. GAMBRELL. I yield for a question.

Mr. MILLER. Did I understand the Senator to say Senators on this side of the aisle do not wish to support public financing of an opportunity to present public appearances by political candidates?

Mr. GAMBRELL. I said that was the ultimate conclusion of the principle which you are standing for—that the money should not be made equally available for candidates to expose their ideas. I wondered if that is any different from making a public park available for that purpose.

Mr. MILLER. Let me clarify the record. The Senator from Georgia has overlooked the fact that there has always been strong support on this side of the aisle, including that of the Senator from Iowa, for a limited tax deduction or a tax credit on the income tax return for political contributions, and that certainly amounts to public financing, if I understand the meaning of public financing. Would the Senator agree with that?

Mr. GAMBRELL. I would agree with that, but that sort of financial arrangement makes it possible for a rich man to put more into a campaign than a poor man. All we are trying to say is that everybody should be able to put up $1 for this purpose.

Mr. MILLER. May I say to my colleague from Georgia that we have always agreed on a maximum of $50 or $100 and a $25 or $50 tax credit. So I do not understand his reference to the rich and the poor.

Mr. GAMBRELL. A $50 deduction means more to a rich man than it does to a poor man, and he is also in a much better position to make it.

Mr. MILLER. It is for that reason that the Senator from Iowa has preferred the tax credit approach. I must say, if we are going to get into the question of giving the rich man a preference over

the poor man, the Senator from Georgia could have supported my amendment, which would have given the tax credit instead of the personal exemption increase. So I think we had better be careful about the charge about the rich man and the poor man.

Mr. GAMBRELL. I am talking about the opposition on that side of the aisle to the second part of the Pastore amendment, the checkoff system.

Mr. MILLER. I wanted to clarify it, because I did not think the Senator from Georgia would deny that we are supporting a tax deduction or tax credit as a means of public financing of political campaigns.

Mr. GAMBRELL. I would be inclined to agree that some on that side of the aisle have supported those means of public support for political campaigns which would work in their favor. But what I am saying is that the ones that would apparently work against their interests currently, they are opposing currently.

Mr. MILLER. May I say to my friend from Georgia, I wish he would not say, "which will work in their favor." I have never supported a tax credit or tax deduction for political campaign purposes with the idea that it would benefit any one person or any one political party. I have done so in order that people in general can join in financing the campaigns of political candidates and political parties, and let the chips fall where they may. I see no reason why a tax credit, for example, should not work with equal favor to the members of both parties.

The PRESIDING OFFICER. Who yields time?

Mr. BELLMON. Mr. President, in response to the statement by the distinguished chairman of the Finance Committee, the Senator from Louisiana (Mr. LONG), I say to him that it is intended, of course, that this amendment be definite and clear, and I would certainly welcome any suggestions as to how it could be made more so. It is certainly not intended by the amendment that anyone would be restricted from making a donation. If the American Medical Association wants to set up a political action committee and go out and collect money and use it for a political slush fund, certainly they can do so; but that kind of political giving certainly, in my judgment, should not be tax-exempt, because any oragnization that does so is likely to use the funds to forward its position on issues that may come before various governmental agencies, and while this certainly is legitimate activity, I do not feel that such activity should be supported, in part, by Federal revenues, but that such kinds of giving should certainly not be tax deductible.

What I am trying to accomplish by this amendment is to make it so that if the individual citizen gives the money to any one candidate, or to a committee set up for the sole purpose of forwarding the campaign of a candidate, this is a deductible type of contribution, and if we can make it more clear and more definite, certainly I would welcome the suggestions of the Senator from Louisiana.

Mr. LONG. Mr. President, if the Senator will yield, the language now in the Pastore amendment says:

(B) any committee, association, or organization (whether or not incorporated) organized and operated exclusively for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals who are candidates for nomination or election to any Federal, State, or local elective public office,

The committee would have to be set up to try to bring about the nomination or election of a candidate, or candidates, and they would have to have, according to my understanding, particular candidates in mind.

Mr. BELLMON. Mr. President, let us use a real entity. Let us talk about AMPAC, the political education arm of the American Medical Association. As I read the amendment, that organization would not be eligible. I wonder if it is intended by the Senator from Louisiana that such an organization would be able to collect money on a tax-exempt basis?

Mr. LONG. Let me ask the Senator, doesn't that group do other things than try to elect a particular candidate or a number of designated candidates, or are they limited entirely to that? That would be the test.

Mr. BELLMON. Mr. President, I do not have any inside information as to how they operate, but I know that that organization and many others similarly organized and run do actively seek the nomination or election of one or more individuals or candidates for election to Federal office. It seems to me if they did that, certainly they would be eligible under the terms of this act.

Mr. LONG. Let us just talk about the intent. In other words, let us assume that people say, "All right, now, here are the candidates we want to support, and here are 30, 40, or 50 people that we think have done a good job so that we should go out and pass the hat and raise some money, and whatever we can raise we should distribute pro rata among all of them," or "we should give twice as much to this one as to the other one, because he is running in twice as large a State."

Having decided that, they devote themselves exclusively to try to elect these candidates. It could be all Republican or all Democratic candidates, or a combination, but they designate who they have in mind to support.

If you know to whom you are contributing your support when you support the committee, and they are working exclusively for that purpose, and not involved in other things, then that donation to them would be for political purposes to help finance those campaigns. It would seem to this Senator that they should be permitted to regard that as a political contribution toward the support of a number of candidates or group of candidates, and that it would be just as much deductible as if they had contributed directly to a candidate, or gone around and mailed 10 individual contributions to 10 different candidates.

Mr. BELLMON. Mr. President, the difference of opinion between the Senator from Oklahoma and the Senator from Louisiana is that when an organization formed for a professional or business reason, or for a labor reason, or any other reason, uses its mailing list, its staff, and whatever good offices it has to solicit campaign contributions, and then takes those contributions in bulk, in a large bulk sum, and goes into the political arena and gives its support to the candidates they choose, who in many cases are candidates they have selected to forward the purposes of the organization, to me the organization is a very self-serving operation, and it is wrong to expect the Federal Treasury to put up half the money they are using, which is what we do when we give a tax deduction or a tax credit, as under the Senator from Rhode Island's proposal.

Mr. LONG. Of course, that is a reason why I am not enthusiastic about the deduction and the $25 tax credit.

Mr. BELLMON. Let me say I am in favor of that, as I said earlier.

Mr. LONG. As far as I am concerned, a private campaign contribution is often a contribution by a person who is either seeking to reward a candidate for past favors, or to contribute for favors hoped to be received in the future. The self-seeking nature of a private campaign contribution is not eliminated just because the contribution is made to support a number of candidates rather than to support one candidate. In either event, it may be a completely selfish contribution on the part of the taxpayer.

The proposal here is to make campaign contributions deductible or to allow the taxpayer a tax credit. I am not enthusiastic about this part of the amendment, but if we are going to have it, it seems to me there is no reason we should deny people the right to get together and form an association to support a candidate or group of candidates.

Mr. BELLMON. Mr. President, it is not the intent of the amendment that it would in any way prohibit a group from getting together for the purpose of supporting candidates or groups of candidates, but the purpose is to keep organizations that are already together for quite a different purpose from getting into the business of raising tax deductible funds for forwarding the purposes of their organization.

Mr. LONG. Under the language of the Pastore amendment, they cannot do that. The Senator's amendment is not necessary to keep that from happening.

If these people have an association that has any purpose other than to support the nomination and election of a candidate or a group of candidates, then the deduction or credit would not be available for contributions to the association. The language here is clear that they have to be organized and operated exclusively for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals who are candidates for public office.

Mr. BELLMON. Could such an organization be affiliated with, say, the Teamsters Union?

Mr. LONG. Yes. People who are in the American Medical Association or people who are in a labor union could form a separate association, the only purpose of which is to help elect somebody to of-

fice. If that were exclusively what the association is organized and operated for, to help elect somebody to office, contributions to it could be deducted as political contributions. I do not see how we can separate that from the kind of situation where any group of people get together and set up a campaign committee to support one man for Senator or one man for Governor or one man for President. It would seem to me that, in any event, the purpose is the same. It is to join together and act collectively to try to nominate somebody or a group of people and support these people for office, and a contribution to that kind of association is a political contribution.

If the association is set up and operated exclusively for the political purpose of electing someone to office, contributions to it would be deductible contributions. But, if it is set up for any purpose other than that—for example, if it is a labor union or a medical society or if such a group establishes an association for purposes other than electing someone to public office—the contributions would not be deductible.

Mr. BELLMON. Does the distinguished Senator from Louisiana see the danger here? If, say, the American Medical Association wants to undertake to influence the direction of Government, it is very simple to set up a subsidiary organization devoted strictly to the purpose that is permissible under the bill—the nomination or election of one or more individuals to office—and use the mailing lists and the publications of the existing organization and put together a very large political slush fund; and this, then, could become a tool of the existing organization and could be virtually outside the purpose of the bill, which is to eliminate that kind of questionable activity.

Mr. LONG. I understand what the Senator is speaking of, but I do not see how the people can be denied the opportunity.

Mr. BELLMON. It is not intended to deny it. If they want to make a regular contribution and not have it tax deductible, they can do it. I am talking about taking from them the right to take a tax deductible contribution from a large membership and use it for a slush fund of an organization that already exists.

Mr. LONG. The Senator is talking about doctors who organize a group of doctors for political action, and they have a list of candidates who they think voted for what they think is right, and they also have a list of candidates who voted against what they think is right. They ask doctors and others to contribute to the group.

Or, on the other hand, you may have a group of laboring people who get together and form an organization—call it COPE, the Committee on Political Education, or call it something else—and say, "Here is a list of candidates"—it could be 300—"who have voted the way we think is right and that helps the laboring man. Here is a list of candidates who voted against the way we think a laboring man's interests would lie. We would like to ask people to contribute, because we want to help this group and we want to fight that group."

Why should they not have the privilege of going out and saying "We do not think Senator Jones is our friend at all, so let's go out and raise money to oppose Senator Jones. We do not think Senator Rappahanock is a friend of ours, so give us some money to fight him. We do not think Senator Gunk is a friend of ours, so give us money to fight him. On the other hand, here is a group of fellows who are our friends, so give us a check for each one of them."

It is difficult for me to understand why they should not be able to do that. They are contributing to the candidates with whom they agree, and they should be able to do it collectively, just as they can do it individually.

Mr. BELLMON. Mr. President, to me, there is nothing in the amendment I propose that would keep a group of doctors or a group of labor people or a group of farmers or any other group from getting together to raise funds to support candidates who they believe will help their purpose. This is entirely proper; it is done now; and I do not propose to change it. But, under the terms of the proposed legislation, we are going to ask the Federal Treasury to pay roughly half the cost of such activities, and this is what I believe is wrong.

If the individual citizen wants to give $50 to a candidate or a dozen candidates, that citizen wants to make a small contribution in the interest of trying to help the governmental processes of the country.

But when that citizen puts in his contribution to a slush fund of an organization, then, so far as I am concerned, that becomes an investment, and he expects some kind of return from it—at least, he may, depending upon the way the organization is run. I do not feel it is proper for Congress in this way to subsidize the selfish interests of various groups, no matter what their purposes are.

Mr. LONG. Unfortunately, the Senator's amendment goes far beyond anything he has in mind. This amendment say that the committee or organization must be independent and unaffiliated. If I go out and organize a committee, I would assume that they were affiliated with me and that they were associated with me. Thus, if I were the fellow who went out and got the group together, it could be contended—very logically, under the language of the Senator's amendment—that inasmuch as they were affiliated with RUSSELL LONG, a contribution to that group, to support his candidate, would not be deductible, although it would be deductible if they were not affiliated with someone.

But they cannot be affiliated with anyone, according to the amendment. They cannot be affiliated with Senator BELLMON; or perhaps they are the Senator's friends, and they organize because he asked them to do so. In that case, it can be contended that they are not independent, that somebody has the power to persuade them to do what he thinks they should do; and, and therefore, that they are not independent, that they can be controlled by someone. In this manner no committee could be assured that it was entirely independent of and unaffiliated with someone.

If the Senator's amendment were drafted so that it did exactly what he is talking about when he says that this is a committee that is controlled by a labor union or a committee controlled by a medical association, in which case the contribution would not be deductible, I would think that he might have a better argument. But his amendment says that the committee must be independent, which would suggest that it must be independent of everyone—that is hard to demonstrate—and that it must not be affiliated with anyone.

It could well be argued that under the amendment no committee could qualify; or, at the very least, no one would know, when he made a contribution to a committee, whether or not it was deductible. A taxpayer is entitled to know, under the law, what the tax consequence is.

The Senator has an understandable concern. If the Senator wants to take some kind of action, I think it would be better to have the members of our staff try to draft something to carry out his intent and limit it to the cases he has described, rather than use the broad, general language he has in the amendment, which we think could very well negate the whole intent of permitting a committee to be organized to raise funds to support a candidate or a number of candidates.

Mr. BELLMON. Mr. President, I am thankful for the suggestion of the distinguished Senator from Louisiana. I believe it certainly has merit. It was my intention to accomplish the objective I have tried to explain to the Senate. If the Senator would agree, I should like to ask for a quorum call, and perhaps we could try to work out some language that might be satisfactory.

Mr. GURNEY. Mr. President, will the Senator yield to me for a question, before he does that?

Mr. BELLMON. I yield.

Mr. GURNEY. I should like to pursue that a little further and pose a question to the distinguished chairman of the Finance Committee, if I may have his attention.

In what way would the addition of these two words to this section by the amendment of the Senator from Oklahoma—"independent" or "unaffiliated," as I understand the words—in any way inhibit committees being organized and working in behalf of a political campaign? I do not understand that, but that was the Senator's statement. How could this prevent anybody from organizing and aiding the Senator's campaign or my campaign or the President of either of our parties?

Mr. LONG. Mr. President, the point is, a committee may not be affiliated with anyone. The committee could not be dependent on anyone. It would have to be independent of everyone and everything. It would have to be unaffiliated with everyone and everything. How could we know, when we contributed to a committee, that that committee was independent of everything and everyone and also was unaffiliated with everything and everyone?

It might be affiliated with someone but if it is organized exclusively for the purpose of supporting a particular candidate

for office, it would seem to me that contributions to it should be deductible. Frankly, if the Senator wanted to do the kind of thing he has in mind, he should pinpoint what he wants, who he wants to forbid a committee to be affiliated with, and who he wants a committee to be independent of. If he will specify that, then we can know what we are talking about. The Senator says he wants to have it independent of the American Medical Association, independent of the AFL–CIO, independent of the Teamsters Union. We can understand what we are talking about, if that is what we are saying.

This language, however, would mean that it would have to be independent of and not affiliated with anyone or anything. If a committee is organized to support Senator Jones it seems to me that that committee would be affiliated with Senator Jones. It also is affiliated with whoever, or it is controlled by whoever, organized it for the purpose of helping Senator Jones. The language negates the Senator's own intentions.

The Senator's purpose is not carried out with the language that he has, because the language goes so far beyond what he proposes to do. I would suggest that we not withhold action on other amendments which someone might care to offer while we are waiting for the Senator to draft a different amendment, but that he either withdraw the amendment or that we vote it up or down and then go on to something else.

Mr. GURNEY. Mr. President, if I may make an observation, I do not disagree with anything the chairman has said. What I am trying to point out is that the statement concerning these two words, that it would inhibit or prevent political activity, is really not the right expression, because what we are talking about is tax deductibility. That is the principle involved. It has nothing to do with whether we can organize X, Y, Z committees to back a political candidate for President. We are talking about tax deductibility. The Senator suggests that possibly it would be a good idea for all of these organizations to be put in the same boat as far as all contributions would be tax deductible. The insertion of these two words has nothing whatsoever to do with inhibiting or preventing any kind of political activity. As a matter of fact, we know now, so far as some of the organizations which have been mentioned here during the course of the debate are concerned, that the deductions are not taxable; but there are all kinds of political activity, believe me, on behalf of the organizations, and I was merely trying to straighten out this record, that the Senator's proposed amendment, with the insertion of these two words, has nothing whatsoever to do with inhibiting, prohibiting, nullifying, discouraging, chilling—or any other adjective you want to use—political activity on behalf of a committee independent of an unaffiliated committee. I was just trying to straighten that out. I know that the Senator would not think of doing anything like that.

Mr. LONG. If we are going to permit a person to make a contribution to the candidate himself or to a number of individual candidates, the question is, why should we not permit him to let his contribution be made through a committee organized to support those candidates? Let us say that in the State of Delaware, for instance, the Republicans prefer a person not to make a contribution to the candidate himself. As Senators will remember, former Senator John Williams of Delaware took that view. He did not want a contribution made directly to him but rather to the Republican Party, in order to support all the Republican candidates who would be on the slate. In this manner he would not be beholden to anyone who made a contribution to him directly, and the contributions, if made to a whole group, would not favor him over anyone else.

If it could be argued that the committee is raising money for those candidates affiliated with the Republican Party, then contributions to it would not be deductible. There is no reason why it should not be deductible, if one wants to make a contribution to that committee for the slate of candidates.

Mr. GURNEY. That is covered in sections D and E on page 4 of the Pastore amendment.

Mr. LONG. Yes. But the problem would exist if the committee were not designated by the national committee—if it were just a committee to support that slate of candidates. A committee is always going to be affiliated with someone—the organizers, the candidate, or someone else—and so the amendment wouldn't allow tax deductible contributions to be made to a political committee. But if we allow a person to contribute directly to the candidate, then why not allow him to do it through a committee. Why should we not allow contributions to be made through a committee organized for a candidate or a group of candidates?

Mr. President, I yield back my time.

Mr. BELLMON. Mr. President, I yield back my time.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). All time on this amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Oklahoma (Mr. BELLMON). On this question the yeas and nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. CHILES), the Senator from Indiana (Mr. HARTKE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Alabama (Mr. SPARKMAN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Nebraska (Mr. HRUSKA), the Senator from Kansas (Mr. PEARSON) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. HRUSKA) would vote "yea."

The result was announced—yeas 27, nays 62, as follows:

[No. 364 Leg.]

YEAS—27

Allott	Curtis	Miller
Baker	Dole	Packwood
Beall	Dominick	Percy
Bellmon	Fannin	Roth
Bennett	Griffin	Taft
Brock	Gurney	Thurmond
Buckley	Hansen	Tower
Cook	Jordan, Idaho	Weicker
Cotton	McClellan	Young

NAYS—62

Aiken	Gambrell	Montoya
Allen	Gravel	Moss
Anderson	Harris	Muskie
Bentsen	Hart	Nelson
Bible	Hatfield	Pastore
Boggs	Hollings	Pell
Brooke	Hughes	Proxmire
Burdick	Humphrey	Randolph
Byrd, Va.	Inouye	Ribicoff
Byrd, W. Va.	Jackson	Schweiker
Cannon	Javits	Scott
Case	Jordan, N.C.	Smith
Church	Kennedy	Spong
Cooper	Long	Stafford
Cranston	Magnuson	Stennis
Eagleton	Mansfield	Stevenson
Eastland	Mathias	Symington
Ellender	McGee	Talmadge
Ervin	McIntyre	Tunney
Fong	Metcalf	Williams
Fulbright	Mondale	

NOT VOTING—11

Bayh	Hruska	Saxbe
Chiles	McGovern	Sparkman
Goldwater	Mundt	Stevens
Hartke	Pearson	

So Mr. BELLMON's amendment was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. HANSEN. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HANSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD is as follows:

On page 17, line 12, after the word "fund", include the following:

"Provided, that all campaign debts incurred within the previous five years arising from presidential campaigns are paid and satisfied in full by the party receiving the money. The Comptroller General of the United States shall make the determination as to whether said debts are fully satisfied."

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator yield to me for 1 minute?

Mr. HANSEN. Yes, indeed. I yield to the Senator from Montana.

ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 466.

The PRESIDING OFFICER (Mr. JORDAN of Idaho) laid before the Senate the concurrent resolution (H. Con. Res. 466) which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, November 19, 1971, it stand adjourned to meet at 12 o'clock meridian, Monday, November 29, 1971.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask that it be considered.

Mr. SCOTT. Mr. President, I ask that we have absolute perfect order because this amendment is very important.

The PRESIDING OFFICER. The Senate will please be in order so that Senators may hear this important amendment, which the clerk will state.

The amendment was read as follows:

On page 1, at the end of line 5, strike the period and insert a comma and the following: "and when the Senate adjourns on Wednesday, November 24, 1971, it stand in adjournment until 10 a.m. on Monday, November 29, 1971."

Mr. SCOTT. Mr. President, reserving the right to object, and I will not, I do this to point out that while the other body at a very critical time in our legislative process is——

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

Mr. MANSFIELD. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. HANSEN. I yield.

The PRESIDING OFFICER. The motion is not debatable.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Republican leader may make a few remarks.

Mr. GRIFFIN. Without the time being charged?

Mr. MANSFIELD. Yes.

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

Mr. SCOTT. Mr. President, my apologies for proceeding out of order.

While the other body, at the height of a crucial part of the legislative process is, for reasons best known to itself, recessing for 10 days, the Senate intends to be absent for only 2 working days. This is because we want to get ahead with the tax bill and get ahead with other business. Certain suggestions are pending which could expedite progress on this bill. They have been made by me on behalf of my colleagues. We are doing the best we can and we want to adjourn in December, as early as possible.

To prove our good faith, the joint leadership have asked our colleagues not to be absent beyond the recess period granted, even though the other body has gone for a longer time. That is all.

I thank the Senator for yielding.

Mr. MANSFIELD. Mr. President, may I be heard under the same conditions?

Mr. HANSEN. Would the Senator not use time on the amendment?

Mr. MANSFIELD. Not on the time of the amendment of the Senator from Wyoming.

Mr. HANSEN. I thank the Senator.

Mr. MANSFIELD. Mr. President, I have sent a telegram to every Democratic Senator requesting his continued presence because this is a most important bill which is confronting us and I would anticipate that we would have a very good attendance tomorrow and on Monday, Tuesday, and Wednesday of next week. I would like to see this legislation expedited. So far, we are playing it by ear, but that is the best we can do.

Mr. SCOTT. We may be returning with some suggestions for the Senate's approval at a later hour.

Mr. MANSFIELD. I hope so. It is news to me.

Mr. SCOTT. I thought I would take the majority leader into my confidence.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The concurrent resolution (H. Con. Res. 466), as amended, was agreed to, as follows:

H. CON. RES. 466

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, November 19, 1971, it stand adjourned to meet at 12 o'clock meridian, Monday, November 29, 1971, and when the Senate adjourns on Wednesday, November 24, 1971, it stand adjourned until 10 a.m., Monday, November 29, 1971.

REVENUE ACT OF 1971

The Senate resumed the consideration of the bill (H.R. 10947) to provide job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

Mr. HANSEN. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HANSEN. Mr. President, may we have order?

The PRESIDING OFFICER. Senators will please take their seats so that the Senator may be heard. The Senate will be in order.

The Senator may proceed.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. HANSEN. Mr. President, my amendment is simple and direct. Its inclusion would strengthen this bill by making explicit and as a matter of law one of the most fundamental of all American traditions, the tradition that Americans pay their bills. The amendment reads:

On page 17, line 12, after the word "fund", include the following:

"*Provided*, that all campaign debts incurred within the previous five years arising from presidential campaigns are paid and satisfied in full by the party receiving the money. The Comptroller General of the United States shall make the determination as to whether said debts are fully satisfied."

While the inclusion of the amendment would clearly strengthen the bill, let me make clear my very strong belief that our failure to adopt it would be nothing short of scandalous. The Senate has made plain in the present debate that its concern is with equity. What the Senate is seeking in the current enterprise is a way to separate from the electoral process the economic entanglements that, some claim, demean the electoral process.

The threat is there—and no one will deny it—that the fiscal obligations incurred by a presidential candidate may possibly weigh more heavily on him in the execution of his duties than the good of the Nation.

I note with interest, Mr. President, that it is the Democrats—I repeat, that it is the Democrats—who have this fear. As a Republican, I have every confidence that the Republican nominee can, will, and always has, put his country first. However, I agree that in that sense the current debate has merit. The present effort to find an acceptable and responsible way out of this democratic dilemma is the kind of high enterprise that this body must here today concern itself with, and it is precisely for this reason that I offer my amendment.

My amendment simply makes it clear that political debts incurred within the past 5 years must be paid.

I would note that this morning's paper calls attention to the fact that one of the major telephone companies in the United States has made certain demands upon one of the political parties that its debt, going back to 1968, must be paid by July 1st. It is in this context, Mr. President, that I think it should be obvious that what I talk about is not some nightmare, some fantasy of one's imagination, but, rather, a very real concern.

Though I am well aware of the fate that has befallen the other good amendments provided by our side of the aisle, I do not expect my Democratic friends will oppose this amendment, because it seems to me they must feel, and I do believe they feel, as I do, and as my Republican colleagues do, that they want to pay their bills, that they want to be honest, that they do not want to go around being a bunch of deadbeats. I do not think that, and I do not accuse them of that, and I do not propose this amendment with any idea at all that it will have any opposition.

I think it is so elementary, sound, just, and fair that it will merit the kind of support that will insure its adoption immediately following the close of this debate. As a matter of fact, I would be surprised if there were debate, if there are those on the other side of the aisle who would challenge what I say here, because I cannot think——

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

Mr. HANSEN. Mr. President, if I may, let me say that I shall be very happy to yield to my Democratic colleague, a man for whom I have great respect, a man whose integrity is well known, and whose honesty is his bond. I want, however, to finish my statement, if I may, because I have assured some of my Republican

colleagues that I shall be glad to yield time to them.

As my great Democratic Senate colleague knows, he has time on his side, and as quickly as I finish and after I have yielded to my Republican colleagues the time I assured them I would, I shall be glad to yield to the Senator from Rhode Island such time as I have remaining.

My amendment simply makes it clear that political debts incurred within the past 5 years must be paid. It states to this Congress, and most importantly to this Nation, that there is nothing in this bill which can absolve the debts incurred by the major political parties in past campaigns over the last 5 years.

No matter what this debate may tell us about past campaign finance methods, it cannot tell us that because those methods were inefficient or inequitable, the consequences of past inefficiency may be ignored.

In America people expect to get what they pay for. That is a truth so basic to our way of life that it has become a cliche. But it is also fundamentally true that in America one pays for what he gets. I am proposing nothing more complex or mysterious than that we write this truth into law.

I say that to fail to adopt this amendment would be scandalous. If we fail to adopt it, we ignore our obligation as lawmakers to make the law both crystal clear and responsive to the people's understanding of their own obligations. As politicians, we apply those obligations to ourselves or we do not. It is our decision. But if we do not adopt my amendment, Mr. President, we send a clear signal to the people of this country that hypocrisy is alive and thriving in the United States Senate.

Every law we pass here places obligations on our citizens, obligations that often require financial sacrifice. We are talking about a tax bill, about the right of Government to levy taxes and to take whatever subsequent steps may be necessary if those taxes are not paid. And we are not talking about voluntary contributions. We are talking about tax dollars that are paid, under penalty of law, and we are talking about a system whereby we are going to take those tax dollars and turn them over to our political parties.

It is in that context that I think what we do here and now is tremendously important in declaring, in a clear, unmistakable fashion, what the sentiments, what the moral fiber, what the commitment of the Members of the Senate is.

We often create new obligations for our citizens. Sometimes we raise taxes and require a greater sacrifice. But we do it motivated by concern for the common good.

Out of this same concern, how can we fail, then, to require of ourselves that as politicians we meet our own obligations? It is clear to me that we cannot.

I recognize that the campaign spending reform bill that we now consider will, in the opinion of its sponsors, produce a campaign fund that can satisfy the needs of all presidential candidates. Proponents contend that is certainly is the intention of this legislation to do just that. But individuals now involved in the campaign for 1972 have already incurred some debts under the old method of campaign financing. Others, according to press reports, have dropped out of the race already, badly in debt. And debts remain from the 1968 presidential campaign which were incurred in good faith.

I am only suggesting to the Senate, Mr. President, that these campaign debts must be paid; that we must make it clear that we have no intention by whatever action we take on this legislation to attempt to absolve those debts.

I would assume that a vote against this amendment would in truth be a vote that a political party or a political candidate is governed by different laws and a different moral code than those by which we govern and which we expect from the American people.

I wonder who here, Mr. President, is willing to accept that sort of a criterion.

Mr. President, I yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. Mr. President, I commend the Senator for his amendment. I think it makes a great deal of sense.

I would like to make the point that while it has been assumed here that only the Democrats have debts, this is not necessarily the case. In my State the Republican Party is in debt from the last campaign. I think both parties in my State have indebtedness. Ours is larger than that of the Democrats.

I realize, of course, that this legislation applies only to presidential campaigns. But let us not fool ourselves; the principle being established here will soon be expanded. If this proposal should become law, there is no question but that within a short period of time there will be moves to finance out of the public treasury, with tax dollars, the campaigns of Senators, Governors, and the others running for public office. The precedent that would be set by the adoption of the Pastore amendment would lead inevitably in that direction.

What the Senator from Wyoming is saying, it seems to me, is that the debt of the Republican Party in Michigan should not be paid off with taxpayers' money. Is that what the Senator is saying?

Mr. HANSEN. Would the Senator repeat his question? I am sorry, there is a lot of interference. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRIFFIN. I was making the point that the Senator's amendment is eminently fair and reasonable. I was pointing out that Democrats are not the only ones who have debts and calling attention to the fact that in my State of Michigan the Republican Party is in debt.

I also said I have no illusions. If this Pastore amendment is adopted, it would be setting a precedent which would be expanded upon—that it would be but a very short time until there would be movements to finance other campaigns out of the public treasury.

Mr. HANSEN. I agree with what the Senator from Michigan is saying.

Mr. GRIFFIN. What the Senator is really saying is that debts incurred by Republicans or Democrats should not be paid off with the taxpayers money. Is that correct?

Mr. HANSEN. That is correct.

Mr. GRIFFIN. I think that is a principle that ought to be agreed to, and I hope the amendment will be adopted.

Mr. HANSEN. Mr. President, I reserve the remainder of my time, in order that my friend from Rhode Island may speak on his own time.

Mr. DOMINICK. Mr. President, before the Senator does that, will he yield to me for about 2 minutes?

Mr. HANSEN. Mr. President, if I may do so, I ask unanimous consent that I may yield 2 minutes to the distinguished Senator from Colorado.

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

Mr. DOMINICK. I have read the Senator's amendment with some care and, if my interpretations are correct, I am certainly in favor of the amendment.

Am I correct in saying that, before any money would be distributed under this proposal, prior existing debts must be paid out of voluntary contributions?

Mr. HANSEN. I would say this: What the amendment presumes to say—and it is my hope that this will be the interpretation—is that, before any moneys can be distributed by the Comptroller General, he must be satisfied that all previous debts of both parties, or of whichever party is to receive the money, have been paid. There is nothing said as to how those bills shall be paid. It might be that the party would want to go to a lending institution and borrow money to pay off those debts.

It simply says that all parties which want to participate in this distribution of tax dollars to political parties shall have first paid all debts they owe, before they can get any money. It does not prescribe the manner in which those debts are to be paid.

Mr. DOMINICK. But if they went and got a loan at a bank and paid off outstanding debts, would the Treasury money then be available to repay the loan? I certainly do not think that should be the case.

Mr. HANSEN. I will say this: The Comptroller General shall have first been satisfied that all debts have been paid and satisfied. I believe the Senator from Colorado is correct; simply to change a debt from one place to another, it would seem to me, would not meet the thrust of my amendment.

Mr. DOMINICK. I thank the Senator from Wyoming. When we get a little more time, I shall come back and see if he has any more of them. I think it is a good idea.

Mr. HANSEN. Mr. President, I reserve the remainder of my time in order that the Senator from Rhode Island may comment.

Mr. PASTORE. Mr. President, I must say that I have boundless respect and regard for the distinguished Senator from Wyoming. I not only respect him, I love him.

Mr. HANSEN. The love affair is mutual.

Mr. PASTORE. But I am a little surprised, even so, at the temerity of his saying I should accept the amendment with question and without debate.

As a matter of fact, if you raise your copy of this amendment and put it to the light, you can see the elephants all over it. (Laughter.)

And sadly enough, the trunk is hanging down. And do you know why? In shame.

This is the situation. We have drawn a bill that gives a candidate, a lawful candidate of a party, specifically the candidate a certain amount of money to spend in his campaign, and it must be spent in his campaign. Now Mr. HANSEN would say, "But before he can collect any money to get the proper exposure before the people, he has got to make sure that the national committee"—over which he has no control—"has paid all the debts incurred by it over 5 years."

Oh, what a sledgehammer that is. I mean, how far will you go in trying to badger us?

The reason we are doing this: if I can make my position understood, is not to enrich the coffers of the national committee one way or the other. The money does not go to the committee. The money goes to the candidate. He is the one who is responsible. He is the one who has to apply for it, and he is the one who is going to account for it.

I think my good friend from Wyoming gave his hand away when he talked about a telephone bill that has not been paid. Yes, the Democratic Party is in debt. It is in terrible debt. I do not know how much it owes, but it runs into the millions of dollars.

Does he mean to fasten this on the candidate personally? What kind of election do you want next time? The kind they had in Vietnam, with only one candidate? Is that the kind of election you want? Or do you want the candidates to appear before the people to explain their views, to be granted the opportunity for the exposure that is necessary to bring their message to the American people?

That is what we are talking about. And I have never seen anything so punitive in all my life. This is like putting your brother in jail for something you did. That is what it amounts to. And that is the purpose of this latest amendment.

I think that the Senator from Colorado was on the right track. He misunderstood this amendment, but I tell him very frankly, he did not have a bad idea in the misunderstanding. What he wanted to make certain is that you could not use the public's money to pay off the debts that a national committee incurred 5 years ago.

I would buy that. That is what the act says. Even the surplus money from what a candidate may have had to borrow for his primary cannot be used; If he has any money left over, he has to give it back before he can take any of this presidential fund. There can be no carryover.

But the Senator from Wyoming does not say that. What the Senator from Wyoming is saying is that before any Democrat in the next election can use any of this money, once he is nominated by the convention, he has to make sure that the Democratic Party has paid all its debts for the last 5 years.

And you think I ought to take it? Well, I may be a nice guy, but I am not stupid.

I think this amendment should be roundly defeated. I must say that I am surprised that it should have been introduced.

The PRESIDING OFFICER. Who yields time?

Mr. HANSEN. Mr. President, before yielding to the distinguished Senator from Tennessee, I yield myself 2 minutes.

I must say that the Senator from Rhode Island speaks more clearly than he sees. I see no elephant on this bill. I do see many honest Americans hoping that the political parties will observe the same rules that the rest of us are called upon to observe, that we pay our debts. The whole idea of the tax system in this country is that no one shall escape the obligation and responsibility of paying his debts.

We are asking approximately 70 million Americans to pay their debts to the United States of America, and we are going to take some of those tax dollars and give them to all those who may qualify, under the terms of this bill, to aspire to become President of the United States. Then, if I correctly understand my good friend, the Senator from Rhode Island, he is saying, "But we will forget the past. It does not matter if you owe a lot of money around this country. If a lot of little people who have a hard time paying their phone bills are going to have their phone bills made greater because some of those aspiring to become President did not pay their bills, because some politicians thought it was all right to forget a debt in excess of a million dollars, forget all about that. Let the little guy pick up the tab."

That is what my good friend, the Senator from Rhode Island, is suggesting. He is saying this is the way we ought to do this. Why does he say this? Because we are going to come out with the symbol of purity. He said this morning that this will not be a raid on the Treasury; that this is simply an effort to assure purity in the choice of a man in whose hands shall be placed the destiny of our country, the President of the United States.

It is just that simple. It does not mean anything else. Are we going to pay our bills, or are we going to shift those burdens upon others, whose shoulders are even less firm than ours, asking that they pay?

I do not ask the Senator from Rhode Island to respond to that. I think the American people should respond to that, and I expect that they will.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Wyoming has 10 minutes remaining.

Mr. COOK. Mr. President, will the Senator yield for a question?

Mr. HANSEN. I am happy to yield.

Mr. COOK. I was very interested in the remarks of the Senator from Rhode Island when he said that this did not go to a campaign committee, that this will go to an individual, and that the individual was the one who qualified for this $20 million that would be in the fund.

Does the Senator from Wyoming—I present this to all Senators, and for the benefit of the Senator from Rhode Island—have any idea what would happen if the presidential candidate who has approximately $20 million at his disposal died the week before a November election?

Mr. HANSEN. I shudder to think of it.

Mr. COOK. Does the Senator have any idea how those bills would be paid? Does he have any idea what would occur as a result of a new candidate being picked by the Republican Party who was not the nominee of his convention, as is set forth in this bill; and if he is not the nominee of his convention, as established in this bill, he might not even qualify for any funds at all?

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

Mr. HANSEN. I yield 1 additional minute.

I think the question is very appropriate. I am certain it makes the point that needs to be understood clearly here this afternoon.

Mr. PASTORE. Mr. President, will the Senator yield for a question on my time, on that point, inasmuch as the Senator from Rhode Island has been mentioned?

Mr. HANSEN. I yield.

Mr. PASTORE. I wonder if before St. Peter would let the Senator from Wyoming in, he would want to make sure that his debts were paid.

Mr. COOK. That does not answer the question.

Mr. PASTORE. The Senator did ask what would happen in the case of death. The poor fellow would have to go there or someplace else. If he were a Democrat, he would go to Heaven—and he could not take the money with him. [Laughter.]

Mr. HANSEN. I can only say that the good opinion that the Senator from Rhode Island has of members of his party is shared by me. I think they will go to Heaven.

I yield 4 minutes to the Senator from Tennessee.

Mr. BROCK. Mr. President, I asked for this time simply to pursue this line of questioning.

Under the bill as written, if a candidate elects to receive these moneys from the Public Treasury—in essence, from the taxpayers of the United States—he commits himself not to exceed the total of $20.4 million in his campaign. Is that not true?

Mr. HANSEN. That is correct.

Mr. BROCK. He can spend no money beyond that. If he spends slightly less, he has to return those moneys.

Mr. HANSEN. Yes.

Mr. BROCK. He gets $20 million, and he cannot spend more than that. So that, in prospect, this bill would prohibit the accumulation of debts. Is that not so?

Mr. HANSEN. I would think so.

Mr. BROCK. All that the Senator from Wyoming is proposing, then, is that we apply that in the instance of the current election, so that the debts do not affect the 1972 elections and the taxpayers are not required to repay the excesses of the

Democratic Party from 1968. Is that not so?

Mr. HANSEN. That seems a fair interpretation.

Mr. BROCK. In effect, what the Senator is saying is that what is sauce for the goose is sauce for the gander. What is good in 1972 is good in 1976, and the law should apply equally across the board.

What troubles me is this: The Senator from Rhode Island made perhaps the most accurate statement of the day when he said he was friendly but not stupid. I think he has demonstrated the validity of both in abundance this day. I agree. But I think he has demonstrated his acumen in opposing this amendment, only in the sense that he is protecting the interests of his party, not in the sense of trying to define how this amendment would work; because the fact is that in most instances the political committee that works for the election of a President, after the candidate is nominated by a party, is the national committee of that party. That is true of the Democratic Party and of the Republican Party, and it has been so historically for many years. Is that not true?

Mr. HANSEN. That is correct.

Mr. BROCK. It is also true that when any party or any individual has a debt, and it continues to do business with the crediting firm, moneys paid in on account are applied first against the debt and not against new purchases. Is that not so?

Mr. HANSEN. I would think so.

Mr. BROCK. In any normal business practice that would be true.

So the Senator from Rhode Island was not really correct in saying that once the Democratic Party created a new national committee, this money could not be used to pay off the debt. As a matter of fact, it has to be. The creditors will insist that it be used to pay off the debts of the Democratic Party dating back to 1968 before they will provide new services. That is a matter of commonsense business logic. Is that not so?

Mr. HANSEN. That is correct.

Mr. BROCK. I think the Senator from Wyoming is simply saying this: By what conceivable right does this body obligate the taxpayers of the United States to pay off the campaign obligations of any political party 4 years in the past?

Mr. PASTORE. I want to say once more to my friend that this money cannot be paid or used to pay anybody's debts, only those of the candidate, and only from the time he is nominated until the time of the election, period. If the Senator does not understand it that way, I suggest that he read the bill.

Mr. BROCK. I have read the bill.

Mr. PASTORE. What the Senator from Wyoming is actually saying in his amendment is that if Mr. MUSKIE or Mr. MCGOVERN or Mr. KENNEDY or anybody else is nominated at the convention, he cannot receive a dime of this money until the national party pays all the money it owed in the past 5 years. If that is not laying somebody's sins on a third party, I do not know what it is.

The Senator from Colorado had his finger on the crux of this whole matter, and this is what the bill the Pastore amendment makes emphatic that the candidate cannot pay off the debts of anybody, even his own, if they are incurred before he is nominated.

Mr. COOK. Mr. President, will the Senator from Tennessee yield for a question?

Mr. BROCK. I yield.

Mr. COOK. Does the Senator see anything in the amendment that makes it illegal for the telephone company, the first time the telephone bill is paid after there is a Democratic nominee in August, to apply payment of that bill to an existing bill?

Mr. BROCK. Nothing whatsoever.

Mr. COOK. Is there anything in here that says, as a matter of fact, that it would in any way prohibit the telephone company, when it receives that first payment on the bill after the August convention of the Democratic Party, or after convention of the Republican Party, that they cannot apply that payment to an existing bill?

Mr. BROCK. The way the amendment of the Senator from Rhode Island is written, there is nothing in it to prohibit that action.

Mr. PASTORE. I suggest that you read the amendment. What you are saying is that if the telephone company shuts off the telephone service of the national committee because it has not paid its bill, and the national committee cannot pay that bill until, let us say, a year later then it is the individual candidate who is held liable. What you are actually saying is that any candidate cannot have a telephone unless he makes sure that the bill owed by his national committee is paid. That is what the Senator from Wyoming said. He says you could not take a dime, until every bill incurred by the national committee in the previous 5 years has been paid in full.

Mr. BROCK. But even though the problems——

Mr. PASTORE. Take HUBERT HUMPHREY. Money is owed on the last campaign. Let us assume that he is made his party's nominee, this year. Let us assume that. You are saying that he cannot take 5 cents of this presidential fund to be used in the new campaign exclusively for the new campaign until he proves that he has paid the bills that are previously owed.

Mr. COOK. I ask the question again: Is there anything in here that prohibits the supplier of a service from adding or attaching a payment that is made by a candidate onto an existing debt? That is all I am saying. Is there anything in the bill——

Mr. PASTORE. I am not talking about what the telephone company might do. The point is, the candidate cannot use the money to pay a back bill. That is on page 10 of section (b) of the amendment.

Mr. COOK. The point I am trying to make is that the candidate pays a $5,000 telephone bill and the telephone company takes that $5,000 and applies it onto an existing bill. I am not talking about what the candidate does. I am talking about whether there is anything in here that prohibits in any way the vendor of a service from applying that payment, if it is a payment made on a current bill, to an existing debt?

Mr. PASTORE. That would raise a serious question as to whether the telephone company would become responsible and be in violation of the law because that candidate cannot use that money for any prior debt.

Mr. COOK. I say to the Senator, please do not pass on to corporations third party responsibility for any liability of that kind——

Mr. PASTORE. I am not doing that. I am reading the law.

Mr. COOK. I am afraid the Senator is stretching the law so that the telephone company or any other vendor could be in violation here. I think the Senator is aware of that.

Mr. BROCK. The question is, Must we apply that money to pay the debt first?

The PRESIDING OFFICER (Mr. BEALL). The time of the Senator has expired.

Mr. GURNEY. Mr. President, will the Senator from Wyoming yield me 3 minutes?

Mr. HANSEN. I am happy to yield 3 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 3 minutes.

Mr. GURNEY. I came in a little late. Mention was made of the Democratic National Committee's telephone bill which I understand is overdue to the extent of $1.4 million; is that not correct?

Mr. HANSEN. I would not know. That story is out of the Washington Post.

Mr. GURNEY. Well, at least that is from a report published in the Washington Post which, incidentally, is a publication highly favorable to the Democratic party, I believe.

Mr. HANSEN. Some think so.

Mr. GURNEY. Earlier today we had colloquy on the subject of boilerroom operations which, I understand, have become quite common in the political game ever since the invention of the telephone. I am not sure that Alexander Graham Bell knew what he was doing for political campaigns when he invented the telephone, but boilerroom operations are widely used by both parties.

Much to my amazement, the Senator from Rhode Island disclaims any knowledge of any such activity on behalf of political candidates as respects boilerroom operations.

My question to the Senator from Wyoming is: Does any part of this $1.4 million owed by the Democratic National Committee to the telephone company involve boiler room operations? Does the Senator have any idea?

Mr. HANSEN. I must say, first of all, that I simply do not know whether the committee owes one dime. According to the Washington Post, that is what they owe, but I would not know about boilerroom operations there. I must admit that my naivete approaches that of the distinguished Senator from Rhode Island. I, too, know nothing about boilerroom operations, but perhaps the Senator from Rhode Island could enlighten us further on that.

Mr. GURNEY. I might pose that question to the Senator from Rhode Island: Does he know whether any part of the telephone bill was incurred as a result of boilerroom operations?

Mr. PASTORE. Let me answer that question by asking the Senator from Florida: Is he trying to be funny? Please be honest with me. Are you trying to be funny?

Mr. GURNEY. I am trying to find out whether the telephone company bill owed by the Democratic National Committee had anything to do with the boilerroom operations.

Mr. PASTORE. I do not know what you are talking about. Will the Senator please be a little more explicit?

Mr. GURNEY. I cannot pursue the question any further.

Mr. PASTORE. I cannot help that.

The PRESIDING OFFICER (Mr. BEALL). The Chair would inform the Senator from Wyoming that he has 1½ minutes remaining.

Mr. HANSEN. Mr. President, I reserve the remainder of my time.

Mr. PASTORE. Mr. President, I am ready to yield back my time.

Mr. HANSEN. Mr. President, I have a minute and a half left, I think?

The PRESIDING OFFICER. The Senator is correct.

Mr. HANSEN. Mr. President, I yield myself that 1½ minutes.

Mr. PASTORE. Mr. President, I withhold the remainder of my time.

Mr. HANSEN. Mr. President, let me say this, that it seems strange, indeed, that people in parties who would hope to lead this country could be so intent on capturing the first prize that the methods they choose to get there would be of no concern to them. I cannot believe that there are many people in this Chamber who do not think that the basic ingredient of honesty which has as a corollary the paying of one's bills, is not the most important step that must be taken along the way. I cannot believe that the Office of the President is a prize of such worth as to justify casting aside morality, all the mores, all the ethics that as a people we have built up——

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

Mr. PASTORE. Mr. President, there is no question of immorality or dishonesty involved here. I assume that the parties acknowledge these obligations. I think the Republican Party, at one time, was in debt. I do not believe there was anything immoral or dishonest about that. In time, they got the money and paid their bills. They raised the money according to the system. After awhile, the Democratic Party, according to the system, will raise the money and will be able to pay its debts.

To come back to the statement that when the telephone company has money owing to it from an individual, it does not have to give that individual further service, I doubt very much that a candidate could use this fund, or that any other candidate could use the fund to pay previous debts because it would be in violation of the law or the individual pays the money he owes on his debt. The individual would have to find some way to pay it back, but he cannot use this money—I repeat, he cannot use this money under the provisions of this act either to pay the debts incurred, whether in a primary or money used to pay off debts on any previous obligations. This money has to be used strictly for campaign purposes. It is subject to guidelines promulgated by the Comptroller General from the time the candidate is nominated until the time of election day, if he so chooses to accept that money. That is what the law is all about.

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

Mr. PASTORE. I yield.

Mr. MAGNUSON. Mr. President, I think it is awfully unwise to involve the national committees in what we are trying to do here for this reason. The prime purpose of the national committee is to elect Democratic nominees in our case and Republican nominees in the case of the Republican National Committee. However, they do many other things. As a matter of fact, over the years I have been associated with the national committee when we would raise money for a given senatorial candidate. Their work is quite varied.

After the nomination in July of the Democratic candidate and in August of the Republican candidate, the committees will concentrate on this. However, in the meantime they are registering people. That money is used for that purpose.

These funds should not be used over a 4-year period by the national committee. What we are trying to do here strictly and literally is for a presidential race.

Mr. PASTORE. And a candidate in that race.

Mr. MAGNUSON. The Senator is correct. A part of the telephone bill was incurred for a lot of other purposes.

Although that is a prime purpose of a national committee, I know of cases where they have helped raise money for congressional candidates, the same as the Republican National Committee has.

I have been chairman of the committee a couple of times when we would be an agent of the national committee to aid the Democratic nominees. Once in a while we find a Democratic nominee for the U.S. Senate that has been aided by the national committee in his own State, maybe in a voter registration drive, and when the nominee is chosen, he is not too happy. Sometimes he does not lift a finger to do anything.

The national committee has varied activities. It is not at all solely and literally for the purpose of electing a President, although that does become its main job when the nominees are selected.

It would be a very complex thing to get into the debt of the national committee for 3 years back when we had the last presidential election. This would complicate it so that we would never get the cobwebs out of it to see what we are doing.

This is not the property of the President or anyone else. It is the property of the Democratic Party, which has some varied opinions once in a while about nominees of some of our people. It is not the property of the President. It is the property of the Democratic Party nationwide.

Mr. PASTORE. And it should not be made responsible for things like this.

Mr. MAGNUSON. The Senator is correct. It should not have anything to do with whatever arrangements they have with the telephone company.

Mr. PASTORE. The Senator sees the gimmick here. They want to shut it off completely.

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

Mr. PASTORE. I yield.

Mr. CANNON. Mr. President, we considered this matter when we were considering election reform legislation earlier last year in title IV of the bill we passed, S. 382. After considerable study and debate in the committee, we determined that there should be some provision with respect to regulated industries and regulated industries alone.

We adopted a provision in the bill that was passed and sent to the House that reads as follows:

SEC. 4. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.

We considered this matter thoroughly. And we imposed this restriction with respect to the regulated industries, which is as far as we are enttled to go. Certainly to try to impose an obligation upon a candidate who might receive these moneys for the nomination to pay the debts of another candidate, over which he had no control, would be absolutely absurd.

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

Mr. CANNON. I yield.

Mr. COOK. Mr. President, that bill has not become law yet nor, obviously, have the regulations been promulgated.

Mr. CANNON. The Senator is correct. This is the bill that passed the Senate. It is now on the House side. I think they have started to consider it along with other election reform legislation. I understand it has been put over until after the Thanksgiving recess.

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

Mr. CANNON. I yield.

Mr. DOMINICK. Mr. President, it seems to me that the basis upon which the Senate is operating in that connection is that in the case of the Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission, all of these bodies are regulated in terms of what they can charge and in what areas they can operate by the Federal Government. Here we are dealing in exactly the same fund. And we said there that they have to take care that they do not get into debt. Here we are appropriating Federal tax funds for the benefit of political purposes.

It seems to me that we ought to put

something in this bill to make sure that the debts are paid.

Mr. CANNON. Mr. President, this money is paid to assist a candidate in running in a national election and not for the purpose of taking that money and paying the debts of another candidate over which he had absolutely no control.

Mr. DOMINICK. The Senator was not here during the colloquy about the undemocratic processes of the national committee and how it should be changed, because the national committee determined who was on the national committee and those members incurred most of the debt. If the Senator had been here for that colloquy he would be able to see why we are concerned about the overriding influence of the Democratic Committee to determine who the candidate will be and the debts that will be incurred.

Mr. CANNON. Mr. President, I did not yield for a speech. I yielded for a question.

The Senator must be aware that the restriction in the bill absolutely prohibits the payment or use of any of these funds before the nominee becomes a candidate of the party. So, we would be saying that he cannot legally do it. Now, we are saying that he has to pay those bills or else he cannot have the money.

I thank the Senator from Rhode Island for yielding.

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

The PRESIDING OFFICER. All time has been consumed or yielded back. The question is on agreeing to the amendment of the Senator from Wyoming. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. CHILES), the Senator from Indiana (Mr. HARTKE), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Nebraska (Mr. HRUSKA), the Senator from Kansas (Mr. PEARSON), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. HRUSKA), would vote "yea."

The result was announced—yeas 30, nays 60, as follows:

[No. 365 Leg.]

YEAS—30

Allott	Cotton	Miller
Baker	Curtis	Packwood
Beall	Dole	Roth
Bellmon	Dominick	Schweiker
Bennett	Fannin	Scott
Boggs	Fong	Stafford
Brock	Griffin	Thurmond
Brooke	Gurney	Tower
Buckley	Hansen	Weicker
Cook	Jordan, Idaho	Young

NAYS—60

Aiken	Bentsen	Byrd, Va.
Allen	Bible	Byrd, W. Va.
Anderson	Burdick	Cannon
Case	Inouye	Nelson
Church	Jackson	Pastore
Cooper	Javits	Pell
Cranston	Jordan, N.C.	Percy
Eagleton	Kennedy	Proxmire
Eastland	Long	Randolph
Ellender	Magnuson	Ribicoff
Ervin	Mansfield	Smith
Fulbright	Mathias	Sparkman
Gambrell	McClellan	Spong
Gravel	McGee	Stennis
Harris	McIntyre	Stevenson
Hart	Metcalf	Symington
Hatfield	Mondale	Taft
Hollings	Montoya	Talmadge
Hughes	Moss	Tunney
Humphrey	Muskie	Williams

NOT VOTING—10

Bayh	Hruska	Saxbe
Chiles	McGovern	Stevens
Goldwater	Mundt	
Hartke	Pearson	

So Mr. HANSEN's amendment was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the concurrent resolution (H. Con. Res. 466) providing for an adjournment of the House from November 19, to November 29, 1971.

The message also announced that the House had passed a bill (H.R. 10729) to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 10729) to amend the Rodenticide Act, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. BEALL) laid before the Senate a message from the President of the United States submitting the nomination of Leroy J. Contie, Jr., of Ohio, to be a U.S. district judge for the northern district of Ohio, which was referred to the Committee on the Judiciary.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

Mr. DOMINICK. Mr. President, I send to the desk an amendment and ask that it be read, and I ask that a copy be delivered to the Senator from Rhode Island.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, as follows:

On page 16, line 15, after "General" insert "; Approval by Congress".

On page 16 beginning with line 20 strike out through line 2 on page 17 and insert in lieu thereof the following: "from time to time to the Congress the amounts of the payments to which such candidates are entitled under section 1004.

"(b) The Comptroller General shall certify to the Secretary for payment to such candidates under section 1006 the amounts appropriated by the Congress for such purposes after the certification by the Comptroller General under subsection (a).".

On page 17, line 20, before "except" insert the following: "as provided in appropriations Act, and".

Mr. DOMINICK. Mr. President, I will explain it in a moment.

Right now I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I yield myself 10 minutes, and I yield 30 seconds to the Senator from Kentucky (Mr. COOPER).

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. COOPER. Mr. President, I ask for the attention of the Senator from Rhode Island.

While several Senators are in the Chamber, I wish to say that I shall offer an amendment which I think should have some appeal to Members of the Senate. The Senator from Tennessee (Mr. BAKER) and the Senator from New York (Mr. JAVITS) will join me, and perhaps also the Senator from Connecticut (Mr. WEICKER).

The amendment would strike title IX of the amendment of the Senator from Rhode Island, provided also that funds shall be available to candidates before the nomination—that is when they need the money—and secondly, would substitute for title IX the Clean Elections Act, which was sponsored by the Senator from Rhode Island, was passed by the Senate, and is sleeping in the House. The amendment will provide funds for candidates and will also provide a clean elections bill.

Mr. COOK. Mr. President, I would like to join the Senator in that.

Mr. WEICKER. Mr. President, I want to join the Senator in that.

Mr. DOMINICK. Mr. President, if I may have the attention of my colleagues, I think I can be fairly explicit about this amendment. If I may have the attention of the Senator from Kentucky and the Senator from Tennessee, because they may be interested in my comments.

Without changing the formula, I am proposing that before payments are made the appropriation process must be gone through so that the Appropriations Committee can determine whether or not the proper amounts are being paid out. That is the effect of the amendment.

Let me tell my colleagues why that is necessary. First of all, in the process of determining how much money is going to be put in the pocket of a candidate, the Internal Revenue Service will have to go through over 85 million individual

returns. It will have to do that to ascertain whether there is a tax liability. Then, as they wean out the ones that do not have a tax liability of $1 or more, there will be 59.4 million returns with a tax liability of $1 or more; 40,800,000 of those will be joint returns.

If every taxpayer who makes a return makes a checkoff—which I very much doubt—there will be $100,200,000 involved in this particular bill. That is a lot of money. It is going to be divided between the major parties and the eligible minor parties and is going to be based on how much individuals decide to contribute.

For example, under the bill, it provides that a taxpayer can make a checkmark and say he will contribute a dollar. What happens if the taxpayer says no, he wants to contribute $10? What are we going to do about that? What happens if he says, "I have checked it off. I want it to go to a specific candidate"? Are we going to say no? Obviously we are going to say "no" under the bill, because if a person has designated his choice, we are going to appropriate out of the general Treasury. It is an automatic appropriation. It is backdoor spending to the potential tune of $100 million. There is no appropriation review. There is no method for Congress to determine what is going on.

What happens is that the certification and the examination under section 1007—which is provided so they can go over the candidate's books, schedules, records, and information—occur after the payment has been made. It says so specifically in the bill.

Section 1005(a) reads as follows:

On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 1007, the Comptroller General shall certify from time to time to the Secretary for payment to such candidates under section 1006 the payments to which such candidates are entitled.

So you have nothing. The candidate comes in and says, "Here are my qualified expenses. This is what I think it ought to be."

Before any records or books are examined at all, that amount, is certified from the information that is received by the Comptroller General. He does not have any right to review it or question it. Then he goes ahead and certifies it to the Secretary, and the Secretary pays, and the Appropriations Committee has no idea until after it is all over how much money is going to be spent, where it is going to be spent, who is going to get it, who will be eligible, or anything else, until after the fact.

What I am saying is that in that intervening time between the time when the Comptroller General has received the papers and the information, and prior to audit, the Comptroller General then reports it to the Appropriations Committee, and the Appropriations Committee, at that point, would have the right to get together with the various officials in the Federal Government, just as we do with every other expenditure that goes through this Congress—or at least most of them, anyway; not as many as we would like sometimes—and put them all together, and say, "All right, this seems to us, on the basis of the information we have before us now, a proper charge upon the Treasury of the United States."

If they find out that certain of these expenses, as they are developed in the process of the hearings, are not eligible, obviously they would be thrown out, and less money would be made available.

This makes it before the fact. Otherwise, what we really have here is a decision by the Senate of the United States, or the Congress of the United States, if this should go all the way through, that the very first order of priority on any single expenditure from the U.S. Treasury is going to be for political purposes, for electing a President.

I think the Senator from Washington will be extremely interested in this, because it requires an expenditure every fiscal year. It is not just in the election years. You accumulate this fund every year; and it could be as much as $400 million by the time you get to the 1976 collection. Then you say, only after the expenditures have been made for candidates, that the balance of the fund shall be put back into the Treasury, and then you start the accumulation all over again. You could also come to the other situation. You could find, after you have gone through 85 million separate returns and 59.4 million individual returns, of which 44.8 million are joint returns, that only 1 million people have checked the box. Then you have only $1 million to spend, and over 4 years you have $4 million. Possibly that is not a problem. It indicates that people do not want their tax money used this way, and I would not blame them a bit on that; I would not want mine used that way, and I would not check the box. And I do pay more than $1 in taxes each year.

But I can tell you this: We do not know what we are dealing with here, and we will not know what we are dealing with until we have gone through 6 or 7 years of this process, so that the American people can decide whether this is the way they want to go forward, or whether they want to return to giving money to the candidate of their choice, which in my opinion is the only way it ought to be done.

So, having said that, the only control we can put in here is the appropriation process, that I can see, that will be at all feasible. I think we all rely on the Appropriations Committees extensively, over and over again, to try to determine how much money ought to be spent on the vast demands that there are out of the tax revenues that are given to the Federal Government, and only they can determine whether or not this amount ought to be paid or that amount ought to be paid.

When we make a mechanistic—and that is what it is in this proposal, mechanistic—calculation that we are going to have a drawdown on the Treasury each year of an amount which is determined by reviewing that many returns, it strikes me that we have gone away overboard in the process of trying to figure out how we can get Federal tax funds in a political campaign.

We have a few other problems, it strikes me, in this particular proposal. I tried to do something before with respect to title 9. But this one, I think, is the real key one. For the life of me, I do not see why just in the case of political campaigns we should go to any length in order to avoid the normal appropriation process. That is what we have done here.

Having said that, I am happy to hear whatever reply the Senator from Rhode Island may make, and I reserve the remainder of my time.

Mr. PASTORE. Mr. President, let me say this to the Senator from Colorado: I appreciate his point of view, but I think under all the circumstances it is regrettably unsound. I would be the last, as a member of the Appropriations Committee, to deny that committee any jurisdiction over the expenditure of money. But I say to the Senator, I think you have to be very realistic about this if you want this law at all.

If we want this law at all, we have got to read and digest the law in order to understand why it is rather impossible to do what the Senator from Colorado has suggested.

Here is the story: No man is entitled to this money under any circumstances until he is nominated. To give the Senator an example, the Democratic Convention will be held in July. When that convention comes around, almost all the Democrats will go to the convention. As a matter of fact, the Senate will be in recess. Then the next month, the month of August, the Republicans will hold their convention.

As the Senator well knows, before you can be entitled to this money, you have to make application for it; and you cannot make application for it until such time as you are nominated. And when you are nominated, Congress is out of session, and for practical reasons, as a matter of timing, it would be impossible to do what the Senator from Colorado suggests.

But in order to achieve a sound procedure in administering this presidential campaign fund, the Senators must understand what we have done here.

No. 1, as shown on page 21, we have required the Comptroller General to make a report to Congress as to the amount of money given out, how it was spent, and under what circumstances. Not only that, it has to be spent according to rules and regulations formulated by the Comptroller General, and I intend to accept an amendment by the other side which would subject this to court review, which will be a clarification of the law.

But then I point out page 27. Realizing the fact that Congress must be cognizant of what is going on, we wrote here subtitle B, to establish a presidential election campaign fund advisory board; and this is what it is supposed to do:

(a) There is hereby established an Advisory Board to be known as the Presidential Election Campaign Fund Advisory Board (hereinafter in this section referred to as the "Board"). It shall be the duty and function of the Board to counsel and assist the Comptroller General of the United States in the performance of the duties and functions imposed on him under the Presidential Election Campaign Fund Act of 1971.

(b) The Board shall be composed of the following members:

(1) the majority leader and minority leader of the Senate and the Speaker and minority leader of the House of Representatives, who shall serve ex officio;

(2) two members representing each political party which is a major party (as defined in section 1002(6) of the Presidential Election Campaign Fund Act of 1971), which members shall be appointed by the Comptroller General from recommendations submitted by such political party; and

(3) three members representing the general public, which members shall be selected by the members described in paragraphs (1) and (2).

Then it goes on to explain the further functions of the board.

I do not think we could have done much more than we have done. I point out again, I would not be adverse to the Appropriations Committee process, but the trouble is that under the circumstances it becomes impossible. I mean, at what point would they decide who made what application and for what kind of money and for what purpose he is going to use it?

You have to have a standing advisory council to do this, because when decisions are to be made, the Senate and the House will not be in session, and that is the problem. That is the serious problem, and I do not see how you can overcome it.

For that reason, I hope that the Senator, rather than expect me to accept his amendment, would withdraw it. I know exactly what he wants. He wants honesty and proper accounting in the spending of this money. This provision requires that while the money goes into the fund, what is not spent has to go back to the Treasury right after election. And what is spent is going to be spent under very strict supervision. Let the Senator read the penalties herein contained. We have an advisory council that not only has to oversee operations but also has to make sure that the Comptroller General carries out the responsibilities of his office. That is about as far as I thought we could go. I hoped we could have the appropriation process, but it just will not work.

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

Mr. PASTORE. I yield.

Mr. LONG. The Senator said earlier—and I know he is telling the truth—that any amendment which helps to perfect or carry out the intent of his amendment or to take care of any oversight that the mind of man can conceive, the Senator from Rhode Island would be willing to accept. Obviously, though, he is not in favor of accepting something that would make the provision fail to work.

The problem with the Senator from Colorado's amendment is this: When people book you for television time or for radio time or when they accept your ads in the newspaper, they want to know right then, "Do we get paid or don't we get paid?" They just would not know that because they would not be paid unless Congress appropriates the money and the President signs the bill.

Usually, when we act on an appropriation bill, we appropriate the money and then, having appropriated the money, the money is paid out as the expenses occur. In this case, however, we wish to make the money available as expenses are incurred—we wish to have them paid then. But the money would not be made available under the Senator's amendment until after the expenses are incurred.

The Comptroller General is named in this bill because we want to have somebody who is not in politics make that decision; a man who would have to do business with the candidates, and who could serve with either one—to work with them and keep tabs on them, to see that the money is spent honestly and honorably.

It is not unprecedented to have an automatic appropriation. We do it with interest on the national debt and with other items, not knowing what the cost will be, but knowing that something must be paid.

The Senator made one good point, and I will tell the Senator that I would be willing to support an amendment to take care of one thing the Senator from Colorado mentioned. He said the fund might accumulate more money than would be needed. I would be happy to vote for an amendment that would provide that if the fund ever accumulated more than $80 million, anything more than that would go back in the general funds.

Frankly, if it would persuade some Republicans to vote for the bill, I would be willing to support an amendment that would add the words to the checkoff, where the person would designate $1 for the presidential fund, so that it would read ", if needed,".

To make it clear, if more money went into the fund than was needed, the remainder would go back into the Treasury. That seems to have created a great deal of consternation on the other side of the aisle—that the checkoff might be so well received that everyone might decide that he wanted his dollar to go under the fund.

I would be glad to support an amendment to do that, if it would make those who raise these doubts vote for the measure or be any more agreeable to it. The certainty that you will be paid, and that there is not going to be any politics in deciding whether you do or do not get paid, is something that should be resolved. The day might come when there might be some very partisan members on the Appropriations Committee who may have ill will from past experience in serving with those running for President, and they might refuse to recommend the appropriation. Thus, after $20 million of liability had been incurred, Congress might not pass the bill.

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

Mr. LONG. I yield.

Mr. MAGNUSON. I have no doubt that they will get paid, but the question is, When? A hearing might be going on down there all during August, and two or three candidates running for office would be trying to get television time and to pay their bills. The Appropriations Committee can hold things up if they do not like it. That goes on here too frequently. I do not want to be personal. The bills ultimately will be paid, but when? I have seen the Appropriations Committee when they can dillydally once in awhile, if they do not like something. We want this to go to them so that it can be used for the benefit of the public.

Mr. LONG. We want to be sure that partisanship stays out of it. That is the reason why the Comptroller General is designated to look at the vouchers and to certify that the expense should or should not be paid. That is the only way it can be done with assurance that it will work. Otherwise, how do you know that those who do not like the idea might not gain control of Congress at that very election, and even though the law provided that the expenses be paid, just refuse to appropriate the money in view of the fact that it required the appropriation process?

If you want the person who puts the man on the air or who runs his ad in the newspaper to know he is going to be paid, the best way is to provide an automatic and a permanent appropriation.

Mr. PASTORE. If the Senator will permit me, I want to make another observation, in answer to what the distinguished Senator from Colorado said—that he does not know how many people are going to contribute.

I said yesterday that there are two schools of thought with respect to this: the school of thought that coincides and agrees with the Senator from Colorado, that we ought not have any public financing at all; and the school of thought that we ought to go as far as the British system, where it is all financed publicly and the campaign period is limited. We have not gone that far. We are just limiting it to the national office of President of the United States.

The Senator said that he does not know how many people are going to contribute. I do not think anyone has the answer to that. I am hopeful that the people generally will participate. But I want to make this observation: If what he has predicted might be true, that perhaps only $2 million will be collected under this program, I will tell him, frankly, that I will be the first to come back and say, "Let us have done with it." If this is not going to be productive—and we will never know until we try it—if it eventuates that after several years all that has been accumulated is $5 million, I think we have offered something that the people do not accept. I do not think I can talk for the people, to say that they want it, any more than anyone can say that the people do not want it. That is something I do not know.

There is tremendous feeling on this side from people who are not trying to be partisan about it. The Senator from Michigan thinks all campaigns should be publicly supported, because he is aware of the money it costs and the scandalous situations that are arising and the corruption that can grow out of a great deal of money—and a great deal of money sometimes could lead to corruption.

I realize what the Senator is trying to do, but I hope he will reconsider it. I tell him very frankly that I do not see how it would work, because the bill would have to originate in the House. That is not all. We have it written into the law,

for example, that if the presidential campaign fund reaches only the amount that will allocate, let us say, $10 million, when a person is entitled to $20 million, he will have to raise the balance on his own. If you go to the appropriation process, there will be a great deal of pressure to appropriate the full amount, and this can be done only on the money that is allocated to that particular fund. If, because of the 113 million taxpayers, each one subscribes a dollar under these circumstances and it comes to $113 million, the surplus money has to go to the Treasury, anyway.

My own projection is that it will not run much above $50 million. As I said yesterday, that is $25 million less than it costs us for 1 day in Vietnam.

What are we doing? We are trying to give popular exposure to the presidential candidates so that the people will know them and the issues. That being the case, if a Senator does not see fit to withdraw his amendment, I must say in full honesty that when time is yielded back, I shall move to table.

Mr. DOMINICK. I thank the Senator for being so frank. I suspect that this is the first amendment on which there will be a motion to table.

Mr. PASTORE. If the Senator has a strong feeling about it, I will withdraw that.

Mr. DOMINICK. It is all right with me. It does not make any difference. I want to make some comments in any event. I want to make some comments on the statement just made. First of all, with respect to the mechanics of how the bill will work, the Senator from Rhode Island was pointing out that the final income tax returns are filed in April and the conventions are in July and August of that year. Then he went on to say that the appropriations process would not work because Congress would be out of session. I do not really understand that, because the qualified expenses that will be eligible for payment out of the fund do not start until September 1 of any year. To the best of my recollection—and I admit that I have only been in Congress for 11 years now—we have never gotten out of here by September 1 in most cases. As we are doing now, it goes into late November or early December. It seems to get later every year.

Even if we were out of session, and let us say we are out of session 3 weeks before the election of 1972, which will put us about into the middle of October, there is nothing in the world which says that these qualified expenses must be paid out of public funds within 30 days. There is nothing in here which says when they have to be paid. The Senator from Rhode Island has made a deep plea in connection with the amendment of the Senator from Wyoming (Mr. HANSEN), saying that we should not worry even if debts are over 4 years overdue, which is true insofar as, I gather, the national committee of the Democratic Party is concerned.

Mr. PASTORE. Mr. President, if the Senator from Colorado will yield on my time, I never said such a thing. I never said that we should not worry about debts which are overdue. All I said was that we should not apply debts to a man who had nothing whatever to do with them when they were first incurred.

Mr. DOMINICK. I accept the statement of the Senator from Rhode Island but it is obvious that he did not really think those debts should be paid prior to getting our hands on this money. That is true, because we just finished voting it down. So there is not anything—and this is the point I am making—that says we have to pay all these expenses within 30 days, nor is there anything that says these expenses are to be paid within 60 days. The likelihood is that, with the distinguished Senator from Washington, and the distinguished Senator from Louisiana who handled the Appropriations Committees really very well, we could get action on this in a pretty short time if we are in session and we would have the opportunity, by so doing, to have Congress have the ability to determine what is going on.

For example, and I say this to the Senator from Rhode Island, the Senator from Washington, and the Senator from Louisiana, think of this: How much will it cost the IRS to run through individually over 85 million separate returns, to find out, first of all, who is eligible; and then to find out among the people who paid $1 or more whether they have checked off their contribution; how much extra computer work they will have to do; and how much additional personnel they will have to put on; and how much overtime will be involved?

Those expenses also, in fact, should be paid out of the fund, if we are going to do it that way, because they will be created by this bill but it will not be paid out. It will be by a separate expenditure, which the general taxpayer, who may not have agreed to check off any money for a contribution, will have to bear the cost of this.

Mr. COOK. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. COOK. I would like to add to this discussion relative to the Comptroller General and the problems that would be caused between his Office and the IRS. The Senator will recall, in S. 382, when we gave the responsibility to the Comptroller General to do this, that he said he did not want it, that he did not know whether he could do it, and that he did not know whether he had the staff to do it. Frankly, he said that it would be a kind of principal agent relationship with Members of Congress and that under those circumstances he thought he would be overseeing his own principals and he did not want that responsibility.

I might add that we probably have that same problem here.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the Comptroller General dated May 25, 1971, to the chairman of the Committee on Commerce, the Senator from Washington (Mr. MAGNUSON), relative to the bill that was then before us.

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

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., May 25, 1971.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate

DEAR MR. CHAIRMAN: This replies to your request of March 10, 1971, for comments on S. 1121, 92d Congress, a bill to be cited as the "Campaign Financing and Lobbying Reform Act of 1971." The bill contains five main titles with the following principal provisions:

Title I provides an income tax incentive to encourage individuals to make political contributions to candidates at all levels—Federal, State, and local—by means of a full tax credit for contributions up to $50 in any year ($100 for a husband and wife filing a joint return).

Title II amends the criminal code provisions relating to elections and imposes a $1,000 annual limit on political contributions by any person. The $1,000 limit also applies to campaign spending by any candidate or his immediate family.

Title III concerns the reporting and disclosure of campaign contributions and expenditures. Political committees and candidates for Federal office—President or Vice President; Senator; Representative; Resident Commissioner or Delegate to Congress—would be required to file reports of contributions and statements of expenditures with the Comptroller General of the Untied States. Statements would also be required from any other person who makes contributions aggregating $100 or more within a calendar year.

Section 308(a) prescribes the duties of the Comptroller General under title III. He is to develop procedures and forms; preserve reports and statements for at least 10 years (except 5 years for the House of Representatives) and make them available for public inspection and copying; prepare and publish an annual report and special reports from time to time; assure wide dissemination of summaries and reports; make audits and field investigations with respect to reports and statements filed with him and with respect to alleged failures to file; and report apparent violations of law "to the appropriate law enforcement authorities." He is also given the same powers as the Federal Trade Commission (15 U.S.C. 49, 50) to issue subpoenas for the attendance of witnesses and the production of documentary evidence.

Section 308(b) of title III provides that any candidate may file a complaint with the Comptroller General charging a violation of the title. If, on the basis of investigation and after notice and opportunity for a hearing on the record, the Comptroller General determines that a violation has occurred, he shall order the violator to take such action as necessary to correct the injury caused by the violation, including making public the violation and the nature thereof. The Comptroller General may also take action to correct the injury by making public the violation and by making public complete statements containing the information required by title III. Appeals from orders of the Comptroller General may be taken, within 60 days, to the United States Court of Appeals for the local circuit or to the United States Court of Appeals for the District of Columbia circuit. The findings of fact by the Comptroller General are made conclusive, "if supported by substantial evidence." The court may affirm, reverse in whole or in part, or remand the case to the Comptroller General to take further evidence. Such appeals are to be given priority ahead of all other actions.

Section 308(c) provides a civil penalty up to $5,000 for violations of a final order of the Comptroller General in the same manner as applies to orders of the Federal Trade Commission (15 U.S.C. 45(1)).

Title IV repeals the "equal time" provisions

for broadcasting in presidential elections, and—in 1972 only—in congressional and gubernatorial elections. Broadcasting charges for candidates for any office may not exceed the lowest unit charge of the station. No candidate for President, Senator, Representative, or Governor, may spend for broadcasting a total of more than 7 cents times the number of votes cast in the last preceding general election for the office, or $20,000, whichever is greater. In primary elections, 50 percent of the above amount is allowed.

Title V would amend the Federal Regulation of Lobbying Act, enacted in 1946. It would place the administration of the Act under the Comptroller General instead of under the Secretary of the Senate and the Clerk of the House of Representatives as at present. It would increase the period for preservation of records from 2 years to 5 years. It would broaden the coverage of the Act to include the expenditure of funds, where a "substantial part" or a "substantial purpose" is to pass, defeat, or influence legislation before the Congress, and to include persons who expend over $1,000 to pass, defeat, or influence legislation before Congress "by the use of any means involving direct communication" with Congress. It would also require lobbyists having contingent fee contracts to file with the Comptroller General a description of the contingency and of the amount of the fee, either in dollar amount or percentage of recovery.

Title V would also add a new section to the Act prescribing the duties of the Comptroller General "as the agent of Congress," as follows: (1) to develop methods and forms for the filing of reports and statements; (2) to make all filed reports and statements available for public inspection; (3) to ascertain whether any person has failed to report as required or has filed any incomplete or inaccurate report, and notify such person that he is obligated to report in compliance with the Act; (4) to refer to the Justice Department any failure to register or any filing of a false, improper, or incomplete registration or information; (5) to make studies and recommendations to Congress as necessary or appropriate; (6) to retain each filed report and statement for 5 years and make them available as public records open to public inspection; and (7) to transmit an annual report to Congress on the administration of the Act.

We shall discuss below the two main features of the bill directly involving the General Accounting Office.

CAMPAIGN FINANCING

We are opposed to title III of the bill because it places the responsibility for the administration of its campaign financing provisions in the Comptroller General. It is the position of the General Accounting Office that we should not be given the responsibility for any audit, investigative and enforcement duties in connection with campaign fund reporting. We consider that the effectiveness of our Office depends in large measure upon a reputation for independence of action and objectivity of view. Not only must we remain free from political influence, but we must zealously avoid being placed in a position in which we might be subject to criticism, whether justified or not, that our actions and decisions are prejudiced or influenced by political considerations. We are, therefore, apprehensive of any measure that might place us in a position where we might be subject to such criticism, the inevitable result of which would be a diminution of congressional and public confidence in our integrity and objectivity.

Because our relationship to the Congress closely resembles that of principal and agent, we especially wish to avoid being placed in the anomalous situation of having to investigate and report on our principal. Over the years this Office has had frequent and recurring associations with many of the various committees of the Congress as well as with many of the individual members thereof. Our relationship has been most harmonious. However, we are fearful that the relationship would be severely impaired were we required to investigate, inquire into, and report on individual members of the Congress concerning campaign funds and expenditures.

We agree that there is a need for legislation relating to the disclosure and financing of Federal election campaign costs, but strongly recommend that the administration of any legislation in this area not be placed in the General Accounting Office.

REGULATION OF LOBBYING

The current law, the Federal Regulation of Lobbying Act, was enacted in 1946 and was designed to require public disclosure of certain activities of those persons engaged in lobbying. Using criminal sanctions to effect compliance, that Act sought disclosure of lobbying activities by imposing certain record keeping, registration, and reporting requirements upon persons within its purview. The Act lodged administrative responsibility with the Clerk of the House of Representatives and the Secretary of the Senate. According to a report of the House Committee on Standards of Official Conduct, House Report No. 91–1803, the current law has, without exception, been described as a thoroughly deficient law.

Under S. 1121, the Federal Regulation of Lobbying Act would be amended by a broader measure to be administered by the Comptroller General. In reporting on earlier measures that would have simply transferred responsibility for the administration of the Federal Regulation of Lobbying Act from the Secretary of the Senate and Clerk of the House of Representatives to the Comptroller General, we have advised that we would interpose no objection to such transfer, if the Congress deemed it desirable, so long as our Office performed its role as an agency of the Congress. We note that section 506(b) of S. 1121 expressly provides that the Comptroller General would be acting "as the agent of the Congress" in exercising his powers and duties under the Act. We view this provision as manifesting a clear intention that all duties to be performed by the Comptroller General under S. 1121 would be performed by him as an agent for the Congress. Accordingly, and while we would not seek responsibility for the administration of the proposed Act, we will accept such responsibility if the Congress desires.

Section 602 of the bill authorizes appropriations of such sums as may be necessary to carry out the Act. While we are not prepared at this time to offer any meaningful estimate of man hours translated into dollar amounts because meaningful estimates must be based on an experience factor after several months operation, it is clear that the administration of this Act would require a substantial increase in the staff and the appropriations of the General Accounting Office.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

Mr. COOK. He made it clear—I wish I could find the paragraph in here—where he said, in essence, that he felt he stood as an agent to his principals and that, under the circumstances, he did not want to be placed in the position where he was auditing his principals. Obviously, if he is going to audit the records of the President, he is going to be auditing one of his principals.

Mr. DOMINICK. That is an extremely important point. I am delighted that the Senator from Kentucky brought it up. That is what will happen. The nominees of each party must send in their reports to the Comptroller General and, regardless of who will be President, their data, their information and documents in relation to their expenses will have to be reviewed by the Comptroller General. The expenses will be on a nationwide basis, and they will just pour in from every place in the country, and a determination as to their qualification will have to be made, and then the comptroller will certify to the Secretary and the Secretary will pay the money out. The Comptroller General will be inspecting the records, of course, of the man who will be his President for the next 4 years. At least one will be. As a result, he will be in an extremely embarrassing position, as he was under the other act.

Mr. COOK. If the Senator will yield further, let me read that paragraph I referred to earlier:

We are opposed to title III of the bill because it places the responsibility for the administration of its campaign financing provisions in the Comptroller General. It is the position of the General Accounting Office that we should not be given the responsibility for any audit, investigative and enforcement duties in connection with campaign fund reporting. We consider that the effectiveness of our Office depends in large measure upon a reputation for independence of action and objectivity of view. Not only must we remain free from political influence, but we must zealously avoid being placed in a position in which we might be subject to criticism, whether justified or not, that our actions and decisions are prejudiced or influenced by political considerations. We are, therefore, apprehensive of any measure that might place us in a position where we might be subject to such criticism, the inevitable result of which would be a diminution of congressional and public confidence in our integrity and objectivity.

Because our relationship to the Congress closely resembles that of principal and agent.

I assume that is the same with the President of the United States—

We especially wish to avoid being placed in the anomalous situation of having to investigate and report on our principal. Over the years this Office has had frequent and recurring associations with many of the various committees of the Congress as well as with many of the individual members thereof. Our relationship has been most harmonious. However, we are fearful that the relationship would be severely impaired were we required to investigate, inquire into, and report on individual members of the Congress concerning campaign funds and expenditures.

Mr. DOMINICK. I thank the Senator from Kentucky. That hits the meat of the problem we have before us.

Mr. LONG. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield to the Senator from Louisiana.

Mr. LONG. Would it be necessary, under the Senator's amendment, to pass a bill through Congress and have the President sign it into law to pay the appropriations discussed here?

Mr. DOMINICK. It would be part of the regular appropriations process; yes.

Mr. LONG. Then we would have to pass an act of Congress and have the President sign it or override the veto.

Mr. DOMINICK. He can veto the bill, yes, and that would be a part of the appropriation bill. It would not necessarily be an individual bill. It would be highly unlikely for him to do so. It would put

him in a bad political light if he vetoed someone else's qualified expenses—even worse if he vetoed one of his own.

Mr. LONG. But that is one of the things we would like to know when the expenses are incurred, that they would be paid with the certainty that a certain amount of money would be available. But that certainty would not remain if we had to pass an act of Congress which had to be signed by the President. Frankly, it could be the subject of the partisanship that sometimes invades this Chamber as well as the House.

The Senator made reference to the Comptroller General. The fact that the Comptroller General would send that letter is a good indication of the fact that he is about the right person we would want to handle it.

Mr. DOMINICK. This is on the Senator's time, right? I do not have much more.

Mr. LONG. I asked the Senator to yield to me but I will proceed on my own time.

Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 minute.

Mr. LONG. If we had someone else who had the confidence and the impartiality and who was beyond the reach of politics to the extent that the Comptroller General happens to be, we would be in favor of putting the responsibility for refusing the expenditures with him. But this impartiality and objectivity in the Comptroller General is the reason why it should be there. The Comptroller General is not asking for it and would prefer not to have it. That is an indication that that is where it should be. He is not wedded to either side and is outside of politics.

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

Mr. LONG. I yield.

Mr. PASTORE. Mr. President, it is not a question of whether the Comptroller General wants it or does not want it. It is up to the Congress of the United States to decide what he should do. If we think it is a good thing, he has to take it. We invite his cooperation and we give him authority. If the Senate decides we should not pass the law, he does not have anything to worry about.

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

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Nine minutes.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I think that the colloquy has been very interesting. Suppose we have the payment of expenses. So, the data comes in. The Secretary then certifies to the Comptroller General and says, "I have the data. I do not know what it all is, but I have the data." The money is paid out. The candidate is defeated. He goes home to nurse his wounds.

Subsequently, there is an audit and $50,000 is found to be ineligible for payment. The candidate is sitting there at home, and the United States, with a winning candidate in office, is forced to bring an action of some kind against a defeated candidate in order to recover the money.

What kind of political position does that put anyone in? The President of the United States is newly elected. The Attorney General is perhaps newly appointed. The Congress of the United States by this amendment has put them in a position where they have to go after the individual and have him return the amount that has been overspent by action of the Federal Government to start with, by not having taken the necessary precautions before it made the payment.

It seems to me that we have been going much too fast without looking at the matter thoroughly enough. This process would make an enormous improvement in the bill.

I do not like the bill. I do not like to use tax funds for this purpose. I think that having a person designate on his tax return where the money will go, if we had a checkoff where they could say, "Deduct a dollar for President Nixon or Senator JACKSON or Senator HUMPHREY or whomever," it might be a different thing.

In that case, the citizens would be exercising their free choice. But here, where we are doing it solely on the basis of spreading it out according to what we want, and not what the people want, I think the bill is wrong in theory.

The Senator from Rhode Island referred to an advisory committee and said that the Congress has an overseeing responsibility because we have three Members of Congress on the committee. As far as I can see, the Members of Congress are in the minority. And there is not anyone on the committee to represent the minority parties on the advisory board. Once again they have been knocked in the head. And that has not accomplished anything.

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

Mr. DOMINICK. I will yield on the Senator's time.

Mr. GAMBRELL. Mr. President, the Senator seems to be concerned about the auditing of these accounts. I think it is an indication of the fairness and impartiality in which the bill is presented. If it is enacted this year, the Comptroller General under the Republican administration will have an opportunity to write the regulations governing it. And I assume that they will be written in such a way that they will not need an act of Congress, an audit, or anything else.

We are not asking for an auditing of the accounts. We are asking for the Comptroller General in a Republican administration to write the regulations as to what should be done.

Mr. DOMINICK. Mr. President, let me say to the Senator from Georgia that the Comptroller General is not a political office. They have been laboring for 11 years under all kinds of problems. The present Comptroller General came in under President Johnson's administration. So, I do not think that is much cake cutting on either side.

What I am saying is that whether the Comptroller General is totally honest, and I am sure he is, and whether the Secretary is totally honest, and I am sure he is, and whether this Congress, is totally honest, and I am sure it is, the fact of the matter remains that qualified expenses are explicitly mentioned here and they are subject to an audit after the payments have been made.

That is a heck of a way to do business, I suggest, to have an audit to determine whether things have been done in a proper manner.

They ought to have the audit before paying the bill. However, in this measure we say that we will pay first and find out later if it is right. It does not make any sense to me. That is why I think very strongly that the amendment ought to pass.

Mr. President, I yield 3 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 3 minutes.

Mr. WEICKER. I thank the Senator from Colorado for yielding. I concur 101 percent in his comments.

Mr. President, I have to comment upon the remarks made by the Senator from Rhode Island earlier, remarks that he has made again and again during the debate, about candidates having to grovel for money and indebt themselves to givers of large amounts.

Let us make no mistake about it. Let us tell the American people what the amendment is about. It does not eliminate that possibility. It takes only a small segment of the election process into consideration. But what about the primary and the period preceding the primary? It covers none of these activities in which I imagine debts are being incurred by various candidates.

I think it important to point out that if this election bill carried the principle of the Senator from Rhode Island all the way, then the comments of the Senator would be correct. But unfortunately there is a tremendous loophole. Specifically all the electioneering that takes place before the convention.

As far as the exchange between the Senator from Colorado and the Senator from Rhode Island as to the responsibility of taking care of another man's debts incurred 3 to 4 years before, there is a difference in philosophy. The purpose of a political party is to focus responsibility. It is the purpose of having political parties. The Senator has always been opposed to nonpartisan or bipartisan efforts because there is no way to focus the responsibility for right or wrong.

I think the Democratic Party should be held accountable for the acts of men they had in office, 2, 3, or 4 years ago, as long as we are paying the consequences today. There comes a time when the issue may become moot, but not as long as we are living with the consequences.

We are living with the economic consequences of the Democratic administration of the sixties today. We are living with Vietnam today. As far as I am concerned, those are the responsibilities of

the Democratic Party. If, for some reason or other, that makes people a little less generous in giving because they remember these errors, so be it. That is the consequences of a political system. The people know who is responsible—in the case of Vietnam and the economy the Democratic Party.

God knows, we suffered from Democratic recollections of the depression of the 1930's. This has been thrown in Republican faces even to this day. So the Democrats will have to put up with Vietnam and the economy. That is the way the system operates and properly so.

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 1 minute remaining.

Mr. DOMINICK. Mr. President, we are dealing here with a situation where, theoretically at least, we could have as much as $100 million a year going into a fund. It does not get paid out until after 4 years. Whatever excess remains after taking care of expenses goes back to the Treasury. So, we could have $400 million pocketed in this fund.

Certainly we ought to have some kind of an appropriation procedure before we go ahead with this. Appropriations ought to be going forward to put it into the fund, and audits ought to be going forward before the payments are actually made to the candidate. Under this measure they are actually being paid before we really know the obligations or the debts that are legitimately incurred under the terms of the bill.

When we are dealing with, as I said before, 85 million individual returns which have to be scanned, 59 million of which at the present time pay more than $1 in taxes, when we do not know how much added expense in every one of these branches will have to be incurred to meet the terms of this measure, it seems to me appropriate that the Committee on Appropriations in this situation, as in every other situation, should have jurisdiction over determining what expenditures are going to be made.

Mr. PASTORE. Mr. President, I do not want to prolong the debate. I merely want to say that under the law this money, this fund, is under the jurisdiction of the U.S. Government. When the election is over any remainder goes back to the Treasury of the United States. I want to make that clear. It goes back to the Treasury by the effect of the law itself and no one can change it, once it is law, unless Congress does it.

I yield back my time.

The PRESIDING OFFICER. All time having been yielded back or consumed, the question is on agreeing to the amendment of the Senator from Colorado. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. CHILES), and the Senator from Indiana (Mr. HARTKE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Nebraska (Mr. HRUSKA), the Senator from Kansas (Mr. PEARSON), the Senator from Alaska (Mr. STEVENS), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. HRUSKA) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 36, nays 54, as follows:

[No. 366 Leg.]

YEAS—36

Aiken	Cooper	McClellan
Allott	Cotton	Miller
Baker	Curtis	Packwood
Beall	Dole	Percy
Bellmon	Dominick	Roth
Bennett	Ervin	Schweiker
Boggs	Fannin	Scott
Brock	Fong	Smith
Brooke	Griffin	Stafford
Buckley	Gurney	Taft
Byrd, Va.	Hansen	Tower
Cook	Jordan, Idaho	Weicker

NAYS—54

Allen	Hatfield	Montoya
Anderson	Hollings	Moss
Bentsen	Hughes	Muskie
Bible	Humphrey	Nelson
Burdick	Inouye	Pastore
Byrd, W. Va.	Jackson	Pell
Cannon	Javits	Proxmire
Case	Jordan, N.C.	Randolph
Church	Kennedy	Ribicoff
Cranston	Long	Sparkman
Eagleton	Magnuson	Spong
Eastland	Mansfield	Stennis
Ellender	Mathias	Stevenson
Fulbright	McGee	Symington
Gambrell	McGovern	Talmadge
Gravel	McIntyre	Tunney
Harris	Metcalf	Williams
Hart	Mondale	Young

NOT VOTING—10

Bayh	Hruska	Stevens
Chiles	Mundt	Thurmond
Goldwater	Pearson	
Hartke	Saxbe	

So Mr. DOMINICK's amendment was rejected.

Mr. LONG. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. Mr. President——

The PRESIDING OFFICER. The Senator from Connecticut.

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

The PRESIDING OFFICER. The Chair has recognized the Senator from Connecticut.

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

The PRESIDING OFFICER. On whose time?

Mr. WEICKER. I ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

AUTHORITY FOR COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS TO FILE REPORT TOMORROW

Mr. SPARKMAN. Mr. President, I ask unanimous consent that I may file tomorrow a report from the Committee on Banking, Housing, and Urban Affairs dealing with the President's phase II economic program, together with individual views, and that we may have until midnight to make the material available to the printer.

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

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

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

The PRESIDING OFFICER. On whose time?

Mr. SPARKMAN. I ask unanimous consent that the time for the quorum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 728

Mr. COOPER. Mr. President, I send to the desk an amendment for myself, Senator BAKER, Senator JAVITS, Senator WEICKER, Senator COOK, Senator GURNEY, and Senator SCOTT, and ask that it lie on the desk and be printed. I may call it up later, but it depends upon circumstances.

First, my amendment incorporates the provisions of S. 382, the Federal Election Campaign Act of 1971 as passed by the Senate on August 5, 1971.

Secondly, part E of my amendment allows the same amount of tax credit of $25, or tax deduction not to exceed $100 as does the Pastore amendment, but limits the tax credit and deduction to campaign contributions for candidates for the Office of President and Vice President. These tax incentives would be extended to campaign contributions to all presidential candidates in the preconvention or primary period as well as during the period after such presidential candidates have received the nomination

of their respective political parties and have undertaken their campaigns for election.

In order that these financial contributions be eligible for a tax credit or tax deductions the candidate is required to publicly declare his candidacy for President or Vice President and to file a notification of his candidacy with the Secretary of the Treasury.

I think this amendment would provide substantial sums to candidates of all parties, and would give the Congress a final oportunity to pass an election reform bill this year.

I hope very much that this amendment will be considered on both sides of the aisle, particularly by the distinguished Senator from Rhode Island, because he was one of the chief architects of the Election Reform Act, which has been passed by the Senate.

The PRESIDING OFFICER. The amendment will be received, printed, and will be on the table.

Who yields time?

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

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 692 of the Senator from Rhode Island (Mr. PASTORE).

Mr. MANSFIELD. Mr. President, is there an amendment to the amendment?

The PRESIDING OFFICER. There is none pending as yet.

Mr. TAFT. I have an amendment to the amendment which I send to the desk and ask to have stated.

Mr. PASTORE. May I ask the Senator, is this amendment printed?

Mr. TAFT. The amendment is not printed but it is a simple one. I can give Senators the language. I have copies coming on the way over from my office but they are not here yet.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

On page 26, line 4, strike "political committee" and insert in lieu thereof the following:

"Any corporation, labor organization, partnership, association, political committee, political education committee, or any other committee"

Mr. MANSFIELD. Mr. President, if the Senator from Ohio will yield, I ask to be recognized with no time to be taken from the time of the Senator from Ohio (Mr. TAFT).

The PRESIDING OFFICER. Without objection, the Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, for the information of the Senate, we will stay in session until a reasonable hour tonight—9 or 10 o'clock or thereabouts—and dispose of as many amendments as we can.

The Senate will come in at 9 o'clock tomorrow morning. We will continue the resumption of the business before us. We hope to stay in to a reasonable hour tomorrow—I would guess 6, 7, or maybe 8 o'clock.

ORDER FOR ADJOURNMENT FROM TOMORROW TO 10 A.M. MONDAY, NOVEMBER 22, 1971

Mr. MANSFIELD. Mr. President, at this time I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until the hour of 10 o'clock on Monday morning next.

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

ORDER FOR THE SENATE TO CONVENE AT 9 A.M. TUESDAY AND WEDNESDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Tuesday and Wednesday morning next, the Senate convene at the hour of 9 a.m.

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

ORDER OF BUSINESS

Mr. MANSFIELD. So, all Senators are on notice that we will have long sessions. We will have plenty of amendments. There will be no lack of amendments. Tomorrow there will be no lack of votes, may I say, to my distinguished friend, the Senator from New Hampshire, and the other 98 Senators.

So we can anticipate a lot of votes, if nothing else.

Mr. SCOTT. Mr. President, I ask unanimous consent that I may proceed for 2 minutes without the time being taken from the amendment.

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

Mr. SCOTT. Mr. President, I simply want to say that the majority leader and I will do our best to see if we can work out agreements on amendments, agreements on order of priority of amendments, agreements which might expedite passage of the bill.

This consummation, devoutly to be wished, has not as yet been achieved. We will, I am sure—and I say this for both of us—continue working and we will see what comity does, we will see what schedules do, we will see what engagements do. We will see even what the Sabbath may accomplish, among us and our brethren.

Mr. MANSFIELD. Mr. President, may I say, if the minority leader will yield, that we will both keep open minds and do the best we can to keep the Senate functioning and working on a reasonable and rational basis.

Mr. SCOTT. And we will pray devoutly on Sunday, a prayer that we hope will be joined in by the remainder of the Senate.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

Mr. TAFT. Mr. President, I have offered an amendment to the language which is very brief, we will have copies here very shortly.

On page 26, on line 4 of section 1010 (f) (1) of the bill it is provided at the present time that:

It shall be unlawful for any political committee which is not an authorized committee with respect to the eligible candidates of a political party for President and Vice President in a presidential election knowingly and willfully to incur expenditures to further the election of such candidates which would constitute qualified campaign expenses if incurred by an authorized committee of such candidates, or to make contributions to such candidates or any of their authorized committees to be used, directly or indirectly, to defray qualified campaign expenses, in an aggregate amount exceeding $1,000.

Mr. President, I concur with the purposes of this section. And I believe that it is a distinct contribution to the handling of the problem in the way that title 10 proposes to handle it.

I would like to say once again something I said in proposing my amendment of yesterday. I do not basically agree with the approach in title 10. I think it is a mistaken approach. If the amendment I had offered on yesterday had been agreed to, I would not have voted to retain title 10 regardless.

I might say that I consider the terms of the amendment I offer so important and so revolutionary and so much needed in the electoral process in this country today that if this language were agreed to, I believe, I would be constrained to vote to retain this title 10, because it does not seem likely that the improvement that would incur would come about through any campaign bill we would be likely to pass.

The language in my amendment would delete the words "political committee" in line 4 and substitute the words "any corporation, labor organization, partnership, association, political committee, political education committee or any other committee."

Mr. President, I think this language is necessary purely to accomplish the purposes of the bill.

In mentioning political committee, as the present terms of the bill does, the desire, of course, is to prevent any political committees from being formed as a subterfuge so that they can go out beyond the authorization of the committees and make expenditures that were not within the limitations of the expenditures which are in the bill.

My purpose is to apply that same restriction to any other type of organization. I might point out that it does not include an individual. An individual, I believe, should be able to make any kind of expenditure or effort he wants to himself on behalf of a presidential candidate or a party in whom he has confidence and desires to support.

However, we already have, of course, prohibitions in the corrupt practices act against expenditures of the type involved for corporations or labor organizations or labor unions as such. And I have repeated them here. I brought it in here again, perhaps in a redundant manner, but neverthless in a manner to bring them specifically under the provisions of this particular section, in addition to the section of the corrupt practices act, under which they would already be constrained to some degree.

However, I have gone on and included, in addition to political committee, partnerships, associations of whatever kind, political education committees, or any other committee.

It seems to me that with respect to any other group, no matter what its background might be, no matter what its purpose might be, when it goes out to spend funds on behalf of a particular presidential candidate, whether authorized or not, whether the political committee is or is not in a sense contributing to the election of a particular individual, we all know, and let us be candid, we all know and know very well that many activities of this sort are being done indirectly today.

Many committees do not report expenditures for a candidate and make such expenditures on behalf of candidates for political office, for the presidency or otherwise.

In my State campaign for the Senate last year, my opponent, for instance, had reported expenditures on his behalf or contributions to his campaign committee from labor organizations in the State at a higher figure than those reported by any other senatorial candidate throughout the Nation. These reported expenditures constituted a total of $170-some-odd thousand, as compiled from the records on file with the Secretary of State of the State of Ohio, over and beyond those reported expenditures.

I would suggest, I am reasonably certain that indirectly a tremendous amount of effort was put in expenditures of other items, values and services, and exposure provided by political education committees.

I am not alleging any violation of the law by the unions themselves spending these funds. But there certainly were very clearly, as pointed out by the record, contribution made by those organizations which demonstrate very clearly their sympathies in that particular race. I think they are wrong in their sympathies, but nevertheless that is how they wished to make their expenditures on behalf of a candidate in that particular race.

But going beyond that, I am reasonably confident they have made expenditures for services and other items of value which were considerably, perhaps several times, in excess of the actual money contributions that might have been made on behalf of my opponent in that race.

I say what is sauce for the goose is sauce for the gander, if this restriction is going to be applied to political committees, as I think it must. I think the Senator from Rhode Island is correct in having this restriction in the proposal.

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

Mr. TAFT. I yield.

Mr. PASTORE. This amendment has just been introduced. I have just received a copy. I have been studying it as the Senator went along. I would like to ask a few questions. From the copy I have the amendment states:

Strike "political committee" and insert in lieu thereof the following:

"Any corporation, labor organization, partnership, association, political committee, political education committee, or any other committee."

Does that include COPE?

Mr. TAFT. Yes, it would.

Mr. PASTORE. Does the Senator mean that COPE could only spend not more than $1,000 to promote the candidacy of someone COPE believed in?

Mr. TAFT. That would be sound principle. I am glad the Senator from Rhode Island stated it so correctly. If there is to be a limitation of $20 million, or whatever the effect of the bill is to be, on expenditures on behalf of a particular political candidate, which is the purpose of this section, I feel strongly it should apply to COPE or any other such group. I do not care whether it might be labor or management. I do not care what the issue might be. But if we are to have a limitation in the bill, and lacking contributions on behalf of a particular campaign, and then put a prohibition on any other political committee coming in, why should not the same thing apply to other committees?

If the Senator is telling me that COPE is not a political committee—which I think it would be under the language here—that flies in the face of fact, for we all know it is a political committee.

To qualify as being an education organization but to say that it is not a political committee flies in the face of the facts.

Mr. PASTORE. If I may proceed on my own time, let us assume that a group on a campus, say faculty members, got together and formed a committee. Does the Senator mean to tell me they would have to get the permission of the candidate to be authorized to make a statement in his support? Do we not get into freedom of speech here?

Mr. TAFT. I do not believe freedom of speech would apply except to an individual.

Mr. PASTORE. I am talking about a committee, a committee of faculty members say at Columbia University who might get together and buy radio time for $1,000 to broadcast their support. Would they have to get the permission of the candidate?

Mr. TAFT. I suggest if the amount put on as a limitation of expenditures, as an attempt to put an overall limit on expenditures in presidential campaigns is included, if this is to have meaning, it has to have that.

Mr. PASTORE. There is a distinction. Usually a political committee is formed for the purpose of directly aiding that candidate and there is no question about being authorized by that candidate. We wrote something to that effect in the other bill. How far are we going to go without obligating independent organizations and committees furthering the promotion of a particular candidate on their own?

I know what the Senator is trying to accomplish but I am wondering on this amendment whether or not we may be opening Pandora's box. There is no question about what the Senator said.

Mr. TAFT. I am perfectly willing to agree with the Senator that labor organizations are the principal organizations.

Mr. PASTORE. That is right.

Mr. TAFT. Making expenditures of this kind.

Mr. PASTORE. That is the thing that concerns me to no end.

We insert something in general terms, and then we inject labor every time. We are trying to indict labor in one way or another, as though labor meant second-class citizens. After all, they have a perfect right to endorse candidates of their choice and they have a right on their own to further what they believe to be their cause.

This amendment provides:

(f) (1) It shall be unlawful for any political committee which is not an authorized committee with respect to the eligible candidates of a political party for President and Vice President in a presidential election knowingly and willfully to incur expenditures to further the election of such candidates which would constitute qualified campaign expenses if incurred by an authorized committee of such candidates, or to make contributions to such candidates or any of their authorized committees to be used, directly or indirectly, to defray qualified campaign expenses, in an aggregate amount exceeding $1,000.

Now, it strikes me it is rather hazy at this point and that is the thing that deeply disturbs me.

A corporation or labor organization cannot make contributions anyway. As to partnerships, individually they can. Associations are in the same category. That is the guts of this. Then, there is COPE.

Mr. TAFT. The Senator is aware of a good many cases of committees organized in a good many other areas in the labor area. We have heard a great deal of screaming about AMPAC and a number of other organizations of this kind that have been set up and continue to collect funds and make contributions for candidates. I think all these contributions should come in. I think they should all be under the limitation. If there is going to be a limitation, let there be a limitation and a limitation that is meaningful.

I predict this amendment will be defeated on the same kind of party line as other amendments. I suspect that will be true. But I bring the amendment up today because this is a matter on which we are going to have to make a decision on this kind of an amendment, and I think this is the direction in which it will be considered.

Mr. TOWER. Mr. President, will the Senator yield to ask for the yeas and nays?

Mr. TAFT. I yield to ask for the yeas and nays.

Mr. PASTORE. Before the Senator does that could the Senator temporarily withdraw this amendment with the condition he can presently renew it. This is in order to give our staff a chance to study it? I do not want to say we are going to defeat this amendment just because we defeated the others. I would like to understand it better. This comes as a surprise and I would like to know its ramifications. We have a long way to go.

I would ask unanimous consent that the time the Senator has consumed even up to now be not counted.

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

The PRESIDING OFFICER. On whose time?

Mr. PASTORE. Without taking it from any time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. 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. PASTORE. I say to my distinguished colleague from Ohio that I discussed this matter with the members of the staff, and certain very thorny problems have presented themselves. For instance, I am wondering about this: Let us assume that a labor organization regularly publishes a newspaper. Is the Senator saying that if they furthered the candidacy of a particular candidate who came under the provisions of this law, they would be limited to space publicity to a value not to exceed $1,000, which would be considered as a contribution to that candidate? Is that the Senator's understanding?

Mr. TAFT. I would say that the answer to that question, in my judgment, not having researched the matter, but as a matter of first opinion, would be that it would depend upon the nature of the material which would be printed in that newspaper.

Let me go on and elaborate somewhat on that, if I may.

My feeling is that a simple editorial on an individual candidate, in the editorial columns of the newspaper, would probably, I think, be within the prerogatives under the free speech provisions of the Constitution. But going beyond that, or continual news coverage and other activity designed and capable of being interpreted as participating in a material way—and I think such activity could contribute in a material way—to the candidacy of a particular candidate, would fall within the purview of the prohibition.

Mr. PASTORE. Taking the illustration a step farther, let us assume that the New York Times wrote an editorial promoting a candidacy, as they usually do, promoting the candidacy of either candidate. Of course, that would represent a space cost of more than a thousand dollars. Would that be subject to the prohibition?

Mr. TAFT. Of course, a part of the problem that the Senator raises is that it is already in existence, under the law. I would suggest that probably the same standards apply in that situation to labor newspapers as apply to normal newspapers. The New York Times is already a corporate entity. But whatever practices it might engage in that might violate the provisions of the act, the same standards would apply as to a labor newspaper.

Mr. PASTORE. But they involve a larger expenditure; what is the construction of that? I can understand making a contribution in terms of money and say it is too high. We are talking about committees that have not been authorized.

Mr. TAFT. Suppose they run free advertisements, in the normal political advertisement sense? The New York Times would thereby be contributing to the candidacy of a given candidate.

Mr. PASTORE. But why not an editorial? That is furthering a candidacy, is it not?

Mr. TAFT. I do not believe, within the purview of this legislation, that it would be so interpreted.

Mr. PASTORE. We have made some history here. I will oppose this amendment, for the reason that I think the implications here would be serious. But I would recommend to the conferees—if it ever reached that point—that they would take all of that into consideration and perhaps work something out.

I will tell the Senator, frankly, that I am not one to disparage the thought that once you come to this you are limited to a certain amount of money. On the other hand, I do not want to begin to straitjacket organizations that have a legal right, because of the character of their constitution, to proceed to express their personal opinion without permission from or obligation to the candidate they favor. I do not feel that they should have to get his permission or be subject to a fine. That is getting into pretty dangerous territory.

I do not want any outsider to make a contribution—I do not care what the organization is—unless the person comes under it. But this goes a step further. The reason why it was put in the law was to recognize the fact that somewhere along the line are certain parties who have no direct contact with the candidate, but only because they like his view on issues they want to support him. They do not want to get permission to be authorized, because they are independent in that respect. On the other hand, they do not want to subject themselves to a fine.

In this day and age, you might say they can operate up to $1,000. We are talking about the Presidency. We are not talking about a ward councilman or a mayor. We are talking about the Presidency. When you incur an expense to promote the candidacy of a presidential candidate, $1,000 is small.

Mr. TAFT. I would be in favor of knocking out $1,000, for that matter. I do not see why the limitation. We propose to amend the language. I do not see why the $1,000 should remain in there.

Mr. PASTORE. The Senator's entire case has been an attack upon COPE and how they operate. I know, as a matter of fact, that the Chamber of Commerce and the National Association of Manufacturers are interested in candidates and have been over the years. But in the eyes of some, every time the word "labor" is seen, it takes on an awful look to them. I do not know why.

Mr. GRIFFIN. Mr. President, will the Senator from Ohio yield to me for a question?

Mr. TAFT. I believe the Senator from Rhode Island has the floor.

Mr. PASTORE. I yield the floor.

Mr. TAFT. Before yielding to the Senator from Michigan, I wish to state that during the period we suspended activities on the floor, it came to my attention that in order to make the amendment meaningful, it should be modified to apply as well to the sanctions provision.

Therefore, Mr. President, I move to modify my amendment on page 26, line 15, as follows:

On page 26, line 15, strike "political committee" and insert in lieu thereof the following: "any corporation, labor organization, partnership, association, political committee, political education committee, or any other committee".

The PRESIDING OFFICER. The Senator has the right to modify his amendment, and it is so modified.

Mr. TAFT. So that it stands in the same language in the sanctions section as in the prohibition section.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, we have taken a very delicate situation and have drawn it into a criminal category. I am largely in sympathy with what the Senator wants to do, and I think it ought to be corrected in conference. Now we are getting right at the guts of the thing. Now the Senator is throwing it into the penalty section. I think we are making a criminal offense out of it, and that is pretty dangerous ground. For that reason, I have to oppose it.

Mr. TAFT. I am sure the Senator would not want an amendment in the bill in which there is no sanction. It seems to me that the sanction against a political committee would be the correct sanction to apply against the other groups as well.

Mr. PASTORE. The Senator will admit that it came as an afterthought, even to him.

Mr. TAFT. No, it did not. I certainly intended the sanctions to apply. It has been called to my attention that they might not. I thought they would apply without the modification.

I yield to the Senator from Michigan.

Mr. GRIFFIN. I regret that I have not been on the floor throughout the explanation by the Senator from Ohio of his amendment.

Do I correctly understand that his amendment point up the fact that the so-called limitation of $20 million that would go to the campaign of a presidential candidate is no limitation at all

insofar as an organization such as COPE is concerned? Is that the situation?

Mr. TAFT. That seems to be the interpretation given by the sponsor of the amendment. I take it that that is true. The language in the definition of political committee that appears on page 9, subsection 8, might be thought by some to apply to a political education committee such as COPE. It reads:

(8) The term "political committee" means any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office.

But as I recall the cases dealing with this question which have gone to the courts, there has been a very liberal interpretation of what an organization might be that calls itself an educational organization, such as COPE. For that matter, the same applies to any of the other organizations that have been set up as political education committees. I feel very certain that what one would think would be the normal interpretation of that language, which would include COPE, has been taken into consideration in the drafting of the proposed legislation, and that the language here, as construed, or as it would be construed by the courts on the basis of precedents presently on the books, would not include COPE or any other political education committee.

Mr. GRIFFIN. It is interesting to me—and I say this with no disrespect—that the sponsor of the amendment, the Senator from Rhode Island, does not accept the amendment of the Senator from Ohio. It seems to me that that points out very clearly that COPE is not covered and apparently was not intended to be covered. So there is no limitation of $20 million. Of course, the junior Senator from Michigan knew that all along and never really believed that there was. But many people who read the newspapers might think there really is.

Mr. TAFT. This is a practical situation we have in my own State when one is running, under the rather strict campaign expenditure limitation laws of my State and the reporting that has to be done. Yes, COPE's direct contributions to the candidate are reported. They have to be reported to the Secretary of State.

As I have indicated, in my own campaign, contributions of this sort from this type of labor organization constituted more than $170,000 of my opponent's warchest. But that did not stop COPE from going out and engaging in other activities which contributed materially to his campaign.

Mr. GRIFFIN. Suppose, for example, they decide that they want to support a candidate for President. There need be, of course, no particular agreement or understanding or authorization from that candidate for the Presidency. But they decide that they are going to go out and go from door to door and find out who is inclined to support that candidate and then make sure those people get to the polls on election day. That is a very valuable part of a campaign.

Mr. TAFT. It certainly is, and it would be included in campaign expenditures as defined.

Mr. GRIFFIN. If union members, themselves, are used for that purpose—and they are in many elections—that ought to be regulated very carefully, but it is not.

Every amendment that has been offered to try to make the limitation meaningful so far as labor organizations and their political activities are concerned has been beaten down on the floor. Unfortunately, I do not think the public realizes that there are these big loopholes, not only in this bill but also in the other so-called clean elections bill that passed this body because it had such a noble title on it that we all had to vote for it. It is over in the House now and it has the same loophole in it—no meaningful limitation insofar as what labor organizations can do politically. The public does not know that yet. They think there is a limit when there is not.

Mr. TAFT. I agree with the Senator from Michigan. I was saying a few minutes ago that I do not expect this amendment to be adopted because there are some political implications in it that I do not think will be "bought" by the other side at this time. But the issue raised by this amendment is one of the most important political issues before America today. It is an issue that the public, sooner or later, will wake up and demand Congress take some action on. It is not too early to call attention to it, once the Senate goes on record today as to what its position is.

I am delighted to have this debate now, because I think the issue has been made very clear by the Senator from Rhode Island in his responses, where he has pointed out that the question is whether an organization such as COPE or AMPAC is included in this limitation, or is it not.

Mr. PASTORE. As I said before, I am not expressing any strong feeling one way or the other. I would like to leave that to the Senate. It seems to me it is not clear at all exactly what we are up against in this, because we may be impinging upon the freedom of speech.

Mr. TAFT. The Senator from Rhode Island has raised the questions. For one thing, after replying to his earlier suggestion that I might withdraw the amendment at this time and try to work out other language answering some of the questions after additional research, I have been considering that, but my feeling is that it would be a mistake to do that now. I think the amendment should go to a vote, and if the amendment should be defeated and if there is some sentiment for doing something about the problem, we can frame a separate section dealing with this issue which we will be ready, willing, and able to bring up later.

Mr. PASTORE. I would hope that the conferees would be able to get to that, but if it is $20 million, it should be $20 million. What disturbs me is the freedom of speech point and how far we may be going to circumvent that.

Mr. TAFT. Let me ask the Senator from Michigan, who gave us another example not involving freedom of speech but political canvassing——

Mr. GRIFFIN. Freedom of speech is a very small part of what COPE does.

Mr. PASTORE. That is one of the most sacred rights every American has.

Mr. GRIFFIN. Fine, of course, and we must protect it, but what about all the rest of the things they do?

Mr. TAFT. How does the Senator feel about canvassing over the telephone bucket shop? I know a great deal about the telephone bucket shop and how it is run for political election. If the Senator from Rhode Island has been so fortunate to be so far ahead of that that he has not had to use it, I can only envy him; but in the kinds of activities which are financed, backed, and organized by organizations of this type, such as COPE, are they going to be forbidden or not? Are they going to be forbidden within this limitation?

Mr. GRIFFIN. This amendment, I think, emphasizes the point that the junior Senator from Michigan made yesterday, that the Pastore amendment does not put a ceiling at all on what would be spent in a campaign. The practical effect of it would probably be to add on to what is spent in a political campaign instead of putting any ceiling on or a limit on what will be spent.

Mr. TAFT. Mr. President, will the clerk please state the time remaining?

The PRESIDING OFFICER (Mr. MONTOYA). The Senator from Ohio has 8 minutes remaining.

Mr. TAFT. And the Senator from Rhode Island?

The PRESIDING OFFICER. Seventeen minutes remain to the other side.

Mr. PASTORE. Mr. President, I am ready to yield back the remainder of my time.

Mr. TAFT. Mr. President, the Senator from Colorado (Mr. DOMINICK) would like to comment on this and I yield him such time as he may need for that purpose.

Mr. DOMINICK. My understanding is that, in addition to the original amendment, the Senator has also included the same wording in the penalty section on page 26; is that correct?

Mr. TAFT. That is correct. On line 15 we have deleted the words "political committee" and put in exactly the same language included in the original amendment.

Mr. DOMINICK. That, in your opinion, is the enforcement provision behind your effort to try and limit the other organizations which are spending, because the other organizations presumably are not authorized committees; is that correct?

Mr. TAFT. That is correct.

Mr. DOMINICK. One of the things I was not clear on, and I discussed this with some people during the temporary "adjournment" we had here earlier, was how many authorized committees can you have in the bill? I did not understand that at all. It looks as though there is only one but I am not sure whether that this true.

Mr. TAFT. I am not sure, I say to the Senator from Colorado, but I would be

glad to have the Senator from Rhode Island enlighten us on that point.

Mr. DOMINICK. How many authorized committees can we have under the bill? One or any number?

Mr. PASTORE. He can have any amount, but he would be responsible for the full amount that they would spend.

Mr. DOMINICK. He could have political committees collecting funds for him for payment of whatever portion of his qualified expenses are not paid for by political funds and he could have that all over the country, could he not?

Mr. PASTORE. Only money by political parties.

Mr. DOMINICK. I say political funds—I said he could have, for the purpose of paying so-called qualified expenses, authorized committees, committees authorized by him over the entire country. Let us say there are only three per State. That would be 150 committees authorized specifically by him to solicit and obtain voluntary contributions from the American public. Now, as I understand it, if that is true, and I think this is what the Senator from Rhode Island has just said, and his qualified expenses are not so large as the amount of money raised, then the candidate is required to pay it back into the Treasury. Is that correct?

Mr. PASTORE. Yes, if he is a member of a major party. If any money comes in in excess of the $20 million.

Mr. DOMINICK. Does he have to pay the political money back, or his own money back in?

Mr. PASTORE. Anything that he collects by any committee authorized by him directly or indirectly.

Mr. DOMINICK. He gives it back to the Treasury?

Mr. PASTORE. Restitution has to be made.

Mr. DOMINICK. To the Treasury?

Mr. PASTORE. Not to the Treasury but to the contributors.

Mr. DOMINICK. Well, I did not read it that way. Maybe I am wrong. I read the amendment I do not know how many times. There are so many loose ends in it, it is very hard to follow.

Mr. PASTORE. It is very simple. Once he comes under law—and I am saying this on my time, Mr. President—all he can collect from the Government is $20 million. He cannot collect one penny from anyone else. That is as simple as I can make it. He cannot collect one penny. If anyone gives him a penny, he has to give it back. He cannot have it both ways. But we are not talking about that but about an independent, unauthorized committee that functions on its own, without any contact with the candidate himself—because the candidate has not become a party to the transaction because otherwise indirectly it is authorized—but any group acting on its own. I gave the example of the college campus group that gets together on behalf of a Republican or a Democratic candidate and they publish a pamphlet urging the candidacy of Mr. Nixon, say, at a cost of $1,500. The question is, Are they subject to a $5,000 fine? I asked that question, and the Senator from Ohio said "Yes."

That is what bothers me. That is what bothers me.

Mr. DOMINICK. Mr. President, would the Senator from Rhode Island on his time yield me a few minutes to ask some more questions briefly so as to get the record clear?

Mr. PASTORE. I yield.

Mr. DOMINICK. First of all, do I understand that the top level of expenses cannot exceed the amount that will be paid by the Federal Government?

Mr. PASTORE. The Senator is correct—by the candidate or any authorized committee. I hope that the Senator is not endeavoring to entrap me. I have been around a little bit, too.

Mr. DOMINICK. It can go way over what is paid by the Federal Treasury.

Mr. PASTORE. I have made it plain. He cannot collect a nickel over $20 million.

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

Mr. DOMINICK. I yield.

Mr. TAFT. Anybody, under the circumstances of the principle that the Senator from Rhode Island is espousing, to follow it through, anyone that made any payment to a major party, is making a gift to the Federal Government indirectly. That is the problem that I see if we go this route. There are candidates who will not elect to go that route.

Mr. PASTORE. Mr. President, I want to say to the Senator from Ohio that this is the most sensitive area in which we can legislate. This problem was in the other bill. The only problem is that the Senator from Ohio always keeps on hammering at COPE, instead of hammering at the chamber of commerce.

Mr. TAFT. Or an oil company.

Mr. PASTORE. The Senator keeps hammering at COPE, COPE. The devil appears to be COPE. It appears to be COPE every time. It is a tough area in which to legislate. For example, anyone is entitled to think as he likes and to say what he thinks. He is not authorized by the candidate to do so. He gets together a committee because they think it is to their advantage, whether school teachers, COPE, or some other group. And they issue an article that costs $1,500. The candidate does not know what it is about. He never heard of the article, much less read it. Under this law, this group would be subject to a $5,000 fine. It is hard for me to buy. It is close to the line.

I repeat that there is a lot of substance in what the Senator is saying. However, we are dealing in a very sensitive area. I will tell the Senator, frankly, that I do not have the perfect answer.

Mr. TAFT. Mr. President, the situation the Senator described would fit within the political committee as defined in the bill. It may be covered anyway and subject to the criminal sanctions.

Mr. PASTORE. For political reasons. But this may not be for political reasons. It may be for personal reasons.

The PRESIDING OFFICER. The time of the Senator from Rhode Island is running.

Mr. DOMINICK. Mr. President, will the Senator from Rhode Island give me a few minutes.

Mr. PASTORE. I yield.

Mr. DOMINICK. Mr. President, there are a number of things which make the pending bill so very difficult for anyone to understand. Let us say that the Senator from Rhode Island is running for the Presidency. So far as I know, he is one of the few on that side of the aisle who has not said or intimated that he is up to this time. So I use him as an example. Let us say that in 1972 Senator PASTORE is running for the Presidency.

Mr. PASTORE. Can the Senator not use someone else's name? Let us not let that get in the CONGRESSIONAL RECORD. Please let us not let that get in the RECORD. Just say PETE DOMINICK.

Mr. DOMINICK. The April returns come along and we then find out. We are going to take a couple of months to find out how many people have followed through with this procedure. In the meantime, the Senator is running and he gets the nomination. At what point, I wonder, does the Senator have to decide whether he is going to rely on political contributions or on what he might get out of this pot.

Mr. PASTORE. Almost immediately.

Mr. DOMINICK. Almost immediately, the Senator is correct. So the Senator decides to jump in and finds all of a sudden that all he can get is $2 million.

Mr. PASTORE. The Senator is correct.

Mr. DOMINICK. Can the Senator back out at that point and say he does not want it?

Mr. PASTORE. No. The trouble is that the Senator is not getting the calendar right. The returns are made on April 15.

Mr. DOMINICK. That is correct.

Mr. PASTORE. Within a matter of weeks, everyone knows how much is in the pot.

Mr. DOMINICK. I do not see how they can do it. We have 89 million returns to check.

Mr. PASTORE. Mr. President, we have computers today.

Mr. DOMINICK. I know, but we do not have big enough computers to check this. I have talked to IRS about it.

Mr. PASTORE. We will know at least by June.

Mr. DOMINICK. Maybe.

Mr. PASTORE. The first convention is in July. So when a man is nominated he will know enough to make his choice.

That is in 1972. In 1976 it will be another 4 years. After the 1972 campaign, the money will have to go back to the Treasury and we start over again. The next time the return is filed, they check it off again. The returns are to be filed by April 15.

I think that with the mechanism we have today and the speed we have developed, a nation that has been able to go to the moon can readily find out pretty much what is in the pot.

Mr. DOMINICK. Mr. President, if Senator PASTORE gets $20 million, maybe he can run as Senator PASTORE as the nominee for President. He decides that $20 million will probably be sufficient. So he decides to go.

Let us suppose he gets $10 million and

does not think it is enough. He has to make the decision immediately after the nomination. But there is not a single nominee who will rely on the fact that there will be enough in there. They are already raising money all over the place, and the Senator knows it.

The question is, we have passed this bill and what happens to the money that has been so raised. What will we do about it?

Mr. PASTORE. If it is in excess, they have to give it back. They keep books and they know who they get money from.

Mr. DOMINICK. Mr. President, there are five or six Senators from the Democratic side who will run in the Democratic primaries next year.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired on that side.

Mr. PASTORE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Rhode Island has 12 minutes remaining.

Mr. DOMINICK. Mr. President, will the Senator yield me 3 minutes?

Mr. PASTORE. I yield the Senator 5 minutes.

Mr. DOMINICK. Mr. President, I thank the Senator. Some of those expenses and some of those contributions are going to be incurred constantly during the primary until a person is nominated. By that time, if he is any kind of political candidate—and there is not anyone in the Senate who is not or otherwise he would not have been here—he would have raised a fund already to try to help him through the rest of the election. All of a sudden he says, "No, I don't need it." That means he will have to send it back to whom, to what committees. They are committees formed under the existing law, the law that was passed 4 or 5 years ago.

This is one of the reasons that I thought the amendment of the Senator from Connecticut was so good, because things will be so fouled up next year for every one of these candidates that they will not know what they are doing in the way of the money that has been raised and that they are trying to spend. In addition, as I understand, although this is money they can spend to do anything under the bill as now written, any person in a political education committee, without the Taft amendment, can go out and spend as much money as they want.

Mr. TAFT. As far as I know he can on the basis of what is in the bill. I assume that is the case. And it has been verified by the debate.

Mr. DOMINICK. It would not make any difference whether it was COPE or IMPACT or any one of the other various political education committees around.

Mr. TAFT. The Senator from Colorado is correct.

Mr. DOMINICK. I suppose that makes it even-Stephan, but it does not cut down on the expenses. As I pointed out on the previous amendment, that I could not get by the distinguished Senator from Rhode Island, if you appropriate money by backdoor spending out of the Treasury every fiscal year, by 1976 you could have $400 million in the presidential campaign fund, and that is certainly not what I would call trying to put a limitation on expenses in an election.

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

Mr. DOMINICK. I am happy to yield to the Senator from Nebraska.

Mr. CURTIS. I listened with interest to the Senator from Colorado with respect to the matter of the timing of this checkoff. Does the Senator mean the taxpayers make the checkoff prior to any knowledge as to who will be the nominees?

Mr. DOMINICK. The Senator is totally correct. They are saying, "I want to put it in a pot and you can use it for whoever the nominees might be."

Mr. CURTIS. Is that buying a candidate in a poke?

Mr. DOMINICK. I think so.

Mr. PASTORE. We are considering the modification. I hope after the Senator reads it he will be more amenable to the bill.

Mr. CURTIS. I think any modification will help the bill.

Mr. PASTORE. That is true. It always does. That is what we are here for.

Mr. DOMINICK. The modifications already offered would have helped the bill. I am sorry we got tied up here and were not able to get them through.

Mr. PASTORE. If Senators on that side of the aisle did not vote so solidly we could have.

Mr. DOMINICK. Senators on the other side voted solidly.

Mr. PASTORE. I would not say that. We had some Senators who did not, and I am not critical of that because they exercised their consciences. But on the other side there was not one defection.

Mr. DOMINICK. I want to emphasize again that the bill, unless the Taft amendment is agreed to, has nothing to do with cutting down on overall expenses. All you do is say, "Okay. We will spend $10 million of Treasury money. Then we will go out and get political education committees of various industries to spend twice as much as we are going to spend."

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

Mr. PASTORE. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Ohio. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Indiana (Mr. HARTKE), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Nebraska (Mr. HRUSKA), the Senator from Kansas (Mr. PEARSON), the Senator from Alaska (Mr. STEVENS) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER) and the Senator from New York (Mr. JAVITS) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. HRUSKA), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea".

The results were announced—yeas 30, nays 56, as follows:

[No. 367 Leg.]

YEAS—29

Allott	Dominick	Percy
Beall	Fannin	Roth
Bellmon	Fong	Scott
Boggs	Griffin	Spong
Buckley	Gurney	Stafford
Byrd, Va.	Hansen	Taft
Chiles	Jordan, Idaho	Tower
Cook	McClellan	Weicker
Cotton	Miller	Young
Curtis	Packwood	

NAYS—56

Aiken	Harris	Montoya
Allen	Hart	Moss
Anderson	Hatfield	Muskie
Bayh	Hollings	Nelson
Bentsen	Hughes	Pastore
Bible	Humphrey	Pell
Brooke	Inouye	Proxmire
Burdick	Jackson	Randolph
Byrd, W. Va.	Jordan, N.C.	Ribicoff
Cannon	Kennedy	Schweiker
Case	Long	Smith
Church	Magnuson	Sparkman
Cranston	Mansfield	Stennis
Eagleton	Mathias	Stevenson
Eastland	McGee	Symington
Ellender	McGovern	Talmadge
Ervin	McIntyre	Tunney
Gambrell	Metcalf	Williams
Gravel	Mondale	

NOT VOTING—15

Baker	Fulbright	Mundt
Bennett	Goldwater	Pearson
Brock	Hartke	Saxbe
Cooper	Hruska	Stevens
Dole	Javits	Thurmond

So Mr. TAFT's amendment, as modified, was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROOKE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I yield time from the time allotted on this side on the Pastore amendment.

The PRESIDING OFFICER. The Senator will state it.

Mr. BROOKE. Mr. President, is a motion to adjourn in order at this time?

The PRESIDING OFFICER. A motion to adjourn is in order at this time, and is a motion of highest privilege.

Mr. BROOKE. Mr. President, I move we adjourn.

Mr. MANSFIELD. Mr. President, would the Senator withhold that? This is a most unusual procedure. It is a prerogative usually accorded to the leadership on both sides. I would hope the distinguished Senator would not pursue

that motion; but of course if he wishes to, that is his right.

Mr. GRIFFIN. Mr. President, will the Senator yield to me to say to the majority leader that I did not realize, and I want to be sure that he knows that I did not realize, that that was the motion the Senator from Massachusetts was going to make when I yielded him the time. I join in the remarks of the distinguished majority leader.

Mr. MANSFIELD. It happens to be a joint responsibility accorded to us by custom and tradition, by the Senate.

Mr. BROOKE. Mr. President, I will respect custom and tradition. I ask that the majority and minority leaders seriously consider the temper of the Senator from Massachusetts in making that motion.

Mr. President, I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. BUCKLEY. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. Buckley's amendment is as follows:

On page 2, strike out lines 10 through 15.

On page 2, line 16, strike out "(2)" and insert "(1)".

On page 2, line 24, strike out "(3)" and insert "(2".

On page 6, strike out lines 5 through 8 and insert:

"(1) Amount.—The deduction under subsection (a) for any taxable year shall not exceed $100 ($200 in the case of a joint return of a husband and wife).

Mr. PASTORE. Mr. President, may we have order? Will the Senator yield, on my time?

Mr. BUCKLEY. I yield.

Mr. PASTORE. Is this a printed amendment?

Mr. BUCKLEY. No, it is not. I send a copy of the amendment to the distinguished Senator from Rhode Island. It is easy to explain.

I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PASTORE. Will not the Senator tell us what it is all about, before we order the yeas and nays?

Mr. COOK. The yeas and nays have already been ordered.

Mr. PASTORE. Have the yeas and nays been ordered, Mr. President?

The PRESIDING OFFICER. The yeas and nays have been ordered. How much time does the Senator from New York yield himself?

Mr. BUCKLEY. I yield myself 5 minutes.

The amendment addresses itself to a rather surprising discrimination that appears in two sections of title IX. I speak of that discrimination which affects 9 million of my constituents, and which affects 94,354,000 Americans—all of those who happened to be married.

The amendment as now written grants to the individual, the unmarried individual, up to a $25 tax credit. However, a husband and wife filing a joint return are allowed, between them, that same $25; or, if they choose to file individual returns, they are each allowed only $12.50.

This same discrimination against matrimony is repeated in the limitation on deductions. Again, whereas the single individual is entitled to deduct up to $100 each taxable year, the married individual is limited to $50.

I am not quite sure why this provision was inserted, but it does have the effect, next year, of depriving 94,354,000 Americans of a potential personal deduction of $50 each—a deduction which is accorded to their fellow citizens who happen not to have been married.

I might point out that the bill to which the amendment is sought to be appended is supposed to stimulate consumption by increasing personal exemptions.

Mr. COOK. Mr. President, may we have order? It is difficult to hear the Senator.

The PRESIDING OFFICER. The Senate will be in order. The Senator will not proceed until we have order in the Chamber. Senators will take their seats. The Senator from New York will not proceed until all Senators are at their desks.

The Senator may proceed.

Mr. BUCKLEY. I thank the Chair. I certainly feel that it would be in the spirit of the underlying bill to which these amendments are being appended to make sure that everyone is treated equally as far as the potential deductions are concerned. I ask the distinguished Senator from Rhode Island the reason for this discrimination against people who happen to be married.

Mr. PASTORE. Mr. President, on first impression, this might seem to have been an oversight. As a matter of fact, serious thought was given to the question. You could argue it one way or the other, depending on the judgment you want to use, and depending on the frugality that has to be exercised in determining how much money is involved.

The committee gave this serious thought. The Senator from New York, as a conservative, is being much more generous than the committee chose to be. What we did was make it $25 per couple, and of course if one were unmarried and filed a single return, it would still be the $25.

Then, of course, we provided the deduction of $100 for the married couple, which would be $50 apiece.

I think we have gone pretty far, but I leave it up to the sentiment of the Senate. For my part, I think it would be, if I may say so, touching on fiscal irresponsibility if we increased the amount.

Mr. COOK. Mr. President, will the Senator from New York yield?

Mr. BUCKLEY. I yield.

Mr. COOK. I would first have to say that the Senator from New York and the Senator from Rhode Island indicated that the committee discussed this matter. I do not know what committee discussed it, because it is my understanding that this Pastore amendment was prepared by the Senator individually for presentation on the Senate floor.

Second, I think the Senator's amendment is so well-taken that I would suggest to him that I wonder if the proponents of the amendment as it presently stands would not only want to see to it that somehow this fund is created, but somehow or other, in order to get some logical contribution to political candidates, insist that husbands and wives have to be of the same political affiliation. Because apparently if husbands and wives differ in political philosophy, and one gives a contribution to a Republican and the other gives a contribution to a Democrat, they are immediately cut in half as to what they can deduct on their income tax return on a joint basis; whereas, if one who is single decides to give the entire amount of his contribution to one candidate or another, he gets the opportunity to take all of it.

We have had a number of things on this floor, including the Tunney amendment, designed to insure that husbands and wives who both wish to work can have a greater exemption to pay for day care centers for their children, so that they can both work.

Does that not mean, if they can both work, that they can both give money to the candidates of their choice and be treated the same as other individuals under this bill?

If we are really talking about fiscal irresponsibility, we ought to be talking about the entire amendment. But if we are talking about fiscal responsibility, we surely should not attempt to achieve it by way of discrimination.

Mr. BUCKLEY. Mr. President, I very much agree with the distinguished Senator from Kentucky, and I am very much taken by the remarks of the Senator from Rhode Island. I am delighted, incidentally, to hear talk about fiscal responsibility from that side of the aisle; and if the Senator prefers, I would be delighted to rearrange my amendment in order to cut the exemptions and the deductions for the single individuals down to the level allowed by the distinguished Senator's amendment for married people. If he would prefer that, I would be glad to submit a substitute amendment.

Mr. PASTORE. If the Senator does that, I will accept it.

Mr. BUCKLEY. Very well.

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

Mr. BUCKLEY. I yield.

Mr. CURTIS. I wish to ask the Senator a question. It does not directly relate to the amendment, but I have given considerable thought to this legislation. Assuming that title X becomes the law, can this money be spent to pay salaries of employees, directors, or chairmen of political committees, and if so, is there any limit on how much they might be paid from these tax funds?

Mr. BUCKLEY. Mr. President, I am afraid I am not an authority on title X. I believe that it would perhaps be more useful if the Senator from Nebraska would direct his questions to the propo-

nent of the amendment, so that he could tell him exactly what he had in mind in drafting title X.

Mr. CURTIS. I thank the Senator.

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

The PRESIDING OFFICER. On whose time?

Mr. BUCKLEY. The time to be equally divided, in order that I might work up a substitute amendment as suggested by the Senator from Rhode Island.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUCKLEY. 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. BUCKLEY. Mr. President, I offer a substitute for the amendment which I earlier withdrew and ask that it be stated.

The PRESIDING OFFICER. It will take unanimous consent if that is an amendment in the second degree.

Mr. PASTORE. Mr. President, I ask unanimous consent that the original amendment be withdrawn and the order for the yeas and nays be rescinded and that the Senator introduce it as an amendment in the first degree and I will accept it.

Mr. BUCKLEY. Mr. President, I would like to retain the order for the yeas and nays.

Mr. PASTORE. Mr. President, the Senator can ask for the yeas and nays over again. We have enough here.

The PRESIDING OFFICER. Is there objection to rescinding the yeas and nays and withdrawing the amendment? The Chair hears none, and it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

On page 2 strike out line 7 and insert: "exceed $25 (except that in the case of a joint return the amount shall be $50), payment of which is made by the taxpayer (or either spouse in the case of a joint return) with-".

On page 2, strike out lines 10 through 15.

On page 2, line 16, strike out "(2)" and insert "(3)".

On page 2, line 24, strike out "(3)" and insert "(4)".

On page 6, strikes out lines 6 through 8 and insert:

"(a) shall not exceed $50, except that in the case of a joint return the deduction shall not exceed $100."

Mr. BUCKLEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, if the Senator will yield, we know what the amendment would do. We will be perfectly willing to accept it or to vote "aye."

Mr. BUCKLEY. Nevertheless, I would like to continue to make some of the observations and remarks which I had not made in making my earlier presentation. I very much appreciate the consideration of the Senator from Rhode Island.

Mr. President, I feel that the amendment which has now been substituted for the earlier one, the new amendment that I have submitted, does overcome any deficiency which I pointed to earlier. It will also have the effect of achieving a maximum tax saving, about $450,000, which in these days is not to be sneezed at.

I am also delighted to say that it removes that stigma relating to the state of matrimony which might have been attached to the Senator from Rhode Island, and I know that a man of his sobriety and fine reputation would not have wanted to have done that.

Mr. President, I would like to take this occasion to talk a little collaterally to this amendment in itself.

I believe that the IX provides a more appropriate way in which one should analyze the tax structure of the United States in order to encourage a direct, broad-based participation by Americans in their political process. It leaves to each individual the choice of how he will contribute, to whom he will contribute, and the extent to which he will contribute.

It also means, frankly, that candidates such as I, who have had to depend on broad sources of financing through the mails, can reach our constituencies in a much broader and more effective base.

I received 40,000 contributions. Had this new amendment been in effect, I know that I would have had major contributions.

One of my opponents, on the other hand, borrowed $2.5 million from his mother for the primary fight.

I think this is an amendment that moves in the proper direction. I also feel, however, that the contrast between title IX and title X is particularly apparent when we see the involuntary marshaling of tax dollars on the one hand, provided for in title X in contrast with the mechanism of title IX, where the individual taxpayer is encouraged to take an interest in all of the candidates who are available in his locality and at the national level, to take sufficient interest to determine how he will utilize the tax credit we are providing to make this financial commitment which will more directly involve him in the candidate of this choice or the party of his choice.

I think this is important to a healthy process and a healthy direct involvement.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 30 minutes on the new amendment.

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

The PRESIDING OFFICER. On whose time?

Mr. BUCKLEY. On my time.

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 addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BUCKLEY. I yield 5 minutes to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank my colleague for yielding. I want to say I did not understand clearly what the amendment was supposed to accomplish as it was first proposed. It is my understanding the Senator from Rhode Island (Mr. PASTORE), along with the Senator from New York, has worked out a compromise that is acceptable. Am I correct about that, at least insofar as those two Senators are concerned?

Mr. BUCKLEY. That is correct. It eliminates the discrimination against married people which was built into the original Pastore amendment by reducing the tax credit allowed the individual taxpayer, the unmarried taxpayer, and the deduction allowed the unmarried taxpayer down to the level allowed for married taxpayers in both categories. In the process it achieves a potential savings of a half million dollars, assuming each individual qualifies for the deduction and takes advantage of it.

Mr. HANSEN. Do I understand then, making the comparison between an individual taxpayer and a married couple paying taxes, the individual taxpayer would be entitled to take only one-half the amount of a deduction—would be entitled to only one-half the amount of the credit that would be available to a married couple?

Mr. BUCKLEY. To a married couple filing a joint return, yes.

Mr. HANSEN. What is the situation if married couples file separate returns?

Mr. BUCKLEY. The same situation as the individual.

Mr. HANSEN. The same as the individual.

Mr. BUCKLEY. Otherwise we would have had a situation where 94 million Americans would have been, in effect, second-class citizens, although presumably their individual votes are as important in the electoral process.

Mr. HANSEN. I thank my colleague.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time may be taken equally from both sides.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, what is the request?

The PRESIDING OFFICER. That the quorum be charged equally against both sides.

Mr. PASTORE. I object to that. The Senator knows I am going to accept his amendment. I cannot understand this at all. After all, it is a simple thing. The Senator contends there was a discrimination in there, we debated it back and forth. One could take it or leave it. Because of the Senator from New York we agreed to it.

If the Senator wants a quorum call he will have to do it on his own time.

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

Mr. BUCKLEY. I yield such time as the Senator from Kentucky requires.

Mr. COOK. May I say to the Senator from New York I am of the opinion that

last Saturday there was a series of votes, 68 to 0, 69 to 0, and I could not understand when I looked at the rollcall why anyone would ask for a rollcall vote on amendments that apparently had been accepted by 68 and 69 Senators, with no votes against them. I could not understand that. So I cannot understand the attitude of the Senator from Rhode Island that he is upset about it.

Mr. PASTORE. I am not upset about anything. All I am saying is that there is going to be a 100-percent vote.

When you have won your case, be silent.

Mr. COOK. Mr. President, I think the remarks of the Senator from Rhode Island were contrary to the rules and they should be stricken.

The PRESIDING OFFICER. Is there objection?

Mr. PASTORE. Oh, I do not care. I will strike it if I hurt anybody's feelings.

Mr. COOK. I remind the Senator from Rhode Island about what he said to one of our colleagues—I think it was the Senator from Tennessee—that he was out of order in his remarks. I think it should work both ways.

Mr. PASTORE. Is the Senator from Kentucky getting to be thinskinned?

Mr. COOK. Not a bit.

The PRESIDING OFFICER. Who yields time?

CALL OF THE ROLL

Mr. WEICKER. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be divided between both sides.

Mr. PASTORE. Take it out of our time. I mean that. All the time to be taken out of the side of the opposition.

The PRESIDING OFFICER. Is there objection? The Chair hears——

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOK. Have the yeas and nays been ordered?

Mr. WEICKER. I made a request for a quorum call.

Mr. PASTORE. Out of my time.

Mr. WEICKER. I am willing to share it.

Mr. PASTORE. No, no; out of my time.

Mr. MANSFIELD. There is just too much sweetness in life.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. WEICKER. No.

Mr. MANSFIELD. No, a quorum call was put in by the Senator from Connecticut and it is on the time of the Senator from Rhode Island.

Mr. WEICKER. The yeas and nays have already been ordered, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. CURTIS. Mr. President, I regret to do this, but I shall insist that we have a live quorum.

The PRESIDING OFFICER. Objection is heard.

The rollcall was resumed and concluded, and the following Senators answered to their names:

[No. 368 Leg.]

Allen	Fannin	Mondale
Allott	Fong	Montoya
Anderson	Gambrell	Moss
Bayh	Gravel	Muskie
Beall	Griffin	Nelson
Bellmon	Gurney	Packwood
Bentsen	Hansen	Pastore
Bible	Harris	Pell
Boggs	Hart	Proxmire
Brooke	Hatfield	Randolph
Buckley	Hollings	Ribicoff
Burdick	Hughes	Roth
Byrd, Va.	Humphrey	Schweiker
Byrd, W. Va.	Inouye	Scott
Cannon	Jackson	Smith
Case	Jordan, N.C.	Sparkman
Chiles	Jordan, Idaho	Stafford
Church	Kennedy	Stennis
Cook	Long	Stevenson
Cooper	Magnuson	Symington
Cotton	Mansfield	Talmadge
Cranston	Mathias	Tower
Curtis	McClellan	Tunney
Dominick	McGee	Weicker
Eagleton	McGovern	Williams
Eastland	McIntyre	Young
Ellender	Metcalf	
Ervin	Miller	

The PRESIDING OFFICER. A quorum is present. Who yields time?

Mr. MANSFIELD. I yield back the remainder of the time of the Senator from Rhode Island (Mr. PASTORE).

The PRESIDING OFFICER. Does the Senator from New York yield back his remaining time?

Mr. BUCKLEY. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BURDICK). All remaining time has been yielded back. The question is on agreeing to the amendment of the Senator from New York (Mr. BUCKLEY). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), and the Senator from Virginia (Mr. SPONG), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Vermont (Mr. AIKEN), the Senator from Nebraska (Mr. HRUSKA), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), and the Senator from New York (Mr. JAVITS) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. HRUSKA) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 82, nays 0, as follows:

[No. 369 Leg.]

YEAS—82

Allen	Fannin	Mondale
Allott	Fong	Montoya
Anderson	Gambrell	Moss
Bayh	Gravel	Muskie
Beall	Griffin	Nelson
Bellmon	Gurney	Packwood
Bentsen	Hansen	Pastore
Bible	Harris	Pell
Boggs	Hart	Proxmire
Brooke	Hatfield	Randolph
Buckley	Hollings	Ribicoff
Burdick	Hughes	Roth
Byrd, Va.	Humphrey	Schweiker
Byrd, W. Va.	Inouye	Scott
Cannon	Jackson	Smith
Case	Jordan, N.C.	Sparkman
Chiles	Jordan, Idaho	Stafford
Church	Kennedy	Stennis
Cook	Long	Stevenson
Cooper	Magnuson	Symington
Cotton	Mansfield	Talmadge
Cranston	Mathias	Tower
Curtis	McClellan	Tunney
Dominick	McGee	Weicker
Eagleton	McGovern	Williams
Eastland	McIntyre	Young
Ellender	Metcalf	
Ervin	Miller	

NAYS—0

NOT VOTING—18

Aiken	Goldwater	Percy
Baker	Hartke	Saxbe
Bennett	Hruska	Spong
Brock	Javits	Stevens
Dole	Mundt	Taft
Fulbright	Pearson	Thurmond

So Mr. BUCKLEY'S amendment was agreed to.

REVENUE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 738

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

Mr. PELL, for himself and Mr. STAFFORD, submitted an amendment intended to be proposed by them jointly to the bill (H.R. 10947), to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

AMENDMENT NO. 739

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

Mr. MILLER submitted an amendment intended to be proposed by him to amendment No. 692, proposed to the bill (H.R. 10947), supra.

AMENDMENT NO. 740

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

Mr. MATHIAS submitted an amendment intended to be proposed by him to amendment No. 692, proposed to the bill (H.R. 10947), supra.

AMENDMENTS NOS. 741 AND 742

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

Mr. DOMINICK submitted two amendments intended to be proposed by him to amendment No. 692, proposed to the bill (H.R. 10947), supra.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 700

At the request of Mr. PELL, the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of amendment No. 700, intended to be proposed to the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 49

At the request of Mr. ALLOTT, the Senator from Alabama (Mr. SPARKMAN) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of Senate Concurrent Resolution 49, calling for the humane treatment and release of American prisoners of war held by North Vietnam and its allies in Southeast Asia.

REVENUE ACT OF 1971

The Senate continued with the consideration of the bill (H.R. 10947) to provide job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

The PRESIDING OFFICER (Mr. MONTOYA). Who yields time?

Mr. MANSFIELD. Mr. President, I yield myself as much time as I may desire on the amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I think, in view of the feeling and the feelings of the Senate, it would be most inadvisable to continue the fruitless discussions which have marked the activities of this body today.

May I say, in all candor, that this has not been one of the Senate's finest hours. We have been dilatory. We have used tactics of obstruction. We have been playing politics, to put it plainly.

The economic situation in the country is improving only gradually—if at all. This, at one time, was, as I understood it, considered the administration's highest priority measure.

To repeat, the economy, while it may be showing a trend upward here and there, is not in too good shape.

The latest indices in the cost of living show two-tenths of 1 percent for the month of October. The latest unemployment figure is 5.8 percent, down from 6.1 percent a few months ago. The rate of inflation is still somewhere in the vicinity of 5 percent or a little above.

The President undertook certain actions, first in the statement he made to the American people on August 15 last at which time he made recommendations as to what should be done. He put into effect directives which he thought were in the interest of the Nation as a whole.

Mr. President, I approved of what the President did. I approved of the shock treatment applied because I felt that in no other way could the desired effect be achieved.

Since that time, the President has asked us to lay aside consideration of the welfare program, H.R. 1, and the revenue sharing proposals. Later, he came back and said that he did not mean that we should not consider them this year but that we should report them out and pass them next year. They should be out of the committees.

As a result of what the President recommended, the Finance Committee laid aside its consideration of H.R. 1 and took up the tax package now before this body. The committee spent long hours—many long hours and many days, in seeking to bring out a bill which would in some form or some fashion meet the wishes of the President and conform to the emergency which he stated truthfully was and is upon this country.

The manager of the bill, the distinguished Senator from Louisiana (Mr. LONG), the proponent of the pending amendment the distinguished Senator from Rhode Island (Mr. PASTORE), and the leadership on this side of the aisle—and, may I say, where possible, the leadership on the other side of the aisle—were prepared to enter into a time agreement to vote on the pending amendment.

It should be said that this agreement which was made by the majority leader, the Senator from Montana now speaking, was offered to accommodate the administration as a way of expediting the economic tax bill.

I think it should be clear to all by now as to where the blame for the delay lies.

It is not on this side of the aisle, but it is elsewhere.

The Senator from Montana has proposed a number of times to enter into a unanimous-consent agreement covering the various divisions inherent in the pending measure, but all those proposals were objected to.

The Senator from Montana is prepared, once again, to offer a unanimous-consent agreement, but I feel loath to do so because I feel that it might be objected to once more.

May I say to the Members of this body and specifically to certain ones who made sacrifices to be here tomorrow, that in view of what has occurred, I am sorry that a Saturday session was scheduled, but a Saturday session has been scheduled and the session will be held and rollcall votes will occur.

I ask unanimous consent, Mr. President, that when the Senate completes its business today, it stand in adjournment not to the hour of 9 o'clock tomorrow morning, as previously agreed, but to the hour of 10 o'clock tomorrow morning.

Mr. WEICKER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, we will come in at 9 o'clock tomorrow morning then, which was the previous agreement.

Mr. President, the reason the Senator from Montana—and I speak as a Senator from a State—made the request was that many Members are tired and I thought, due to the fact that this was a hard week, this might be a reasonable accommodation, to give them a little more rest, but then the Senate will abide by——

Mr. LONG. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, this Senator went through this experience, except on the opposite side of the coin. We all remember that when the former Senator from Delaware, John Williams, was here, he led the fight on the other side of the aisle to keep the very same provision we are talking about here from going into effect.

The attitude of the former Senator from Delaware at that time, as I understood it, and his group was that they just were not going to let the President pass a bill—which incidentally involved the same issue, the same investment tax credit, 7-percent investment tax credit, the same economic issue—until they were able to have a vote on their views with regard to this issue that is involved in the Pastore amendment at a time when they could have all their troops present.

We had seven votes over a period of 5 weeks. They were not satisfied, and I would count the troops, and eventually we would get our troops back and we would vote again. And they were not satisfied. Eventually we got to a vote.

Their attitude was that the President wanted this bill badly enough that he would have to let them vote on the amendment at a time of their choosing.

Frankly, the way I had it counted, with the Vice President in the chair, now Senator HUMPHREY, formerly Vice President HUMPHREY, we could win it. I had to keep our troops in town and let the thing come to a vote.

I recall the attitude of those who were against President Johnson's position at the time. They were confident that they had a majority. I am not positive they had a majority, but if so, they had it by a margin of one vote, if any. Their attitude was that they were not going to let that bill pass unless they were going to vote on the bill at a time of their choosing.

I do not know why those on this side of the aisle who are interested in the same issue would permit them to array their forces and permit them to run 50 plays against the goal line and then another 50 plays against the goal line. We should play the game the same way. When they are ready to vote on the Pastore amendment, we will be glad to accommodate them at a time when they can be here and we can be here.

I say to those interested in the Pastore amendment, which is mainly those on this side of the aisle, that I do not think we have to accommodate those who show very little interest in going ahead with the bill.

It seems to me that at some time we should lay the bill aside and have someone call the President to see if he wants

the bill enough to let us vote up or down on the Pastore amendment. If he does not want it that much, it seems to me that we should get on to some other bill which is not a revenue bill. However, to spin our wheels here arguing about some sort of perfecting amendments to insert some words that offer no additional meaning but really confuse the language of the bill is not the way, it would seem to me, to do business.

The best I can make out, there is a majority, even allowing for pairs for those Senators who are absent. If we have a majority and the opposition wants to pass the bill, we should take a vote. This would let them vote. That is all we have been voting on in the last 2½ days.

I would urge the leader to lay this bill aside and get on to other business. Perhaps he might want to let the opposition run another 50 plays to the goal line. I assume that we can keep the troops in town tomorrow.

We are giving the opposition an opportunity to vote if everyone is in town. That does not make much sense to me.

I think that one of these days our able leadership is going to tell those who do not agree with the Pastore amendment that he does not agree with them, and I hope that time will be soon.

Mr. SCOTT. Mr. President, we have reached a place here where accusation exceeds accusation, where even comity is breaking down. And I will return to that in a minute, because I thought we had an understanding as to who would be occupying the chair at 8 o'clock. But perhaps more important than our geting along with each other, I am prepared to make a proposal in perfectly good faith. I am going to test the good faith of the opposition. I am going to find out before the Senate and the country who is engaging in politicking.

I have asked one Senator who has not been voting with me what is happening. He said that they are afraid to go because they are afraid they will jeopardize the money they will get.

Let me tell the Senator that if Senators here who subsequently become candidates for the Presidency or who are now candidates for the Presidency vote themselves a slush fund of $20 million, in my judgment, they are going to be accused by speakers from one end of this country to another of conflict of interest.

They are going to have a hard time explaining how they can sit here as Senators and vote themselves an enormous slush fund and walk out and spend the taxpayers' money from that slush fund and say they are for purity in the election, because this is the greatest conflict of interest of which a Member of the Senate can be guilty of, in my opinion.

Now, if that is what you want to do, all right. However, let us review the situation. Where are we? We have tried all day, and I will propose another unanimous-consent request, to get on with the substantive measure of the tax bill. We have proposed that we go on with the bill and with the amendments which would be handled by the distinguished Senator from Louisiana and the distinguished Senator from Utah. We will get on with the people's business. We will concern ourselves with what is to be returned to the people in the tax bill, not what is to be grabbed from the people by the political grab bag operation.

We are willing to do that. We are not delaying the Senate. This bill would have been passed by now, in my opinion, if it had not been for the interjection of a political fund raising amendment to bail out a political party from its own shortcomings and its own failure to impress the people of this country sufficiently with their merits to raise their own money and not the money of the taxpayers to do it for them. So, what did they do. We were going along very nicely with the tax bill. We would have finished it by now, I think. However, they come in here and offer section X. What happens. Somebody has to call the tune. Somebody has to tell the people. Somebody has to ring the bell. Somebody has to sound the alarm. Somebody has to say, "Why do you take $40 million or $50 million from the social welfare purposes involved in the tax bill and give it to yourselves?"

Every moment you do that, you are increasing the number of Senators who will have to vote against the tax bill, including the speaker, including myself, because I cannot buy a bill which is for the benefit of myself and my colleagues.

I cannot face a situation which would deprive me from going into all States of the Union where candidates are running for reelection without being free to say, "You voted this money at the expense of the people in this audience, and here are one-thousand people." That is, if I can get that big a crowd, and I think I can with as sufficient and concise oratory of this type. And I will say to this 1,000 people,

Look at the incumbent and look at the opponent, and say to yourself, "Do you want a man who voted a slush fund out of your pocket or do you want a man who is opposed to this grab bag?"

No, we are not delaying the bill. We are ready right now to go back to the bill and I am ready to propose now a unanimous-consent request and that is——

The PRESIDING OFFICER. Does the Senator yield for a unanimous-consent request?

Mr. MANSFIELD. I yield for that purpose, providing I hold the floor.

Mr. SCOTT. Before I propose the request I better clarify something. It was my understanding there was an agreement that the Senator from Connecticut would be in the chair from 8 o'clock on. I may be wrong on this; I do not want to do anybody an injustice. We never had the problem of comity before. But the Senator was ousted from the chair, over his objection. He will confirm that. The chair was turned over to a Member of the majority party, for purposes which escape me. I hope it does not happen again, but if it does I am going to ask my colleagues not to occupy that chair during the late hours of the day. If our tenure is so uncertain and a tenure at will, I am going to ask them not to cooperate because we exist here only through cooperation.

Having said that, and having vented myself of a very minor degree of ill will, which will get me no friends, I now propose a unanimous consent request with the consent of the distinguished majority leader and that is——

Mr. President, I ask unanimous consent that section 10 of the so-called Pastore amendment—otherwise known as the relief of George Wallace or debilitation of SHIRLEY CHISHOLM, or whatever one wants to call it——

I ask unanimous consent that section 10, that consideration of it be deferred until 1 o'clock on Monday; that the Senate proceed to the immediate consideration of the other and substantive items in the tax bill; and that we then return to consideration of the Pastore amendment at the time indicated on Monday.

Mr. MANSFIELD. Mr. President, reserving the right to object, and I shall object, we are on the Pastore amendment at the present time. I think the only way we can face up to it is to face up to it. I think the time has passed when the Pastore amendment can be laid aside. The issue is before us and the leadership is prepared to suggest to the Senate that we are prepared to vote on this side at any time, and we think that on the basis of majority rule, that the majority, no matter on what side it is, should be the determining factor.

Mr. LONG. Mr. President——

Mr. MANSFIELD. I would like to make a countersuggestion and request of the minority leader that he give the most serious and if possible immediate consideration to an agreement on a time certain to vote on the various divisions.

Mr. SCOTT. I will withdraw, with the consent of the majority leader, my request for unanimous consent and submit another.

I request unanimous consent that at this time we return to the consideration of the amendments, other than the Pastore amendment to the tax bill, that we return to the consideration of the Pastore amendment at noon on Monday, and that we vote on the Pastore amendment and all amendments or amendments thereto, not otherwise disposed of, not later than 3 p.m. on Monday.

Mr. MANSFIELD. Mr. President, reserving the right to object, I do so only to yield the floor to the distinguished Senator from Rhode Island to find out what his reaction is.

Mr. PASTORE. Mr. President, if this appears to be somewhat rash, it is, but there is only one characterization I can make of the oratory of the minority leader, inasmuch as he used my name, by characterizing his emotion over his rationality as pure baloney.

Mr. SCOTT. The Senator will have to do better than that to be persuasive.

Mr. PASTORE. You just wait until I get through. [Laughter.]

You just wait until I get through.

The name "Pastore amendment" has been battered around this Chamber now for the last 3 or 4 days, and we have talked emotionally about what we are doing for ourselves and the fact we do

not want to leave it to the people. We do not want to leave it to the people?

What is the essence of the Pastore amendment? The Pastore amendment is that the people of this country who pay the taxes shall have the ultimate decision to decide whether or not $1 of their taxpayer money shall be allocated to make sure that the American people have the privilege and opportunity, not only to well know their candidates but also to know the issues that are being advocated by their candidates.

If you call that selfishness, I call that denial of the right of the people to decide what they can do for themselves. I realize there is a little politics in this.

Mr. COOK. Twenty million dollars worth.

Mr. PASTORE. There is a little politics on both sides. All you have to do is look at the votes, and I know what the votes are. Let us face it. Let us face it.

The coffers of the Republican Party are loaded with dough. All we are looking for is a little bit of yeast.

Mr. COOK. Tell us how much.

Mr. PASTORE. After all, what are we saying here? What are we actually saying here?

Here we are, we spend $75 million a day for our involvement in Vietnam—$75 million a day. And what are we talking about here? Fifty million dollars to make sure that the people of the United States will have the opportunity to elect the best man as President and Commander in Chief of the United States of America.

What are we doing here? We are saying, "Take the Presidency off the auction block and give it back to the people. Give it back to the people where it belongs."

But you do not have that confidence. At one time you talk about $113 million and the next time you say it is only $2 million we get. Let us wait and see. Let us wait and see.

The Senator from Rhode Island has said time and time again that if only 2 million people vote for it or allocate the $1 I will be the first one to ask for the repeal of this, but on the other hand if 50 million people participate I say we have struck something that is good for the future and destiny of this great land of ours.

We get up here and shake our bodies about what we are doing for ourselves. That is good politics. But let me tell you something. The American people are not that blind. Only a week ago all over this country you had your President hopping from city to city, to do what? To charm people who could afford to buy a $500 ticket. Why were they there? Because they liked his looks, or are you kidding yourselves? I bet 80 percent were waiting for ambassadorships, and between you and me they stand in the first line, and that is what we are trying to rid this Government of. We are trying to rid this Government of the power of money and give it back to one man, one vote, one dollar. That is all we are talking about.

[Applause—laughter.]

That is the clarion call—one man, one vote, one dollar.

Mr. MILLER. Mr. President, may we have order? I cannot hear the speaker.

[Laughter.]

Mr. PASTORE. Do you know what I am going to do for the Senator from Iowa? I am going to allocate $10 for a hearing aid for him.

[Laughter.]

Because I think he needs it badly.

So I say to my colleagues, do not kid yourselves. The stakes here are big. The stakes here are tremendous. We are not talking about peanuts here tonight. We are talking about big stakes. We are talking about the ability of one party, because it is in power, to raise $50 million while another major party has to go begging, and that is not fair. That is not fair. That is not good for democracy, if you want equality and justice. It is not a matter of who can raise money.

I see the Senator from Colorado there just chirping away. I guess if I had his money I would not worry, either.

Mr. ALLOTT. Are you talking about me?

Mr. PASTORE. No; I am talking about Colorado—the man who was just smiling, and I am saying to my colleagues——

Mr. SCOTT. Mr. President——

Mr. PASTORE. I have the floor. If you want to raise a point of order, raise it.

Mr. SCOTT. The point is you do not have the floor.

Mr. MANSFIELD. Mr. President——

Mr. PASTORE. I have the floor. All I want to say is, go on with your filibuster, you destroy the President's program, and I want to say to my colleagues on the other side, I have supported your President more times than some of you have.

Mr. SCOTT. Mr. President——

Mr. PASTORE. And so I conclude by saying, you try what you want, but in the long run justice will prevail, and this idea, "I ask unanimous consent that we go back to the old bill without the Pastore title X"—you can sell that to the Indians, but not to PASTORE. [Laughter.]

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I would like——

The PRESIDING OFFICER. Let us have order in the Senate Chamber.

Mr. MANSFIELD. Mr. President, may we have order? Who has the floor?

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MANSFIELD. I would most respectfully request the distinguished Republican leader to repeat his unanimous consent request.

Mr. SCOTT. I shall be glad to, now that the distinguished Senator from Rhode Island has run down.

Before I repeat it, let me say that for every dollar checked off under this amendment, the rest of the people in this country are taxed that much more to run the Government—which we have lost sight of.

I would like to make the point, also, when the Senator from Rhode Island mentions the $500 tickets, what about the $1,000 dinners on his side? When he pleads only for an equal amount of dollars, he cheerfully refers to that every time he mentions money.

I would like to further mention the reference to a filibuster. A filibuster is evidently to be defined now as a tactic of reaction on our part to an attempt by the majority side to grab the money from the taxpayer and run. I do not so define a filibuster. I define it as the highest possible duty of a Senator that whenever we see the public deprived of their tax money for the benefit of an individual to be used in his campaign, we should resist it with all the force at our command, and if we have the votes, we will be successful, and if we do not, we will carry the issue to the country—I think to the extreme discomfort of those who have voted for this money.

Now I repeat the unanimous-consent request. The Senator from Connecticut has asked the majority leader to yield, if he will do so before I repeat my request.

Mr. MANSFIELD. Mr. President, I will be delighted to yield if I do not lose the floor, and then——

Mr. SCOTT. And then I will repeat the request.

The PRESIDING OFFICER. The Senator from Montana yields to the Senator from Connecticut.

Mr. WEICKER. Mr. President, I appreciate being recognized by the Senator from Montana, being in the position I am in rather than in the Chair, due to his efforts——

Mr. MANSFIELD. What did the Senator say?

Mr. WEICKER. I would only comment——

Mr. MANSFIELD. No, Mr. President. What did the Senator say?

Mr. WEICKER. I said I appreciate being where I am rather than in the Chair which was due the Senator from Connecticut at the time——

Mr. MANSFIELD. Due to my efforts, did you say?

Mr. WEICKER. Yes. I was asked to remove myself from the Chair, in order that the Senator from New Mexico might be recognized to take the Chair. But let us get to the merits——

Mr. MANSFIELD. First, I want the record clear that I had no responsibility for what happened up there, and I hope the Senator will take my word for it.

Mr. WEICKER. I take the Senator's word for it.

Let me first say to the Senator from Rhode Island, the suggestion that we get to the business of America, which specifically is not campaign funding, but which is the economic bill, came not from this side of the aisle but from the distinguished Senator from Louisiana, who suggested for a few minutes that we might consider important proposals attendant to this bill that are relevant to this bill. Therefore, I want to make clear that it is not the Senator from Pennsylvania, the minority leadership, or my party who made the suggestion, but, rather, the Senator from Louisiana, and I think he is correct. If we are going to spend some time in these sessions, it should be for the people who are unemployed and the economy that is lag-

ging, and not for those are going to get the money for campaigns.

Number two, the Senator from Rhode Island said we spend $75 million every day on Vietnam. Because we are spending $75 million a day in Vietnam—and more than that prior to this administration—is why your party cannot raise $2 a day in the United States, because that is where you put it.

And then lastly, the piety exhibited by the Senator from Rhode Island and the majority leadership on the other side as to this great bill to reform elections in the United States—make no mistake about it, there is no piety. You are holding America and its unemployed and the lagging economy in hostage to pay your campaign debts.

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

Mr. SCOTT. Mr. President——

Mr. PASTORE. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. COOK. Mr. President will the Senator from Montana yield?

Mr. MANSFIELD. Mr. President, I do not wish this colloquy to go any further. I think the Senate has had enough to say for one day and one night, and I am prepared to move that the Senate adjourn very shortly——

Mr. SCOTT. Before that——

Mr. MANSFIELD. Before that I would like to hear the unanimous consent request repeated.

Mr. SCOTT. Mr. President, in order that we can get back to the people's business, I propose again a unanimous consent request that we set aside consideration of the Pastore amendment, that we return to consideration of other amendments in the Tax Bill until noon of Monday next, that thereafter the Pastore amendment shall again be in order, and that a vote shall be had in the interim on amendments, and not later than 3 o'clock there shall be a vote on the Pastore amendment and on any amendment or amendments thereto undisposed of.

Mr. PASTORE. Mr. President, reserving the right to object—will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. Will the Senator from Pennsylvania state the reasons for his request?

Mr. SCOTT. Certainly. I have already stated my reasons.

Mr. PASTORE. I know. He just made a unanimous consent request.

Mr. COOK. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Montana yielded to the Senator from Rhode Island.

Mr. SCOTT. Mr. President, the Senator from Rhode Island has addressed a question to the Senator from Pennsylvania as to why I have posed a unanimous-consent request. It is because I believe that action on the tax bill and the impact of that tax bill on the peopeople of this country are of such importance that we should get on with it; that we should make it a priority order of business; that we should then dispose of the Pastore amendment in as brief a time as possible so that we can get to the Defense Department appropriation bill and the economic package; and if the Senator is further curious—he is seeking to ascertain whether we have the votes or not——

Mr. PASTORE. No, no, if the Senator will yield, with the consent of the majority leader——

Mr. MANSFIELD. I yield.

Mr. PASTORE. Did the Senator from Pennsylvania request that on Tuesday next, we will vote on the Pastore amendment?

Mr. SCOTT. Monday next.

Mr. PASTORE. On Monday?

Mr. SCOTT. I requested that by 3 o'clock on Monday we vote on the Pastore amendment, together with any amendments to the Pastore amendment that have not been disposed of by that time.

The PRESIDING OFFICER. Is there objection?

Mr. DOMINICK. Mr. President, reserving the right to object——

Mr. MANSFIELD. I yield for that purpose.

Mr. DOMINICK. I have a right to reserve an objection.

The PRESIDING OFFICER. The Senator has a right to object.

Mr. DOMINICK. I reserve the objection.

Mr. MANSFIELD. I yield to the Senator for that purpose.

Mr. DOMINICK. I thank the majority leader very much.

What happens to amendments to the Pastore amendment which are pending, which have not been voted on, if we have been considering the tax amendments in the meanwhile? How do we get any discussion on those?

Mr. SCOTT. My unanimous-consent request would allow for a 3-hour interval. If the Senator from Colorado thinks that is not enough, I would be glad to extend the time on Monday to allow additional time, but it would be my hope that we could dispose of most of the amendments as expeditiously as possible.

Mr. DOMINICK. Further reserving the right to object—and I do not know whether I shall or not—I want to say this: Having been caught in the same kind of a time bind that the Senator from Rhode Island seems to be caught in on two occasions, at the urging of the majority leader and the whip of the majority party, I have withdrawn my amendments so as not to hold up the pending business.

The Senator from Rhode Island does not seem willing to do that. He seems willing to hold up the tax bill as a hostage to his own political amendment, and I find this extremely difficult to accept. It strikes me at this point that what they are doing is saying, "OK, we are going to go along with that," as opposed to saying, "OK, you keep it up against the blade, and if you, by virtue of your amendment, want to kill the whole tax bill, that is your responsibility and not anyone else's."

I find that extremely hard to swallow. I will say to the Senator from Pennsylvania, my distinguished minority leader, and to the majority leader, that I have put up three amendments—no, two amendments; I have two more only—both of which were substantive and good amendments, I thought, to this bill. I was unable to get very many Senators to listen. That is an understandable situation. I was unable to get anyone over there even to accept the appropriation process of this Government to figure out whether or not we ought to use it in effectuating the Pastore amendment.

Having gotten that off my chest, and having told Senators on the other side that we find it difficult to find that we always give and they do not, I will say I will not object to my own leader's request, because I think that would be invidious of me, but I say I do this with considerable alarm, by virtue of the fact that we are letting ourselves be hostages to an amendment which has nothing to do, in fact, with the matter before us.

The PRESIDING OFFICER. Is there objection?

Mr. COOPER. Mr. President, reserving the right to object——

Mr. MANSFIELD. I yield to the Senator for that purpose.

Mr. COOPER. I do not think I ordinarily hold up the works of the Senate, but I must say I find myself in a good deal of sympathy with the Senator from Colorado. This may seem personal, but today I offered an amendment with five or six cosponsors which attempts to be of some help. It would accept almost wholly title IX, except that it would make those funds available also for candidates before nomination, and it would substitute for title X the election reform bill which this body has passed, and of which the Senator from Rhode Island was one of the chief architects.

I would like to have a chance to propose that on Monday, to see if my friends on the other side would be willing to accept title IX, which they themselves proposed, and be willing to accept as a substitute for title X the bill which this body passed, and which they called the great election reform bill.

I think I must say also that I have listened to my good friend from Rhode Island—long-time friends, we call each other, and I think he is. I do not mind having this title of this amendment called what it is, but I do hate to hear it clothed in virtue. I think myself it is the most undemocratic amendment of any kind I have seen before this body, because it is an attempt to force people to donate to candidates whom they oppose.

I just wanted to know what the prospects are for Senators who have now, even as late as I, offered amendments, to have them voted upon. I want to have my amendment voted upon. It is the amendment of the majority.

Mr. SCOTT. Mr. President, if the distinguished Senator from Kentucky and the distinguished Senator from Montana will yield, I would propose amending my request so that, instead of the Pastore amendment becoming the order of business at noon on Monday, with the votes I have suggested occurring not later than 3 p.m., I would suggest that the Pastore amendment become the order of business

at 9 a.m. on Monday, which would then give 6 hours for the introduction and disposition of amendments, if that meets with the approval of the distinguished junior Senator from Colorado, the distinguished senior Senator from Kentucky, and the distinguished senior Senator from New Hampshire, who I see is on his feet.

Mr. COTTON. Mr. President, may I reserve the right to object?

Mr. MANSFIELD. Yes, I yield for that purpose.

Mr. COTTON. I am not trying to inject myself into this donnybrook; as far as I am concerned I would just as soon vote on the Pastore amendment right now. I do not think we are gaining anything by all this maneuvering. The issue has been pretty well defined.

But there were five amendments at the desk to follow the Pastore amendment, amendments to the bill.

Mr. MANSFIELD. The Senator is correct.

Mr. COTTON. I came in fifth, so there were four for the time allotted before mine is reached.

As to the amendment of the distinguished Senator from Kentucky, which may be a cure-all for all ill feeling and wounded hearts, I can see the benefits of it. I am in the same position that he is. I am a good soldier, and if this is a party fight, I want to be on the Republican side, and I do not want to object to anything that my leader asks for, but I wish he would not make a request that is absolutely sure to freeze the Senator from New Hampshire right out from consideration of his amendment.

The amendment I have was presented on the tax bill 2 years ago. The Senate passed that amendment by a vote of 65 to 30. It is germane; it does not cost a red cent; and it is, I think, an amendment that deserves another consideration. It was thrown out in conference with the House of Representatives 2 years ago, as I think the distinguished chairman of the Finance Committee will recall.

What I would like to inquire from the distinguished majority or minority leader, whoever wants to answer it, is, if we do not have a chance to discuss the amendments that are at the desk and to vote on them prior to the time that we go back to the Pastore amendment, will we have any chance after the Pastore amendment is disposed of? Because you can filibuster all you want to, but I just do not like to be pushed off the floor of the Senate and deprived of the opportunity to present an amendment which is a serious amendment and which the Senate has once passed by a vote of 65 to 30.

That is my inquiry.

Mr. MANSFIELD. Mr. President, if the Senator will allow me to resume the floor, I think that the requests and suggestions of the distinguished Senator from Kentucky (Mr. COOPER) and the distinguished Senator from New Hampshire (Mr. COTTON) could both be taken care of, because the Senator from New Hampshire already has an allotted time for an amendment which he has had printed, I believe.

Would it be all right to suggest, may I say to the distinguished Republican leader, that he add the following: That all amendments considered during the interval be those on which time has already been limited.

That would take care of this and the others.

Mr. CURTIS. Mr. President, reserving the right to object——

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

Mr. MANSFIELD. I yield.

Mr. BYRD of West Virginia. Mr. President, if I understand the request that is propounded by the distinguished minority leader, it is that the Pastore amendment be temporarily laid aside until 9 o'clock on Monday morning; that, in the meantime, the Senate proceed to consider other amendments to the bill.

I invite attention to the fact that if the Pastore amendment is laid aside until 9 o'clock on Monday morning and we come in tomorrow, when we proceed to consider this bill on tomorrow, the first amendment up will be No. 697, by Mr. NELSON, on which there is a 1-hour time limitation. Of course, amendments can be offered to that amendment, and motions can be made, with time thereon.

Following the disposition of that amendment, the next amendment which is clocked in is No. 544, by Mr. NELSON, on which there is a time limitation of 1 hour. Again, amendments in the second degree and motions and appeals would be in order.

Following that amendment, there is an amendment by Mr. FULBRIGHT, No. 674, on which there is a 30-minute limitation. Again, amendments in the second degree and motions and appeals, with the exception of nondebatable motions, have certain time limitations which I do not recall at the moment.

Following that, an amendment by Mr. EAGLETON, No. 687, would be taken up, and there it a time limitation of 30 minutes on that amendment, with amendments in the second degree and so forth in order, again.

Then, No. 5, the amendment by Mr. COTTON, on which there is a time limitation of 1 hour, would be taken up.

Following that amendment, an amendment by Mr. HANSEN, on which there is a limitation of 1 hour, would be called up.

So here are six amendments dealing with other parts of the bill on which there is a total time limitation of four and a half hours, aside from the time on rollcalls, aside from time on amendments in the second degree, motions, and so forth.

So there is a good day's work tomorrow on the six amendments to which consent has already been given to limit time thereon. It seems to me that this aspect poses no problem at all. If we agree to the request by the distinguished Senator from Pennsylvania—the Republican leader—these six amendments automatically fall into line for consideration.

Then, when we come in on Monday, and we return to the consideration of the Pastore amendment the first thing, could we have the understanding that a vote occur on that amendment at 3 p.m. on Monday?

Mr. CURTIS. Mr. President, reserving the right to object——

Mr. BYRD of West Virginia. Would the Senator make it at, rather than by, 3 p.m.?

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

Mr. MANSFIELD. I will yield when the Senator from West Virginia has finished.

Mr. COOK. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. COOK. It is my understanding that the Senator from New York has already asked for a division on the Pastore amendment.

Mr. BYRD of West Virginia. That is correct.

Mr. COOK. Is the Senator saying that prior to 3 o'clock, the division must also occur, including all amendments to the Pastore amendment, and then a division must take place; and if a division is unsuccessful, then a final vote on the Pastore amendment at 3 o'clock; or does he say that the vote on the division which, in essence, is a vote on the Pastore amendment, must take place at 3 o'clock?

Mr. BYRD of West Virginia. I understand the minority leader's request to be that there would be a vote on the Pastore amendment at 3 o'clock.

Mr. COOK. Division has already been ordered.

Mr. BYRD of West Virginia. That is true.

Mr. SCOTT. That would be two votes.

Mr. BYRD of West Virginia. That is correct. The vote would occur on title IX first, and it would be immediately followed by a vote on title X.

Mr. COOK. I thank the Senator.

Mr. CURTIS. Mr. President, reserving the right to object——

Mr. MANSFIELD. I yield for that purpose.

Mr. CURTIS. I rise now to inquire what would be the status of amendments that are offered to the Pastore amendment. I have in mind one amendment which the junior Senator from Nebraska has offered that is printed—it will be printed. It was offered some time ago. Can we have assurance that there will be time, when we return to the Pastore amendment, for a discussion of all amendments that are offered; and if so, how much time?

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

Mr. MANSFIELD. I yield.

Mr. BYRD of West Virginia. At such time as the Senate returns to the consideration of the Pastore amendment—and that would be on Monday, at 9 a.m.—the time agreement with reference to that amendment would still be in effect.

Mr. CURTIS. I did not so understand the request of the distinguished minority leader. It seems to me that under his request, one amendment could be debated for the entire time.

Mr. BYRD of West Virginia. I was just about to say that the agreement with reference to the Pastore amendment would not be vitiated by the unanimous-consent request. Once we get back on the amendment by Senator PASTORE, that agreement would still obtain, and there would be 1 hour on any amendment to

the Pastore amendment until the hour of 3 o'clock is reached.

Mr. CURTIS. If it is not vitiated, suppose we have 10 amendments. How are we going to have an hour for 10 amendments and vote on some of the amendments and vote on the amendment itself?

Mr. BYRD of West Virginia. Under the rules and precedents of the Senate, in a situation where there is unanimous consent of this kind, there would be 1 hour on each amendment until the hour of 3 o'clock. When the hour of 3 o'clock arrives, if there is a pending amendment in the second degree, we would vote on that amendment. There might be only 10 minutes left.

Mr. CURTIS. Suppose there are amendments waiting to be offered that have not even been called up.

Mr. BYRD of West Virginia. They could be offered. There would be no debate on them, but they would be voted on prior to the two votes on the two titles of the Pastore amendment.

Mr. SCOTT. Mr. President, the Senator from Arizona has a question that bears on that.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. CURTIS. What is suggested here can very well prevent someone from presenting his amendment and explaining it.

Mr. BYRD of West Virginia. That happens here many times when we have a consent agreement that we vote at a particular time on an amendment or a bill.

Mr. CURTIS. It happens when we vote cloture.

Mr. BYRD of West Virginia. It also happens when we have unanimous consent to vote at a particular time on an amendment, as here. A Senator has a right to make a motion or to offer an amendment when all time has expired, but he cannot have any time for debate on it, except by unanimous consent.

Mr. CURTIS. I understand that; but, as does the Senator from Colorado, I dislike to object to an agreement offered by the leadership. But I think the record should stand that we are asked to agree to a procedure here in which amendments offered in good faith may never even get to be explained.

Mr. MANSFIELD. I yield to the distinguished Senator from Arizona.

Mr. FANNIN. I thank the Senator.

Mr. President, my colleague from Arizona (Senator GOLDWATER) asked me to offer four amendments for him this afternoon. I did so. He is absent on business and could not be here. I am sure that he intended to offer these amendments, and that he would expect to have the 30 minutes provided. I do not want to object, but I think he certainly should be given consideration. Will he have time? Thirty minutes was allotted on each of those amendments—30 minutes on each side.

Mr. MANSFIELD. Yes. May I say that tomorrow we would have the amendments which have been enunciated by the assistant majority leader; and after the Pastore amendment is disposed of one way or the other, then other amendments would be in order and would be given consideration. The Senator's rights will be protected.

Mr. FANNIN. Is it understood that these are amendments to the Pastore amendment? These amendments are amendments to the Pastore amendment.

Mr. MANSFIELD. On the bsasis of what the Senator from West Virginia has said, they could be offered; but it would depend on the amount of time used on other amendments as to whether the amount of time Senator GOLDWATER desires would be available.

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

Mr. MANSFIELD. I yield.

Mr. SCOTT. I suggest that the time for the vote on the Pastore amendment be changed to 5 p.m. While this may not give every proponent of an amendment 1 hour or even half an hour, it would give us 8 hours debate on Monday on amendments to the Pastore amendment.

Mr. FANNIN. Mr. President, I feel, since I introduced these amendments on behalf of my colleague, Mr. GOLDWATER—because he could not be here tonight, he is absent on business—that it would not be my province to say that we would not have the time of 1 hour, which would be 30 minutes on a side, on which to debate each amendment.

Mr. MANSFIELD. Would the Senator allow us to come to an agreement, if possible; and, in the meantime, discuss the matter with the distinguished Senator from Arizona (Mr. GOLDWATER) on his return?

Mr. FANNIN. Would it be that the distinguished majority leader could give us assurance of 1 hour of allotted time to each amendment, if my colleague so desires it?

Mr. MANSFIELD. That is why I would like to discuss it with him, because I could not give that assurance in good faith now.

Mr. FANNIN. I thank the Senator.

The PRESIDING OFFICER (Mr. MONTOYA). The Chair would like to get some clarification on the unanimous-consent request. This is a request to encompass only those amendments for tomorrow which are pending, the six which have been enumerated and amendments thereto; is that correct?

Mr. SCOTT. Mr. President, that is the request of the assistant majority leader, that part of it.

Mr. BYRD of West Virginia. That is not my request. I am simply saying that the unanimous-consent request to lay aside the Pastore amendment——

Mr. COOK. Mr. President, will the Senator from Montana yield?

The PRESIDING OFFICER. Could any other amendment be offered under that unanimous-consent request when these are disposed of?

Mr. SCOTT. Under my unanimous-consent request; yes.

Mr. COOK. Mr. President, if there are only six amendments tomorrow to the tax bill which are not pertinent to the Pastore amendment, after the vote on the Pastore amendment the bill is open to amendment anyway, and any further amendments anyone wishes to introduce to the bill would then be available, is that not true?

Mr. MANSFIELD. That is right. I thought I said so, but I am glad that the Senator reemphasized it.

Mr. SCOTT. Mr. President, let me restate my unanimous-consent request, then, that we lay aside the consideration of the Pastore amendment until we have disposed of those six amendments as to which unanimous consents have already been had, and that subsequent thereto, amendments shall be in order whether to the Pastore amendment or not but that, in any event, at 9 a.m. on Monday next, the Pastore amendment shall be in order or continue to be in order, and that a vote on the Pastore amendment and any undisposed of amendments to amendments or substitutes shall be voted on at 5 p.m. on Monday. This gives time—before the 6 hours—to consider amendments to the Pastore amendment if desired, after these six amendments to the bill itself, and it gives us 7 or 8 hours on Monday.

Mr. DOMINICK. Mr. President, reserving the right to object once again, if I may——

Mr. MANSFIELD. Yes, sir——

Mr. DOMINICK. I would like to have some idea as to how many amendments to the Pastore amendment have not yet been disposed of. The Senator from Arizona said that his colleague, Mr. GOLDWATER, has introduced four amendments. I have three amendments. The Senator from Iowa (Mr. MILLER) says that he has one. The Senator from Kentucky (Mr. COOPER) has one. The Senator from Nebraska (Mr. CURTIS) has one. The Senator from Kentucky (Mr. COOK) has three. The Senator from Wyoming (Mr. HANSEN) has two.

How are we going to get through all those amendments by 5 o'clock and get some decent consideration of them?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object——

Mr. DOMINICK. A quick count shows that we have 15 amendments over here, at the desk for printing.

Mr. MANSFIELD. It may well be, depending on the outcome of some of the amendments, that others might not be offered. There is always the possibility that the sponsors of the amendments might consider reducing the time on them.

The PRESIDING OFFICER. Is there objection to the——

Mr. BYRD of West Virginia. Mr. President, reserving the right to object——

Mr. FANNIN. Mr. President, reserving the right to object, do I have the assurance of the majority leader that my colleague, Mr. GOLDWATER, will have the 4 hours in which to debate his amendments, with 30 minutes on each side?

Mr. MANSFIELD. No, I could not give the Senator that assurance, but I would like to talk with the Senator from Arizona (Mr. GOLDWATER) to see if something could be worked out. May I say that I have always found Senator GOLDWATER to be a most reasonable and understanding man.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object——

Mr. FANNIN. I thank the Senator from Montana. I will not object, having that assurance from the majority leader.

Mr. BYRD of West Virginia. Mr. President, will the distinguished Republican leader include in his unanimous-consent request a provision that there be a limitation on the amendments that could be called up tomorrow? The limitation I am referring to is that we consider only those amendments tomorrow on which a time limitation has already been agreed to. That would place a limitation on the number of amendments tomorrow—six at the most.

Mr. SCOTT. I would rather not, if the assistant majority leader does not mind, for the obvious reason that we may have some more amendments come in.

Mr. BYRD of West Virginia. I see. Very well.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

Mr. SYMINGTON. Mr. President, reserving the right to object, what is the unanimous-consent request?

Mr. MANSFIELD. Consent to the unanimous-consent request has just been given. It will allow the Senate to take up six amendments on a 1 hour time limitation tomorrow, beginning at 9 o'clock and ending at 5 o'clock, and then we come to the vote on the division on the Pastore amendment.

One thing I want to make clear, that while the hour of 5 o'clock has been set, I think the Senate should be on notice that if an accommodation is necessary with a Senator like the Senator from Arizona (Mr. GOLDWATER), that accommodation will be made.

Mr. FANNIN. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? There being no objection, the unanimous-consent request is agreed to.

Mr. HANSEN. Mr. President, reserving the right to object——

Mr. MANSFIELD. It has already been agreed to. It was just agreed to.

Mr. HANSEN. It was?

Mr. MANSFIELD. Yes, it was. Even when the Senator raised the question, but if the Senator wants to rescind it, I will be glad to do so.

Mr. HANSEN. No.

Mr. LONG. Mr. President, if I understand it correctly now, beginning on Monday next, we come in at 9 o'clock and then do I understand correctly that we will be voting on amendments to the Pastore amendment every hour after 9 o'clock with the same 1-hour limitation on amendments up until 5 o'clock, and then at 5 o'clock we will be voting on amendments which may arise therefrom?

Mr. MANSFIELD. That is what it will amount to, but again I ask my colleagues to understand the situation which has developed because of the fact that the Senator from Arizona (Mr. GOLDWATER) has four amendments, about which we knew nothing. It may go beyond that time.

Mr. LONG. Then Senators should be on notice that they can expect a vote on the first amendment to the Pastore amendment to come at about 10 o'clock on Monday morning next?

Mr. MANSFIELD. Roughly.

Mr. BYRD of West Virginia. If the distinguished majority leader will yield, I am not going to belabor this, but there is something that the distinguished Republican leader, I thought, included in his request that concerned me. It is for that reason that I want to have it clarified. I thought he indicated that on tomorrow we would proceed with other amendments to the bill which would include the six, and I thought he went on to include amendments also to the Pastore amendment.

Mr. PASTORE. No.

Mr. SCOTT. No. I will be glad to clarify that. I may have said it, but I think I requested that we vote on the six amendments first and then on other amendments to the bill, not including any amendments to the Pastore amendment. That will simplify it.

The distinguished majority leader and I will undertake to work out something in regard to the four amendments of the Senator from Arizona (Mr. GOLDWATER) with protection of the time there. Somehow, even if it is necessary to ask for a change in the unanimous-consent request, we will do so.

Mr. BYRD of West Virginia. I thank the Senator.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MANSFIELD. I yield to the Senator from Wyoming.

Mr. HANSEN. That was precisely the point I was attempting to raise and I thank my distinguished colleague for clarifying the situation.

Several Senators addressed the Chair.

Mr. MILLER. Mr. President, may I say, on the basis of what the leader has said, that I am confused about tomorrow. I thought I heard it explained by the Senator from West Virginia and I thought others had, too, that tomorrow we were going to come in and discuss the six amendments and that we do not go on to anything else.

Mr. MANSFIELD. That is correct. If the Senate wants to, it can, but it will be up to the Senate to decide that. But we have those six on tomorrow.

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

Mr. MANSFIELD. I am glad to yield to the Senator from Colorado and then I shall move to adjourn the Senate.

Mr. ALLOTT. Mr. President, I have one short piece of legislative history which I want to establish with regard to this bill.

Do we have to get unanimous consent for me to have time to do that, or do I have to take time out of amendments on tomorrow to do it?

Mr. MANSFIELD. We will try to come to an accommodation in some way with the Senator. I cannot answer the question now.

Mr. ALLOTT. Mr. President, it will not take 5 minutes.

ADJOURNMENT TO 9 A.M.

Mr. MANSFIELD. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and (at 9 o'clock and 10 minutes p.m.) the Senate adjourned until tomorrow, Saturday, November 20, 1971, at 9 a.m.

NOMINATION

Executive nomination received by the Senate November 19, 1971:

U.S. DISTRICT COURTS

Leroy J. Contie, Jr., of Ohio, to be a U.S. district judge for the northern district of Ohio vice James C. Connell, retired.

EXTENSIONS OF REMARKS

VETERANS DAY—NOVEMBER 11

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1971

Mr. LANDGREBE. Mr. Speaker, several of my distinguished colleagues in this House have already introduced legislation to return the Veterans Day holiday back to its traditional November 11 date. I commend these gentlemen and I will be joining them shortly with identical legislation of my own. I would urge my colleagues to give speedy and favorable consideration to this action, which would serve to remind Americans of the importance and value of their precious heritage.

Until recently, I had looked upon the shift away from our traditional holiday observances and toward the new 3-day weekend holidays with equanimity. I cared little about it one way or the other. Then, two things happened within the past week that have given me pause to reflect.

First, I participated in a traditional Veterans Day observance in Hobart, Ind., on the old date of November 11. The observance, sponsored by the Veterans of Foreign Wars, was one of the most moving ceremonies I have ever experienced. My first thought was, "Patriotism is not dead in Hobart."

But then the greater significance of the event hit me. November 11 was not even a holiday any more. And still the people of Hobart turned out. Why? To pay tribute to those brave men, living and dead, who sacrificed so greatly to preserve their Nation and their freedom. Hobart's citizens did not need a day off from work to do this; they did it because they cared—because they valued the heritage of the American veteran.

The second event took place Sunday in Merrillville, Ind., only a few miles from Hobart, when I attended worship services