United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, FIRST SESSION

SENATE—*Thursday, December 2, 1971*

(Legislative day of Monday, November 29, 1971)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the Honorable JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

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

O God, without whose help we do nothing aright, help us to commit ourselves and the destiny of this Nation to Thy keeping. Consecrate us in body, soul, and spirit to Thy service. Make us mindful that we are trustees and not owners of this planet. Give us both the wisdom and the will to be good caretakers of the earth and to be faithful stewards of the Nation's welfare. May peace come on earth, beginning with each of us.

We pray in the name of the Prince of Peace. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 2, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, December 1, 1971, be approved.

The ACTING 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 items on the calendar, beginning with Calendar No. 503 and ending with Calendar No. 508.

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

NATIONAL ADVISORY COMMISSION ON HEALTH SCIENCE AND SOCIETY

The Senate proceeded to consider the joint resolution (S.J. Res. 75) to provide for a study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology, which had been reported from the Committee on Labor and Public Welfare with an amendment, to strike out all after the enacting clause and insert:

That this joint resolution may be cited as the "National Advisory Commission on Health Science and Society Resolution".

ESTABLISHMENT OF COMMISSION

SEC. 2. There is hereby established a National Advisory Commission on Health Science and Society (hereinafter referred to as the "Commission").

MEMBERSHIP

SEC. 3. (a) The Commission shall be composed of fifteen members to be appointed by the President from the general public and from individuals in the fields of medicine, law, theology, biological science, physical science, social science, philosophy, humanities, health administration, government, and public affairs.

(b) Any vacancy in the Commission shall not affect its powers.

(c) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

(d) Eight members of the Commission shall constitute a quorum.

DUTIES OF THE COMMISSION

SEC. 4. (a) The Commission shall undertake a comprehensive investigation and study of the ethical, social, and legal implications of advances in biomedical research and technology, which shall include, without being limited to—

(1) analysis and evaluation of scientific and technological advances in the biomedical sciences, past, current and projected;

(2) analysis and evaluation of the implications of such advances, both for individuals and for society;

(3) analysis and evaluation of laws, codes, and principles governing the use of technology in medical practice;

(4) analysis and evaluation through the use of seminars and public hearings and other appropriate means, of public understanding of and attitudes toward such implications; and

(5) analysis and evaluation of implications for public policy of such findings as are made by the Commission with respect to biomedical advances and public attitudes toward such advances.

(b) The Commission shall make maximum feasible use of related investigations and studies conducted by public and private agencies.

(c) The Commission shall transmit to the President and to the Congress one or more interim reports and, not later than two years after the first meeting of the Commission, one final report, containing detailed statements of the findings and conclusions of the Commission, together with its recommendations, including such recommendations for action by public and private bodies and individuals as it deems advisable.

POWERS OF THE COMMISSION

SEC. 5. (a) The Commission or, on the authorization of the Commission, any subcommittee or members thereof, may, for the purpose of carrying out the provisions of this joint resolution, hold such hearings, take such testimony, and sit and act at such times and places as the Commission deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or members thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed, to the extent permitted by law, to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this joint resolution.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at daily rates for individuals not in excess of the maximum daily rate for GS–18 of the General Schedule under section 5332 of such title.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

COMPENSATION OF MEMBERS

SEC. 6. Members of the Commission (other than members who are officers or employees of the Federal Government) shall receive compensation for each day they are engaged in the performance of their duties as members of the Commission at the rate prescribed for positions at level II of the executive pay schedule in section 5313 of title 5, United States Code. Members of the Commission who are officers or employees of the Federal Government shall receive no additional pay on account of their services on the Commission. All members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

APPROPRIATIONS AUTHORIZED

SEC. 7. For the purpose of carrying out this joint resolution, there are authorized to be appropriated such sums as may be necessary, but not to exceed $1,000,000 for each of the two years during which the Commission shall serve.

TERMINATION

SEC. 8. On the ninetieth day after the date of submission of its final report to the President and the Congress, the Commission shall cease to exist.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–517), explaining the purposes of the measure.

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

COMMITTEE AMENDMENT

The amendment is as follows:

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(b) Any vacancy in the Commission shall not affect its powers.

(c) The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Commission.

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(4) analysis and evaluation through the use of seminars and public hearings and other appropriate means, of public understanding of attitudes toward such implications; and

(5) analysis and evaluation of implications for public policy of such findings as are made by the Commission with respect to biomedical advances and public attitudes toward such advances.

(b) The Commission shall make maximum feasible use of related investigations and studies conducted by public and private agencies.

(c) The Commission shall transmit to the President and to the Congress one or more interim reports and, not later than two years after the first meeting of the Commission, one final report, containing detailed statements of the findings and conclusions of the Commission, together with its recommendations, including such recommendations for action by public and private bodies and individuals as it deems advisable.

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(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed, to the extent permitted by law, to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this joint resolution.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at daily rates for individuals not in excess of the maximum daily rate for GS–18 of the General Schedule under Section 5332 of such title.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

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SEC. 6. Members of the Commission (other than members who are officers or employees of the Federal Government) shall receive compensation for each day they are engaged in the performance of their duties as members of the Commission at the rate prescribed for positions at level II of the executive pay schedule in Section 5313 of Title 5, United States Code. Members of the Commission who are officers or employees of the Federal Government shall receive no additional pay on account of their services on the Commission. All members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

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TERMINATION

SEC. 8. On the ninetieth day after the date of submission of its final report to the President and the Congress, the Commission shall cease to exist.

SUMMARY

The resolution establishes a National Advisory Commission on Health Science and Society, to consist of 15 members appointed by the President. The members would be drawn from the general public and from a variety of disciplines relevant to biomedical research and technology and to the implications thereof.

The commission would make a two-year investigation and study of the ethical, social, and legal implications of advances in biomedical research and technology. After submitting to the President and to the Congress one or more interim reports and a final report, not later than two years after its first meeting, the commission would cease to exist.

EXPLANATION OF NEED

Advances in biology and medicine have been occurring at a rate which is sometimes startling. The tremendous benefits to mankind resulting from such advances are well known. But they are accompanied by a wide range of serious, indeed awesome, implications for man and society. We are acquiring the capacity to modify, perhaps even control, the behavior of human beings. Techniques already exist, and others are being developed, to intervene directly into and manipulate the bodies and minds of individuals.

Developments in the field of genetics have profound implications. The fertilization of human egg cells in the laboratory has already been accomplished. The probable success of efforts to implant such eggs in human beings, and have the fetus carried to full term, has already been suggested. The potential for developing so-called duplicate people has already been forecast by successful experiments in laboratory animals.

In the field of organ transplants and the use of artificial organs, significant new questions have been posed for which our laws and customs do not provide adequate answers. The opportunity to predict that parents may produce defective children, and prenatal diagnosis of genetic defects, present options to parents and potential parents which have not previously existed. Their interests, the interests of the child-to-be, and the role of the health professions and of society need to be reinterpreted in the light of these new possibilities.

Questions of the prolongation of life and the definition of death have long been with us. But the advent of new technologies has greatly increased the complexity of these issues and expanded the occasions when such difficult decisions need to be made.

It is clear that the issues that need to be resolved greatly transcend the area of expertise of health science professionals. We can no longer ask them to grapple with these issues alone. Scientists and laymen, ethicists and lawyers, philosophers and administrators, medical practitioners and humanists all

have something to contribute to and learn from each other. We need to develop new institutions, procedures and mechanisms which will permit all of the relevant points of view to be brought to bear on these most important issues. Not the least, the general public must be brought into the debate and must contribute to the development of approaches to solving these pressing problems. Only in this way, can the necessary societal consensus be achieved.

BACKGROUND

Substantially similar legislation was first proposed on Feb. 8, 1968 as S.J. Res. 145 in the 90th Congress. The Subcommittee on Government Research of the Government Operations Committee held seven days of hearings on that proposal during the months of March and April, 1968. Oral testimony was received from two dozen leading spokesmen, including physicians, teachers, biomedical researchers, theologists, lawyers, ethicists, economists, government officials and others. Prepared statements and letters were submitted by nearly 150 individuals.

A slightly revised resolution was introduced as S.J. Res. 47 on February 17. 1969 in the 91st Congress. The bill was referred to the Committee on Labor and Public Welfare but no action was taken on it.

The present resolution was introduced on March 24, 1971, by Senator Mondale and 17 co-sponsors. Since then, four additional co-sponsors have joined in support of the bill. The Subcommittee on Health and the Special Subcommittee on the National Science Foundation held a full day of joint hearings on this resolution on November 9, 1971. Testimony was heard from the Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs and from five other witnesses representing medical education, law, medicine, ethics, and philosophy. The subcommittee also received supporting statements from research scientists who were unable to appear.

With some perfecting amendments, the committee reported the bill on November 16, 1971.

HEARINGS, AGENCY REPORTS, AND COMMITTEE AMENDMENTS

All of the witnesses presented testimony which strongly supported the need for intensive work on the subjects which the proposed commission would study. For example, Assistant Secretary of HEW DuVal said:

This century, beyond question, has witnessed a revolution in the biological and medical sciences—a revolution that raises a whole spectrum of critical problems, which at least in some instances appear to transcend the inherent capabilities of science and scientists alone to deal with them, and present acute challenges to both existing law and conventional wisdom.

He then mentioned, among the problems which need further study, population growth, prenatal diagnosis, genetic engineering, production of "duplicate" individuals, the general question of human experimentation, organ transplantation, the prolongation of life, artificial organs and behavior modification.

Dr. Henry Beecher of Harvard Medical School commented on the significant advances which can be achieved by experimentation in man. But he observed that:

These purposes thus become deeper and more complex than ever before and so also do the ethical problems surrounding them.

Professor Abram Chayes, of Harvard Law School, is co-chairman of the Commission on Law, Biology and Ethics, established by the Council on Biology and Human Affairs of the Salk Institute. This commission has been concerned principally with problems arising in the field of genetics but has recently turned to behavior modification. After two years of experience with this commission, Professor Chayes said that this field is more baffling and difficult and, at the same time, is as portentious as any that I have dealt with.

Commenting on the limited resources which have caused this commission to make "very little concrete progress", he said that a National Advisory Commission was needed because it would have the time, staff and resources and the concentration of energy and effort sustained over a long time to make an impact on the problems in this area.

Professor John Najarian, from the University of Minnesota, stressed the contribution which such a commission could make to the development of guidelines which would be helpful to those engaged in medical research. He commented on ethical questions which had arisen, and been inadequately handled, in transplantation and "which may occur in genetic engineering and human research."

Professor Najarian also commented on he problem of definition of death which has long been discussed as something such a commission could work on. He said, concerning this issue:

What has happened is that a variety of people and a variety of groups have looked at this, and they all have definitions of death . . . they are all different, they are all relative, and in each institution, perhaps as standard has been established.

What I am saying is that there ought to be, here again, some specific guidelines on what we consider a definition of death in the modern sense, with the advent of the machinery we have and the capability we have of extending life and continuing heartbeat and breathing in a patient who is "brain dead."

Dr. Daniel Callahan, of the Institute of Society, Ethics and the Life Sciences, spoke about a number of the problems presented by new medical technologies. For example, he said that electrical stimulation of the brain poses many unsolved scientific questions. But as an ethical and social problem, the questions are far more difficult:

Who would control such a power should it come to pass on a massive scale? What kind of society would it produce, and would it be the kind of society we would want to live in?

Dr. Callahan went on to say that there are many issues that arise even in the everyday practice of medicine for which ethical standards are lacking. In deciding how long to prolong life, for example, physicians are in need of "some minimum consensus . . . some public mechanisms for wise decisionmaking, some means of bringing out into full public view the private dilemmas of physicians, of families, and of patients."

He also saw the need for public examination and discussion in order to bring—

some common wisdom to decisions which are too often unnecessarily private and isolated; to establish ethical and social norms for assessing technical developments; and, finally, to enable the public to understand the exact nature of the issues at stake.

The committee felt that some of these important issues that were referred to by Dr. Callahan and other witnesses might not explicitly be covered by the charge to the commission to study "advances in biomedical research and technology." Accordingly, it added, as section 4(a)(3), to the duties of the commission, the responsibility to make an "analysis and evaluation of laws, codes, and principles governing the use of technology in medical practice."

Professor Hans Jonas, of the New School for Social Research, stressed the value of the proposed commission as a case of "foresight versus hindsight" and commented on the "supreme seriousness of the issues." He observed that—

The depth of interventions that are becoming feasible is such that they put the destiny of man at issue. A timely assessment of potential gains and losses, of promises and dangers, becomes imperative.

The testimony by Assistant Secretary of Health, Education, and Welfare DuVal and the reports received from other government agencies did not support enactment of S.J. Res. 75. No other statements or letters opposing the resolution were received by the subcommittee.

Basically, the agencies' views were that sufficient progress was being made through a variety of mechanisms and studies, both public and private, so that a new national advisory commission would be unnecessary. In addition, Assistant Secretary DuVal observed that:

The issues are so complex and the underlying currents of change moving so swiftly that in our view no attempt to describe this particular healthscape, at what would have to be a given moment of time, could be definitive for long.

The Committee, however, was impressed by the observations of Professor Najarian who had testified on a similar proposal in 1968. He said that "I feel the need for such a commission even more urgently today than I did at that time." Both Professor Chayes and Dr. Callahan, who are actively engaged in the kinds of studies referred to by Assistant Secretary DuVal, believe that a public commission is necessary in order to bring the issues to the necessary level of public participation and to provide the resources which would be needed to have an impact. In order to assure even greater public involvement, the committee revised section 3 to provide expressly for appointment of commission members from the general public, as well as from the fields of special competence already listed.

The committee has no fear that the commission would merely produce a "one-shot" contribution to policies which would soon be obsolete. Rather, the committee feels that the commission would most likely make recommendations for new procedures and mechanisms to grapple with these important problems on a continuing basis. Where feasible, specific policy recommendations by the commission would, of course, be valuable for the consideration of public and private groups.

As Professor Chayes said, the commission could be concerned (among other things) with the composition of review panels. The testimony revealed that such panels may have a sufficiently broad base of specialties at the NIH level, but did not necessarily have such composition at all of the institutions where the research was being monitored. And many of the problems which the commission would be concerned with, including those involving the application of technology in medical practice, are not now, necessarily, subject to any peer-review mechanism at all.

Furthermore, while the HEW witness expressed great confidence in the established mechanisms for review of experiments on humans, Professor Henry Beecher, one of the leading experts in the nation on the ethics of human experimentation, expressed serious doubts as to the adequacy of existing controls. He cited numerous examples of persons being used in experiments without their knowledge, let alone consent. Dr. Beecher has written about and referred to examples of hundreds of cases in this country where the patient's knowledge and consent was lacking.

The National Science Foundation, in a report dated Nov. 5, 1971, expressed concern as to whether the phrase "biomedical sciences" adequately covered research on organisms

other than human beings. The committee intends that phrase to include such research in biology as is relevant to understanding the life processes of human beings. In addition, the committee believes that the word "advances," itself, should be interpreted broadly and has modified section 4(a)(1) make this clear.

NO ROLLCALL VOTES CAST

As the only vote cast on the bill was the unanimous voice vote to report it out of committee, there is no application of Section 133(b) of the Legislative Reorganization Act of 1946 as amended.

COST ESTIMATES

In accordance with Section 252(a) of the Legislative Reorganization Act of 1970 (P.L. 91–510) the committee estimates that the cost which would be incurred in carrying out this resolution in fiscal years 1972, 1973, and 1974 would be $250 thousand, $1 million, and $750 thousand, respectively.

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the resolution may be cited as the National Advisory Commission on Health Science and Society resolution.

Section 2 establishes the commission.

Section 3 provides that the commission shall consist of 15 members appointed by the President from the general public and from individuals in the fields of medicine, law, theology, biological science, physical science, social science, philosophy, humanities, health administration, government, and public affairs. It also provides that the President shall designate the chairman and that a majority of members shall constitute a quorum.

Section 4 directs the commission to make a comprehensive investigation and study of the ethical, social, and legal implications of advances in biomedical research and technology. This is to include analysis of scientific and technical advances; evaluation of their implications; a study of laws, codes, and principles governing the use of medical technology; analysis of public understanding and attitudes, through seminars and public hearings; and evaluation of implications for public policy of the findings of the commission. The commission is directed to make maximum feasible use of all other relevant studies, whether public or private, and to make its final report, including conclusions and recommendations, to the President and to the Congress not later than two years after its first meeting.

Section 5 confers the necessary administrative powers upon the commission and directs other agencies of the government to cooperate with it.

Section 6 provides that members of the commission (other than those who are officers of the government) shall be compensated at the rate for executive level II and shall be entitled to expenses for travel and subsistence.

Section 7 authorizes appropriations, not to exceed $1 million for each of the 2 years during which the commission shall serve.

Section 8 provides for termination of the commission 90 days after the submission of its final report.

CHANGES IN EXISTING LAW

Since S.J. Res. 75 makes no changes in existing law it is unnecessary for this report to include material in compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate.

Mr. KENNEDY. Mr. President, advances in modern medical science have lengthened the span, and changed the quality and very meaning of human life. At the same time, these advances have opened a Pandora's box of ethical, social, and legal issues in areas such as heart transplants, artificial kidneys, test tube babies, genetic intervention, behavior modification, and experiments on humans.

For example, the family of a deceased recently sued a hospital in Virginia for allegedly allowing a black laborer to die so that his heart could be used in a transplant operation. It would not be proper to comment on the merits of the particular case, but it illustrates the range of difficult questions which must be faced: When heart beat and other vital signs can be maintained by artificial means, how is death to be defined? Under what circumstances may the organs of the deceased be used for transplants? Who should give permission for such transplants? Did racial considerations affect the decision to use this heart, as is alleged in the suit?

Another example is the human radiation project at the University of Cincinnati. This project, which receives a substantial portion of its funds from the Defense Department, utilizes whole body radiation on incurable cancer patients. The results are analyzed for what light they can shed on combat conditions in a nuclear war. The news story which reported this project alleged that the patients, who were charity cases with little education and low IQ's, had not been adequately informed of the military purposes of the project.

Although the case is still under investigation, it illustrates the dangers and dilemmas involved in human experimentation. Does the whole body radiation used in this project shorten the patients' life span? Does it increase their suffering or discomfort? How should answers to such questions be determined? And by whom? What information and guidance should be provided to the potential subjects of the experiment? How should their consent be obtained? And how should their rights be safeguarded?

Scientific advances pose many other difficult ethical and social questions:

Should they be so counseled against having or be prohibited from having children? Should they be counseled against having them?

Should retarded persons be segregated from members of the opposite sex? Should they be sterilized?

What are the ethical implications of test tube babies? What will happen to our population when men and women are free to determine the sex of their children? Or to fabricate babies with preestablished characteristics?

How should society regulate the use of behavior modification drugs and other techniques to control human behavior? How can we control the controllers?

How should the Nation allocate scarce medical resources between organ transplants for a few individuals versus research and services which can help many?

Which individuals should receive the life and death benefit of artificial kidney facilities? How should we choose among those who need this help?

How long will the Nation tolerate a situation in which 50,000 need kidney services, and only 2,000 can receive them because of financial limitations?

The solutions to these sorts of problems cannot be found within science alone. As Dr. Jerome Wiesner said, "Science is no substitute for thought." These issues cannot be resolved by complex mathematical formulas or high speed computers.

They fundamentally involve questions of ethics and social responsibility. To come to grips with them, we must focus the full range of human talent and imagination—from the natural and social sciences, the arts and humanities, religion and philosophy, and the professions of law, medicine, and public service.

We must draw on all the resources mankind has to offer; for after all, it is the quality of man's life which is at stake.

Last month the Joseph P. Kennedy, Jr., Foundation sponsored an international symposium on these questions in Washington. The symposium drew together 1,200 outstanding scientists, physicians, theologians, lawyers, and others from all disciplines and professions, from all over the world, to explore these problems and stimulate needed research and action.

In a public statement following the symposium, 21 of the leading participants urged the establishment of programs that "improve the quality of our thinking and acting in matters so laden with potential for human welfare or woe, for human decency or human callousness." While the symposium was not designed to provide specific answers, one conclusion was clear: there is a great need for the kind of study called for in Senate Joint Resolution 75.

This resolution establishes a National Advisory Commission on Health Science and Society, consisting of 15 Presidentially appointed members from the general public and from a variety of disciplines and professions. The Commission would be authorized $1 million a year for 2 years to study the legal, ethical, and social issues arising from advances in biomedical technology. The Commission would present its findings and recommendations to the President and the Congress for appropriate action.

On November 9, as chairman of the Senate Subcommittee on Health, I held a hearing on this resolution. The administration testimony was presented by the Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs, and the Director of the National Institutes of Health. Five distinguished public witnesses included the Director of the Institute of Society, Ethics, and the Life Sciences; the cochairman of the Salk Institute's Commission on Law, Biology, and Ethics; the chairman of the Department of Surgery at the University of Minnesota Medical School; a professor of philosophy from the New School for Social Research; and a professor emeritus from Harvard Medical School.

The testimony received was overwhelmingly in favor of the purposes of the resolution. Several improvements which were suggested, have been incor-

porated in the amended resolution which the Committee on Labor and Public Welfare unanimously voted to report favorably on November 16.

We are entering a new age in which medical science has the power to manipulate individual lives and alter the very character of the human species. What was science fiction a decade ago, is performed in the laboratory today. And what can be done in the laboratory today, may become accepted medical practice in the years ahead.

Our doctors, our scientists, and all of us need help in confronting the profound ethical and social issues at stake. We cannot afford to ignore these problems or defer them until it is too late. Now is the time to tackle these issues, when there is still time to bend these new medical powers to man's purposes. I urge each Senator to vote for this important resolution.

Mr. JAVITS. Mr. President, I strongly support Senate Joint Resolution 75, a bill that would create a "National Advisory Commission on Health Science and Society" to conduct a study of the ethical, social, and legal implications of advances in biomedical research and technology.

Our rapid advances in the fields of biology and medicine have left us with some serious questions. While these advances serve to benefit mankind, their subsequent implications, for man and society, must be carefully studied. There are many efforts taking place in the medical field that leave open the question of how far we can or should go. We are acquiring the capacity to modify and perhaps even control human behavior. In the field of genetics, there have been many advances but also many questions. What are the implications when we fertilize an egg in the laboratory—and possibly implant that egg into a human being?

In the field of organ transplants and the use of artificial organs, new questions have been posed which our laws—and even ethics—are not equipped to deal with. Significant questions have been raised regarding the prolongation of life and the definition of death and with the advent of new technologies we have further increased the complexity and have expanded instances in which these decisions have to be made. I ask by whom and under what circumstances.

We are now at a point where we need to look toward new solutions if we are ever to be able to cope with the problems that present and future advances in our technology will bring.

It is significant that the members of this Commission would be drawn from many different fields. This would insure a final study that would be the result of various and divergent thoughts and beliefs, and no one interest would be represented. The membership of the Commission would be drawn from the general public, and from individuals in the fields of medicine, law, theology, biological science, physical science, social science, philosophy, humanity, health administration, government, and public affairs.

As our society and world progress, we must ask ourselves more and more questions about the nature of human life. The study provided by the Commission authorized under this bill should help us to deal with these increasingly difficult and complex questions, for which we must find answers if civilization is truly to progress on all fronts.

Mr. MONDALE. Mr. President, I am very pleased at the prompt action taken by the chairman of the Senate Health Subcommittee (Mr. KENNEDY) on Senate Joint Resolution 75, which would create a National Advisory Commission on Health Science and Society. I first introduced a similar measure in 1968, and I believe that developments since then have demonstrated that it is time to take this step.

Extensive hearings were conducted on the proposal in the 90th Congress. In the hearings this year, and in statements received by the subcommittee, it was suggested that the need for action was even more urgent. As I said in the Senate upon introducing this proposal last March:

> We can ill afford to wait until the crush of events forces us to make hasty and often ill-considered decisions.

This thought was echoed by Prof. Robert L. Sinsheimer, a prominent biological scientist at the California Institute of Technology, in a statement he sent in support of the resolution. He referred to "the potential for change in and control of the living world" and pointed out that—

> Such potentials to influence man's biological nature must affect our entire perception of the nature of humanity and the meaning and purpose of human life.

He went on to say:

> Profound thought and reflection is thus warranted and indeed demanded before such potentials are unleashed and their consequences cast casually into the social vortex. The proposed commission could consider such issues—and all possible means for the effective deployment of social conscience in this field—before it is too late and the irreversible steps have been taken.

Another prominent scientist who was unable to appear at the hearings, Prof. John T. Edsall, of the biological laboratories of Harvard University, observed that the Commission proposed by Senate Joint Resolution 75 "could perform a great service for the American community and indeed for other communities throughout the world." Referring to such developments as prenatal diagnosis, prolongation of life, definition of death, organ transplantation, cloning of human beings, and experimentation on humans, Professor Edsall said that these topics "illustrate the need for an authoritative commission of inquiry" such as that proposed.

I am glad that the resolution has such wide, bipartisan cosponsorship, including that of the subcommittee chairman and the ranking minority members of the Labor and Public Welfare Committee and of the Health Subcommittee. A companion measure in the House, H.R. 10301, introduced by Congressman TOM FOLEY, of Washington, has similar bipartisan cosponsorship. I think this reflects the growing concern in the public and in the professional community with such matters as were mentioned by Professor Edsall and with other troubling areas such as the modification of behavior.

I do not believe it is reasonable or fair to expect health science professionals, alone, to cope with these complex issues affecting the very future of our society. We must arrange for ethicists, lawyers, philosophers, administrators, and humanists, all to work with scientists and medical practitioners.

Not the least, the public must also be involved. For we cannot depend entirely on studies by academics, health professionals, and learned societies. We need public participation if we are to develop consensus as to how society should deal with these profound problems. The proposed commission would provide a vehicle for such broadly based discussions.

I welcome the greatly increased attention to these problems by a number of new organizations. The Kennedy Foundation has made possible the establishment of such an institute at Georgetown University and other leading study groups have been established at the Salk Institute and in Hastings-on-Hudson in New York. I think it is significant that the proposed resolution calls on the commission to make maximum use of studies conducted by other institutions, both public and private.

The time has certainly come when we need to develop new ways in which society can organize itself to cope with these unprecedented problems. I urge my colleagues to approve the establishment of the commission, under Senate Joint Resolution 75, which could provide substantial impetus to such a development.

Mr. President, I ask unanimous consent that the statements I have referred to be printed in the RECORD.

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

STATEMENT CONCERNING SENATE JOINT RESOLUTION 75

I would like to record my strong support for the resolution introduced by Senator Mondale and others to create a National Advisory Commission on Health Science and Society. The great advances in the sciences of physics and chemistry in the earlier part of this century have paved the way for equally great progress in the biological sciences and in our understanding of the nature of life—including human life. This progress has created the potential for change in and control of the living world comparable to the mastery we have already achieved over our physical environment.

Since the living world includes man, such potentials to influence man's biological nature must affect our entire perception of the nature of humanity and the meaning and purpose of human life. They thus affect our most profound philosophies and our most basic institutions.

Profound thought and reflection is thus warranted and indeed demanded *before* such potentials are unleashed and their consequences cast casually in the social vortex. The proposed commission could consider such issues—and all possible means for the effective deployment of social conscience in this field—before it is too late and the ir-

reversible steps have been taken. There is a clear and present need for the establishment of ethical guidelines in this complex area.

I would hope that this commission could consider these problems not only in a national framework but also with regard to their international extensions—for science, like humanity, is international—and a world viewpoint must be developed (and soon) lest these great potentials be disastrously coupled to the virulent nationalism of our time.

I believe the questions as presented in Senator Mondale's introduction are urgent. and thus so is the need for this commission.

ROBERT L. SINSHEIMER,
Chairman, Division of Biology, California Institute of Technology.

HARVARD UNIVERSITY,
Cambridge, Mass., November 23, 1971.

Hon. WALTER F. MONDALE,
Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR MONDALE: I am glad to support your proposal (S.J. Res. 75) to establish a National Advisory Commission on Health Science and Society. The phenomenal progress of biology and medical science in our time raises difficult ethical issues of the utmost importance. It is, for instance, now possible to diagnose many genetic diseases by examining cells from a human fetus in its early stages, and to abort the fetus if a serious condition, such as Tay-Sachs disease, is discovered. (See for instance "Prenatal Diagnosis of Genetic Disease" by Theodore Friedmann, *Scientific American,* Nov. 1971, page 34). The technique requires a highly skilled operator, in order to avoid damage to the fetus. It also raises the question: how serious must the genetic or other abnormality be, to justify abortion? Indeed the whole question of abortion, and its justification, requires careful examination. Certainly I for one would consider it justifiable for a large variety of reasons, but our community standards in this matter are in a state of flux, and we must search for guiding principles of policy that would command wide assent.

At the other end of our lives, modern medicine has learned to prolong the life of vast numbers of people who would have died earlier. Often this prolongation brings only grief and misery to many old people, and their families, during their last years. Many would rather die far sooner than they do. Our ethical standards forbid mercy killings, yet the effort to prolong the patient's life is often an act of cruelty. We must face the very difficult ethical dilemmas involved; these involve the problem of insuring, if possible, that the patient dies with dignity and in association with his family and friends, not in an impersonal hospital surrounded by medical machines and without people who care. There is also the difficult related problem of criteria of death, and the use of the dead person's organs for transplantation into other patients.

The cloning of human beings, which would permit the production of multiple copies of the same person, in unlimited numbers, is not yet technically feasible, although it may become so in the not very distant future. It would clearly raise extremely serious ethical issues, and it will be important to face these issues *before* such experiments on man become technically possible. Are we to ban certain type of experimentation, as my colleague James D. Watson has suggested might be desirable? Certainly experiments involving actual cruelty to the subject should probably be banned, although some people will and should undergo danger and suffering in experiments for sufficiently important ends. But here we must have the informed consent of the subject. What, indeed, is "informed consent"? How does it apply to the feeble minded or the mentally ill, or terminal cancer patients? Is it right that parents should give "informed consent" for experiments on their infant children? To state these problems is to reveal their complexity.

These topics do not exhaust the subject by any means, but they do illustrate the need for an authoritative commission of inquiry, such as your proposal calls for. I think it would probably be best, as the text proposes, that the commission should produce a report with recommendations, at the end of a specified interval, and then go out of existence. Such a report should clarify many important issues, for medical scientists and practitioners and for the public at large, and in doing so it could perform an immense service. However it will certainly not give what could be considered a final answer to many of the questions with which it would have to deal. These would have to remain the subject of continuing inquiry, but the level of the inquiry could be lifted to a higher plane by the analysis furnished by the Commission. It might be able to come up with what would be generally accepted as definitive answers on at least some matters. I believe that, if the commission could do this, for even a few of the questions, it would confront, it could perform a great service for the American community and indeed for other communities throughout the world.

Yours sincerely,

JOHN T. EDSALL.

The amendment was agreed to.

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

NATIONAL ENVIRONMENTAL CENTER ACT OF 1971—BILL PASSED OVER

The bill (S. 1113) to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution, and degradation of the environment, and other related problems, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. Without objection, the bill will be passed over.

LIBERALIZATION OF DISABILITY AND DEATH PENSION

The bill (S. 2866) to amend title 38, of the United States Code, to liberalize the provisions relating to payment of disability and death pension, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 521 of title 38, United States Code, is amended to read as follows:

"(b) If the veteran is unmarried (or married but not living with and not reasonably contributing to the support of his spouse) and has no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $130. For each $1 of annual income in excess of $300 up to and including $1,000, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,000 up to and including $1,500, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,500 up to and including $1,800, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,800 up to and including $2,200, the monthly rate shall be reduced 6 cents; and for each $1 of annual income in excess of $2,200 up to and including $2,600, the monthly rate shall be reduced 7 cents. No pension shall be paid if annual income exceeds $2,600."

(b) Subsection (c) of such section 521 is amended to read as follows:

"(c) If the veteran is married and living with or reasonably contributing to the support of his spouse, or has a child or children, pension shall be paid according to the following formula: If annual income is $500 or less, the monthly rate of pension shall be $140 for a veteran and one dependent, $145 for a veteran and two dependents, and $150 for three or more dependents. For each $1 of annual income in excess of $500 up to and including $900, the particular monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $900 up to and including $3,200, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $3,200 up to and including $3,800, the monthly rate shall be reduced 5 cents. No pension shall be paid if annual income exceeds $3,800."

(c) Subsection (b) of section 541 of title 38, United States Code, is amended to read as follows:

"(b) If there is no child, pension shall be paid according to the following formula: If annual income is $300 or less, the monthly rate of pension shall be $87. For each $1 of annual income in excess of $300 up to and including $600, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $600 up to and including $1,900, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $1,900 up to and including $2,600, the monthly rate shall be reduced 4 cents. No pension shall be paid if annual income exceeds $2,600."

(d) Subsection (c) of such section 541 is amended to read as follows:

"(c) If there is a widow and one child, pension shall be paid according to the following formula: If annual income is $600 or less, the monthly rate of pension shall be $104. For each $1 of annual income in excess of $600 up to and including $1,400, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,400 up to and including $2,700, the monthly rate shall be reduced 2 cents; and for each $1 of annual income in excess of $2,700 up to and including $3,800, the monthly rate shall be reduced 3 cents. Whenever the monthly rate payable to the widow under the foregoing formula is less than the amount which would be payable to the child under section 542 of this title if the widow were not entitled, the widow will be paid at the child's rate. No pension shall be paid if the annual income exceeds $3,800."

(e) Subsection (d) of such section 541 is amended by striking out "$16" and inserting in lieu thereof "$17".

(f) Subsection (a) of section 542 of title 38, United States Code, is amended by striking out "$40" and "$16" and inserting in lieu thereof "$42" and "$17", respectively.

SEC. 2. Section 503 of title 38, United States Code, is amended by (a) inserting "(a)" immediately preceding "In" at the beginning of such section, and (b) adding at the end thereof the following new subsections:

"(b) Where a fraction of a dollar is involved, annual income shall be fixed at the next lower dollar.

"(c) The Administrator may provide by regulation for the exclusion from income

under this chapter of amounts paid by a veteran, widow, or child for unusual medical expenses."

SEC. 3. Paragraph (2) of section 3012(b) of title 38, United States Code, is amended by striking out "month" and inserting in lieu thereof "calendar year".

SEC. 4. Section 4 of Public Law 90–275 (82 Stat. 68) is amended to read as follows:

"SEC. 4. The annual income limitations governing payment of pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 hereafter shall be $2,200 and $3,500, instead of $1,900 and $3,200 respectively."

SEC. 5. (a) Paragraph (30) of section 101 of title 38, United States Code, is amended by striking the phrase "for ninety days or more".

(b) Paragraph (3) of subsection 521(g) of such title 38 is amended by inserting immediately before "World War I" the phrase "the Mexican border period or".

SEC. 6. This Act shall take effect on January 1, 1972.

Mr. HARTKE. Mr. President, I am most gratified that the Senate passed this morning and sent to the President for signature legislation increasing the benefits for those receiving non-service-connected pension as well as those entitled to dependency and indemnity compensation.

S. 2866—passed in the House as H.R. 11651—which I introduced together with each member of the Committee on Veterans' Affairs provides for an average 6.5 percent increase in the rate schedule to needy veterans. This has been coupled with a $300 increase in the permissible maximum income limitation for a veteran so as to accommodate recent social security increases. Because of this increase, no veteran will suffer a reduction in his pension by virtue of the recent increases in social security. Had this legislation not been passed over 1.1 million pensioners were scheduled for pension reductions effective January 1, 1972. In addition, this legislation establishes a new formula for the payment of pensions which will prevent disporportionate loss of pension by virtue of small increases in outside income. Previously a veteran could receive a small increase in outside income and suffer a larger decrease in the amount of pension which he received.

The second bill, S. 2867—passed in the House as H.R. 11652—I also had the privilege of introducing together with each member of the Committee on Veterans' Affairs. This bill will provide cost-of-living increases to widows, orphans, and needy parents of those veterans who have died of service-connected causes. These increases in dependency and indemnity compensation will effect 176,000 widows, 46,000 orphaned children, and some 68,500 dependent parents.

The total first-year cost of these bills is $195 million. I am gratified that Congress has recognized its responsibility to acknowledge to the veteran and his family our gratitude for his sacrifices. Of course, no amount of financial return can possibly compensate for their losses in time and life, but I am pleased even in this small way that we can tangibly demonstrate our pride and thanks for those who have served their country in uniform. I urge the President to sign these bills into law immediately.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–519), explaining the purposes of the measure.

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

I. BACKGROUND OF LEGISLATION

A. DEVELOPMENT OF CURRENT PENSION SYSTEM AND ITS RELATION TO SOCIAL SECURITY

Pensions based on non-service-connected disability or death of a veteran date back to the Revolutionary War era. Prior to 1960, pensions were provided on the basis of a flat award if the veteran's income did not exceed a specific figure. Public Law 86–211 abandoned this concept and instead established a three-level system of pension payments based on need as principally determined by the veteran's income. Under the new law, most of the veterans then receiving pensions were entitled to higher benefits. Those who had been receiving pensions prior to the change, however, were allowed if they wished to continue receiving benefits under the "old law." Presently, some 303,000 or about 13.6 percent of all pensioners continue to receive benefits under the "old law."

In 1964, faced with a prospective increase in social security benefits, Congress amended the recently revised pension law by choosing to exclude 10 percent of all payments to an individual under public or private retirement, annuity, endowment, or similar plans or programs in determining the "annual income" of the veteran. "Annual income" determines the amount of pension, if any, to which the veteran is entitled. Thus in addition to a general rate increase, the 10 percent exclusion provided for in PL 88–664 assured that no individual pensioner would be adversely affected because of the contemplated increased social security benefits.

In 1967, Congress provided for an average overall cost-of-living increase of 5.4 percent in Public Law 90–77. The following year in 1968, Congress in PL 90–275 again increased pension rates and also provided for a $200 increase in the income limitations which assured that there would be no pension loss because of the 13 percent increase in social security benefits that year. The same act also replaced the three-level system of pension rates with a multi-level increment system. Under the previous three-level system, a slight increase in outside income could result in a disproportionate decrease in a veteran's pension. The enactment of a twenty-plus increment system of $100 gradations permitted a more orderly and gradual reduction in monthly benefits because of slight increases in outside income.

Finally, last year in enacting Public Law 91–588, Congress provided that there would be no loss or reduction of pension because of a 15 percent increase in social security benefits. It raised the current maximum annual income limitation $300 and increased virtually all current law pensions through a raise in the rates payable.

B. CURRENT PENSION BENEFITS AND CHARACTERISTICS OF PENSIONERS

Pension law applies to veterans of World War I, World War II, the Korean Conflict, and the Vietnam Era. Under the current law, a veteran may be eligible for pension benefits if:

He served in the Armed Forces at least 90 days, including at least one day of service during wartime;

His income does not exceed the limits specified in the law (currently $2,300 if the veteran is single, $3,500 if he has a dependent);

He is permanently and totally disabled (for the purposes of pension law all veterans age 65 or older are defined as permanently and totally disabled);

His net worth is not excessive as determined by the Veterans' Administration. Widows and children of deceased wartime veterans are also eligible for pension benefits if they are needed.

Currently there are 2.2 million pensioners of whom 1.1 million are veterans and the remainder their survivors. About 60 percent of all those who receive pension benefits are veterans of World War I or their survivors. The present cost of non-service-connected pensions is approximately $2.4 billion a year. A significant number of pensioners under the current law have virtually no source of income other than their pension. The annual income of pensioners (other than their pensions and excludable income) is shown in the following table:

PENSIONERS UNDER CURRENT LAW BY INCOME OTHER THAN PENSIONS

Income range	Veteran alone		Veteran with dependents		Widow alone		Widow with children	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Less than $100	78,200	26	59,000	10	100,400	17	9,100	6
$100 to $500	10,400	3	10,900	2	26,400	4	11,100	8
$500 to $1,000	78,500	26	73,900	13	178,000	29	32,700	22
$1,000 to $1,500	76,300	25	128,200	22	207,600	35	46,200	32
$1,500 to $2,000	52,000	17	150,200	28	80,900	13	18,400	13
$2,000 to $2,500	9,300	3	66,900	12	11,200	2	11,900	8
$2,500 to $3,000			47,600	8			10,300	7
$3,000 to $3,500			30,000	5			6,700	4
Total	304,700	100	566,700	100	604,500	100	146,400	100

C. EFFECT OF RECENT INCREASES IN SOCIAL SECURITY BENEFITS

Currently 1,517,000 people or nearly 76.4 percent of all pensioners also receive social security benefits. As such, they were recipients of the approximately 10 percent increase in social security benefits enacted in March of this year (PL 92–5). Section 3012(b)(4) of title 38 provides that the effective date for reduction or discontinuance of disability or death pensions occasioned by change of income shall be the last day of the calendar year in which the change occurred. Under the present law, then, 1,146,000 pensioners are scheduled for pension reductions effec-

tive January 1, 1972. An additional 16,196 will go off the rolls entirely. Below are some typical examples of reductions scheduled to go into effect in January:

(1) A veteran with no dependents who received $98.80 in social security before the most recent increase was eligible for pension of $96 for a monthly income of $194.80. Under current law, his pension will be reduced $4 monthly beginning in January due to the social security increase.

(2) A married veteran receiving $110 pension would have it reduced by $6 each month beginning in January, 1972, if action is not taken.

(3) A widow with one child who is entitled to an $88 widow's pension would find her pension cut by $2 as a result of these increases.

D. REASONS FOR THE BILL

For those living on fixed incomes in an economy which has been consistently inflationary, the reductions which are scheduled will have a considerable adverse impact. Furthermore, as the considerable mail of most Senators will attest, the average pensioner does not understand why a small pension should be reduced because of cost-of-living increases in payments under a federal retirement program.

The Committee, which considered several alternatives, has concluded that the most equitable approach would be to follow the past practice of a cost-of-living boost together with an increase in the income limits to an amount which would accommodate recent social security increases.

II. EXPLANATION OF THE BILL

A. INCREASES IN RATES AND INCOME LIMITS

The maximum annual income limitations have been increased by $300. This would provide an income limitation of $2,600 for single pensioners and $3,800 for those pensioners with dependents. If these limits are adopted, no individual will go off the rolls or have his pension reduced in January because of the recent social security increase. The bill also provides an average 6.5 percent cost-of-living increase in the pension rates schedule.

Under the present rate schedule, an eligible veteran without dependent receives a monthly pension ranging from $29 to $121. This bill would provide for a new range of payments from $22 to $130. For a veteran with a dependent the rate would change from a current $34–$132 to a $33–$140 range. A widow alone is presently entitled to a minimum rate of $17 and a maximum rate of $81. Under the bill, the maximum is increased to $87. The new rates for a widow with a child would range from $42 to $104, an increase above the present maximum rate of $99. The current $16 rate for each additional child is increased to $17 under the bill as well.

Rates for children entitled to pensions under 38 U.S.C. 542, are also correspondingly increased.

B. FORMULA APPROACH FOR BENEFIT RATES

Perhaps the most important provision of this bill is the adoption of a new formula approach for the payment of pensions which replaces the present 20-plus-tier system of $100 increments. The formulae will preclude the loss of aggregate income in the future where there is an increase in income from other sources. It specifies a maximum monthly rate for each group within designated income categories, and each individual's monthly benefit rate is to be computed by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded. For example, for a single veteran receiving a pension under 38 U.S.C. 521, the maximum monthly pension would be $130 based on annual income of $300 or less. This monthly amount would be reduced by 3 cents for each dollar of annual income which exceeds $300 up to and including $1,000; by 4 cents for each dollar of income in excess of $1,000 up to and including $1,500; by 5 cents for each dollar of income exceeding $1,500 up to and including $1,800; by 6 cents for each dollar of income up to and including $2,200; and by 7 cents for each dollar of income up to and including $2,600. The minimum monthly rate would be $22. No pension will be paid if annual income exceeds $2,600.

The Veterans' Administration in recommending the adoption of formulae to the Committee said:

"It seems to us that those programs, based on need, should be so structured as to better allocate benefits according to relative need. They should also be sensitive enough to avoid a disproportionate reduction of benefits when outside income increases. The current rate in income limitation structures are deficient in those respects.

"In our judgment, a formula approach would better meet the aforementioned criteria, and remedy existing deficiencies. Adoption of a formula could permit those of little or no income to keep more of each dollar of outside income than those with greater income. Also, aggregate income could be protected for those remaining on the rolls regardless of the source of that income."

The following tables illustrate the current rates payable to veterans and widows together with typical examples of pensions payable under the proposed bill which incorporates both the increased rates and the new formula system:

S. 2866

	Veteran alone		Veteran and dependents			
				No loss formula		
	Current	No loss formula	Current	1 dependent	2 dependents	3 or more
Income not more than—						
$100	$121	$130	$132	$140	$145	$150
$200	121	130	132	140	145	150
$300	121	130	132	140	145	150
$400	119	127	132	140	145	150
$500	117	124	132	140	[1] 145	[1] 150
$600	115	121	130	130		
$700	112	118	128	136		
$800	108	115	126	134		
$900	104	112	124	132		
$1,000	100	109	122	129		
$1,100	96	105	119	126		
$1,200	92	101	116	123		
$1,300	88	97	113	120		
$1,400	84	93	110	117		
$1,500	79	89	107	114		
$1,600	75	84	104	111		
$1,700	69	79	101	108		
$1,800	63	74	99	105		
$1,900	57	68	96	102		

	Veteran alone		Veteran and dependents			
				No loss formula		
	Current	No loss formula	Current	1 dependent	2 dependents	3 or more
Income not more than—Con.						
$2,000	$51	$62	$93	$99		
$2,100	45	56	90	96		
$2,200	37	50	87	93		
$2,300	29	43	84	90		
$2,400		36	81	87		
$2,500		29	78	84		
$2,600		22	75	81		
$2,700			72	78		
$2,800			69	75		
$2,900			66	72		
$3,000			62	69		
$3,100			58	66		
$3,200			54	63		
$3,300			50	58		
$3,400			42	53		
$3,500			34	48		
$3,600				43		
$3,700				38		
$3,800				33		

[1] With higher income, lesser rates are paid according to formula.

	Widow alone		Widow and 1 child	
Income not more than—	Current	No loss formula	Current	No loss formula
$100	$81	$87	$99	$104
$200	81	87	99	104
$300	81	87	99	104
$400	80	86	99	104
$500	79	85	99	104
$600	78	84	99	104
$700	76	81	98	103
$800	73	78	97	102
$900	70	75	96	101
$1,000	67	72	95	100
$1,100	64	69	94	99
$1,200	61	66	92	98
$1,300	58	63	90	97
$1,400	55	60	88	96
$1,500	51	57	86	94
$1,600	48	54	84	92
$1,700	45	51	82	90

	Widow alone		Widow and 1 child	
Income not more than—	Current	No loss formula	Current	No loss formula
$1,800	41	48	80	88
$1,900	37	45	78	86
$2,000	33	41	76	84
$2,100	29	37	74	82
$2,200	23	33	72	80
$2,300	17	29	70	78
$2,400		25	68	76
$2,500		21	66	74
$2,600		17	64	72
$2,700			62	70
$2,800			59	67
$2,900			56	64
$3,000			53	61
$3,100			51	58
$3,200			48	55
$3 300			45	52
$3,400			43	49

	Widow alone		Widow and 1 child	
Income not more than—	Current	No loss formula	Current	No loss formula
$3,500		41		46
$3,600				43
$3,700				42
$3,800				42

C. "OLD LAW" PENSIONS

Individuals receiving "old law" pensions, under section 9(b) of the Veterans Pension Act of 1959, will be protected against loss or reduction of pension because of the recent social security increase by increasing the annual income limitation $300 to $2,200 for the single veteran or widow and $3,500 for the

veteran with dependents or a widow with children. Because no more veterans or widows may come on the "old law" rolls, the income limitation change will not result in any additions to this group of non-service-connected pensioners. The Veterans Administration estimated that 5,038 old law pensioners would be affected by the proposed amendment in this Bill at a first year cost of $1.7 million.

D. OTHER PROVISIONS

The bill would also authorize the Administrator to provide by regulation for the exclusion of amounts payable by a veteran, widow, or child for unusual medical expenses in the annual income determined for pension eligibility. Such authority presently exists in 38 U.S.C. 415(g)2 in determination of income of parents eligible for dependency and indemnity compensation. The Veterans Administration has advised that, should Congress adopt this provision, it would issue similar regulations to those now in force for DIC purposes.

The bill would also amend paragraph 2 of section 3012(b) of title 38 so as to provide that where there is a loss of dependent by reason of marriage, divorce, or death, pension compensation and DIC benefits would continue until the end of the calendar year rather than be reduced or terminated at the end of the month prior to the date of such event as the law presently requires.

Finally, the bill would liberalize the law with regard to the number of days a veteran of the Mexican border period must have served on the Mexican border. While the 90-day service period is retained, one day of service on the Mexican border itself would now qualify the veteran for benefits. The Veterans Administration advises that the cost impact of this liberalization would be "minimal".

E. EFFECTIVE DATE

The new income limits and monthly benefit levels would become effective January 1, 1972, assuring that no pensioner would drop from the rolls or suffer benefit reduction because of this year's social security increase.

F. VETERANS ORGANIZATIONS' POSITION

All major service organizations have testified or advised the Committee of their full support for S. 2866.

III. COST

A. RELATIONSHIP OF THIS BILL TO THE ADMINISTRATION'S ECONOMIC PROGRAM

In an appearance on November 8, 1971, before the Senate Subcommittee on Compensation and Pensions, a Veterans Administration spokesman testified that:

"The Cost-of-Living Council has exempted income maintenance programs, like pensions and compensations, from coverage during the current freeze period. Based on this ruling, and recognizing our obligations to both the nation's economic goals and to the veteran and his family in this critical time, the Veterans Administration feels justified in supporting an adjustment in these benefit payments to compensate for price increases since the time when benefits were last increased. We feel that price changes constitute a reasonable and appropriate benchmark for the subcommittee to use in determining the magnitude of adjustment needed."

The average 6.5 percent increase in pension rates provided for in this bill is consistent with the criteria set out above.

B. FIVE-YEAR COST ESTIMATES

The fiscal year '72 budget estimate is approximately $63.6 million. The first full-year cost is $127.2 million increasing to $136.9 million for the fifth year.

The following is an itemized breakdown of cost of S. 2866 for the first five years:

Cost

There follows an itemized breakdown of the cost of S.2866 by years, by categories of beneficiaries, and in toto for the first 5 years:

S. 2866

SEC. 1

Year	Caseload	Costs
The first 5 year costs and caseloads for paragraphs (a) through (d)—Increased pension rates for veterans and survivors are:		
1	1,637,246	$110,700,000
2	1,647,773	112,500,000
3	1,661,103	114,200,000
4	1,672,332	115,900,000
5	1,692,684	118,100,000
5 year costs and caseloads for paragraph (e)—Increase in rate for children from $16 to $17 are:		
1	147,211	2,100,000
2	151,524	2,200,000
3	156,070	2,200,000
4	159,800	2,300,000
5	164,346	2,400,000
Paragraph (f)—Increases in children's rate to $42 and $17 are:		
1	594,100	9,000,000
2	643,100	9,800,000
3	688,400	10,400,000
4	722,300	11,000,000
5	746,900	11,300,000
Total costs of sec. 1 [1].		
1st year		121,800,000
2d year		124,500,000
3d year		126,800,000
4th year		129,200,000
5th year		131,800,000
Fiscal year 1972 cost		60,900,000

SEC. 2

Year	Number affected	Costs
Paragraph (b)—Minimal. Paragraph (c)—Exclusion of unusual medical expenses are:		
1	26,750	$1,900,000
2	27,200	2,000,000
3	27,650	2,100,000
4	28,150	2,100,000
5	28,600	2,100,000
Fiscal year 1972 costs		950,000

SEC. 3

Year	Number affected	Costs
End-of-year rule for changes of dependency are:		
1	10,300	$1,800,000
2	10,300	1,800,000
3	10,300	1,800,000
4	10,300	1,800,000
5	10,300	1,800,000
Fiscal year 1972 costs		950,000

SEC. 4

Year	Number affected	Costs
Increases in limitations for old law cases are:		
1	5,038	$1,700,000
2	4,831	1,600,000
3	4,481	1,500,000
4	4,129	1,400,000
5	3,776	1,200,000

SEC. 5

Year	Number affected	Costs
Paragraph (a)—Minimal. Paragraph (b)—No cost:		
Total cost of S. 2866 [1]		
1st year		$127,200,000
2d year		129,900,000
3d year		132,200,000
4th year		134,500,000
5th year		136,900,000
Costs by fiscal year:		
1972		63,600,000
1973		128,600,000
1974		131,100,000
1975		133,400,000
1976		135,700,000
1977		138,200,000

[1] Total caseload figures are not shown, since there would be a significant number of beneficiaries that would benefit from more than 1 provision of the bill. A summation of the caseload figures shown under the various sections would be distorted by these duplications.

LIBERALIZATION OF DISABILITY AND DEATH PENSION

The bill (H.R. 11651) to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

LIBERALIZATION OF PROVISIONS RELATING TO PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION

The bill (S. 2867) to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency and indemnity compensation was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 411 of title 38, United States Code, is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a widow, based on the pay grade of her deceased husband at monthly rates set forth in the following table:

"Pay grade:	*Monthly rate*
E–1	$184
E–2	189
E–3	195
E–4	206
E–5	212
E–6	217
E–7	227
E–8	240
E–9	[1] 251
W–1	232
W–2	241
W–3	249
W–4	262
O–1	232
O–2	240
O–3	257
O–4	272
O–5	299
O–6	337
O–7	365
O–8	399
O–9	429
O–10	[2] 469

"[1] If the veteran served as sergeant major of the Army, senior enlisted adviser of the Navy, chief master sergeant of the Air Force, or sergeant major of the Marine Corps, at the applicable time designated by section 402 of this title, the widow's rate shall be $270.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the widow's rate shall be $503.

"(b) If there is a widow with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the widow shall be increased by $22 for each such child.

"(c) The monthly rate of dependency and indemnity compensation payable to a widow shall be increased by $55 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

SEC. 2. Section 413 of title 38, United States Code, is amended to read as follows:

"Whenever there is no widow of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"(1) One child, $92.

"(2) Two children, $133.

"(3) Three children, $172.

"(4) More than three children, $172, plus $34 for each child in excess of three."

SEC. 3. (a) Subsection (a) of section 414 of title 38, United States Code, is amended by striking out "$32" and inserting in lieu thereof "$55".

(b) Subsection (b) of section 414 of such title is amended by striking out "$88" and inserting in lieu thereof "$92".

(c) Subsection (c) of section 414 of such title is amended by striking out "$45" and inserting in lieu thereof "$47".

SEC. 4. (a) Subsection (b) of section 415 of title 38, United States Code, is amended to read as follows:

"(b)(1) Except as provided in paragraph (2) of this subsection, if there is only one parent, dependency and indemnity compensation shall be paid to him according to the following formula: If annual income is $800 or less the monthly rate of dependency and indemnity compensation shall be $100. For each $1 of annual income in excess of $800 up to and including $1,200, the monthly rate shall be reduced 3 cents; for each $1 of annual income in excess of $1,200 up to and including $1,600, the monthly rate shall be reduced 4 cents; for each $1 of annual income in excess of $1,600 up to and including $1,900, the monthly rate shall be reduced 5 cents; for each $1 of annual income in excess of $1,900 up to and including $2,100, the monthly rate shall be reduced 6 cents; and for each $1 of annual income in excess of $2,100 up to and including $2,600, the monthly rate shall be reduced 7 cents. No dependency and indemnity compensation shall be paid if annual income exceeds $2,600.

"(2) If there is only one parent and he has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to him under either the formula of paragraph (1) of this subsection or under the formula in subsection (d), whichever is the greater. In such a case of remarriage the total combined annual income of the parent and his spouse shall be counted in determining the monthly rate of dependency and indemnity compensation under the appropriate formula."

(b) Subsection (c) of such section 415 is amended to read as follows:

"(c) Except as provided in subsection (d), if there are two parents, but they are not living together, dependency and indemnity compensation shall be paid to each according to the following formula: If the annual income of each parent is $800 or less, the monthly rate of dependency and indemnity payable to each shall be $70. For each $1 of annual income in excess of $800 up to and including $1,100, the monthly rate shall be reduced 2 cents; for each $1 of annual income in excess of $1,100 up to and including $1,700, the monthly rate shall be reduced 3 cents; and for each $1 of annual income in excess of $1,700 up to and including $2,600, the monthly rate shall be reduced 4 cents. No dependency and indemnity compensation shall be paid to a parent whose annual income exceeds $2,600."

(c) Subsection (d) of such section 415 is amended to read as follows:

"(d) If there are two parents who are living together, or if a parent has remarried and is living with his spouse, dependency and indemnity compensation shall be paid to each such parent according to the following formula: If the total combined annual income is $1,000 or less, the monthly rate of dependency and indemnity compensation payable to each parent shall be $67. For each $1 of annual income in excess of $1,000 up to and including $1,300, the monthly rate shall be reduced 1 cent; for each $1 of annual income in excess of $1,300 up to and including $3,400, the monthly rate shall be reduced 2 cents; and for each $1 of annual income in excess of $3,400 up to and including $3,800, the monthly rate shall be reduced 3 cents. No dependency and indemnity compensation shall be paid to either parent if the total combined annual income exceeds $3,800."

(d) Subsection (g) of such section 415 is amended by redesignating paragraph (2) as (3), and by inserting immediately after subparagraph (1)(M) the following new paragraph:

"(2) Where a fraction of a dollar is involved, annual income shall be fixed at the next lower dollar."

(e) Such section 415 of title 38, United States Code, is further amended by adding the following new subsection at the end thereof:

"(h) The monthly rate of dependency and indemnity compensation payable to a parent shall be increased by $55 if such parent is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

SEC. 5. Section 417 of title 38, United States Code, is amended by striking out subsection (a) thereof, and by striking out "(b)."

SEC. 6. Sections 321 and 341 of title 38, United States Code, are each amended by striking out "(or after April 30, 1957, under the circumstances described in section 417(a) of this title)".

SEC. 7. Section 724 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) In any case in which insurance continued in force under this section matures on or after January 1, 1972, an amount equal to the amount of premiums, less dividends, waived on and after that date shall be placed as an indebtedness against the insurance and, unless otherwise paid, shall be deducted from the proceeds. In such case, the liability of the Government under subsection (b) of this section shall be reduced by the amount so deducted from the proceeds."

SEC. 8. Any person who before January 1, 1972, was not eligible for dependency and indemnity compensation under such title by reason of the provisions of the prior section 417(a) of title 38, United States Code, may elect, in such manner as the Administrator of Veterans' Affairs shall prescribe, to receive dependency and indemnity compensation, and an election so made shall be final. A person receiving, or entitled to receive, death compensation on December 31, 1971, shall continue to receive death compensation, if otherwise eligible, in the absence of an election to receive dependency and indemnity compensation.

SEC. 9. Subsection (b) of section 322 of title 38, United States Code, is amended to read as follows:

"(b) The monthly rate of death compensation payable to a widow or dependent parent under subsection (a) of this section shall be increased by $55 if the payee is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

SEC. 10. This Act shall take effect on January 1, 1972.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-520), explaining the purposes of the measure.

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

EXPLANATION OF BILL

This bill provides cost-of-living increases in dependency and indemnity compensation benefits to widows, children, and needy parents of veterans who died as a result of service-incurred disabilities. Our present system of dependency and indemnity compensation dates from the passage in 1965 of the Servicemen and Veterans Survivors Benefits Act (Public Law 84-881). Since that time, periodic cost-of-living increases in the rate schedules have been authorized. This bill would continue that procedure.

A 10-percent increase is granted to 176,000 widows presently receiving benefits which covers the general rise in the cost of living since December 1, 1969, the effective date of the last statutory increase. Existing law authorizes monthly payments of DIC to widows of a sum based upon the pay grade of her deceased husband. Currently the monthly rates range from a minimum of $167 to a maximum of $457. The rates are increased by $20 for each dependent child of the widow. The following table sets forth the current rates of dependency and indemnity compensation payable to the widow and shows the new rates which would be authorized under the bill:

S. 2867 DIC—WIDOWS

Pay grade	Current rate	Proposed 10-percent increase
E-1	$167	$184
E-2	172	189
E-3	177	195
E-4	187	206
E-5	193	212
E-6	197	217
E-7	206	227
E-8	218	240
E-9	228	251
W-1	211	232
W-2	219	241
W-3	226	249
W-4	238	262
O-1	211	232
O-2	218	240
O-3	234	257
O-4	247	272
O-5	272	299
O-6	306	337
O-7	332	365
O-8	363	399
O-9	390	429
O-10	426	469
E-9—Senior NCO of Service	245	270
O-10—Chairman Joint Chiefs or Chief of Staff	447	500

There are presently 46,000 orphaned children of service-connected deceased veterans. They are paid a flat statutory rate which is unrelated to the military rank of their deceased fathers. This bill would provide for a 5 percent increase which covers cost-of-living increases since July 1, 1970, the effective date of the statutory increase for children provided for by Public Law 91-262. The rate would be increased from $88 to $92 for one child; from $127 to $133 for two children; from $164 to $172 for three children; and from $32 to $34 for each child in excess of three.

This bill would also provide for an average 6.5 percent increase in the rates payable under section 415 of title 38 to the approximately 68,500 dependent parents who qualify for DIC by reason of their low income. The maximum income limitation for parents has also been increased by $300 which will prevent a reduction in aggregate income which would otherwise occur because of recent increases in social security benefits this year. The present monthly DIC benefits range for an only parent from $10 to $96. Under this bill the maximum would be raised to $100. If there are two parents—but they are not living together—the maximum would increase from $66 to $70. In both of the instances above, no compensation would be paid if a parent's annual income exceeded $2,600. If there are two parents who are living together, or if a parent has remarried and is living with a spouse, the maximum rate would be $67 based upon a combined annual income of $1,000 or less, which represents an increase above the present rate of $64.

The bill would also authorize an aid and attendance allowance of $55 per month for dependent parents if they are in a nursing home or so disabled as to require the regular aid and attendance of another person. It would also authorize an increase from $32 to $55 in the amount of aid and attendance allowance payable to a helpless child.

Perhaps the most important provision of the bill relating to DIC payments for dependent parents is the adoption of the new formula approach for the payment of compensation which replaces the present multi-level system of $100 increments. In Public Law 89–730, Congress established a five-level system of income levels and payments. Under that system it was possible for a small increase in the parents outside income to result in a disproportionate reduction in compensation payments. Public Law 90–275 amended the law to restructive benefits on rates adapted to each $100 of income. This new system made the rates more sensitive to outside income but disproportionate losses were still possible. In the proposed formula, there is specified a maximum monthly rate for each group within designated income categories and each individual's monthly benefit rate is to be computed by reducing the maximum rate by a specified number of cents for each dollar by which the minimum income limitation for that group is exceeded. For example, for a parent alone, the maximum monthly DIC payable would be $100 based upon an annual income of $800 or less. This monthly amount would be reduced by 3 cents for each dollar of annual income by which the income exceeds $800 up to and including $1,200; by 4 cents for each dollar of income in excess of $1,200 up to and including $1,600; by 5 cents for each dollar of income exceeding $1,600 up to and including $1,900; by 6 cents for each dollar of income exceeding $1,900 up to and including $2,100; and by 7 cents for each dollar of income up to and including $2,600. The minimum monthly rate for a single parent would be $10 if the annual income did not exceed $2,600. The following table sets forth the current rate of dependency and indemnity compensation payable to parents and shows certain typical new rates which would be authorized under the bill:

S. 2867 DIC—PARENTS

	Only 1 parent		2 parents not together		2 parents—together or remarried with spouse	
	Current	Formula	Current	Formula	Current	Formula
Income not more than—						
$100	$96	$100	$66	$70	$64	$67
$200	96	100	66	70	64	67
$300	96	100	66	70	64	67
$400	96	100	66	70	64	67
$500	96	100	66	70	64	57
$600	96	100	66	70	64	67
$700	96	100	66	70	64	67
$800	96	100	66	70	64	67
$900	94	97	64	68	64	67
$1,000	91	94	61	66	64	67
$1,100	87	91	58	64	62	65
$1,200	81	88	54	61	60	65
$1,300	75	84	50	58	58	64
$1,400	69	80	46	55	56	62
$1,500	62	76	41	52	54	60
$1,600	54	72	35	49	52	58
$1,700	46	67	29	46	49	56
$1,800	38	62	23	42	46	54
$1,900	31	57	20	38	44	52
Income not more than—Con.						
$2,000	$25	$51	$16	$34	$42	$50
$2,100	18	45	14	30	40	48
$2,200	12	38	12	26	38	46
$2,300	10	31	10	22	35	44
$2,400		24		18	33	42
$2,500		17		14	31	40
$2,500		10		10	29	38
$2,700					27	36
$2,800					25	34
$2,900					23	32
$3,000					21	30
$3,100					19	28
$3,200					17	26
$3,300					14	24
$3,400					12	22
$3,500					10	19
$3,600						16
$3,700						13
$3,800						10

Finally, the bill would further amend the law by liberalizing provisions dealing with in-service waiver of premiums so that widows may now receive higher DIC rates. At present there are certain restrictions contained in 38 U.S.C. 417(a) which prohibit the payment of DIC in certain cases where a veteran's death occurs while his United States Government Life Insurance or National Service Life Insurance is in force under an in-service waiver of premium. The in-service waiver of premium provisions was originally designed to equalize benefits for those individuals who had purchased government insurance prior to the adoption of the Servicemen's Indemnity and Insurance Act of 1951 which provided indemnity protection in the maximum amount of $10,000 for a death occurring while on active duty.

In 1956, however, Congress in Public Law 84–881 extensively revised and consolidated the law into the present system of service-connected death benefits, dependency and indemnity compensation. Because this law continuation of in-service waiver of premium often became a liability. As a consequence, certain widows were relegated to drawing death compensation rather than the higher DIC rates because their husbands had unfortunately died with an inservice waiver of premiums on a government insurance policy. Although Congress acted to alleviate this situation last year in Public Law 91–291, certain inequities still exist. With the support of the Veterans' Administration this bill would further liberalize the law so that all widows may now receive the higher DIC rates.

COST

In an appearance on November 8, 1971, before the Senate Subcommittee on Compensation and Pensions, a Veterans' Administration spokesman testified that:

"The Cost of Living Council has exempted income maintenance programs like pensions and compensation from coverage during the current freeze period. Based on this ruling, and recognizing our obligations to both the nation's economic goals and to the veteran and his family in this critical time, the Veterans' Administration feels justified in supporting an adjustment in these benefit payments to compensate for price increases since the time when benefits were last increased. We feel that price changes constitute a reasonable and appropriate benchmark for the subcommittee to use in determining the magnitude of the adjustment needed."

The Committee believes that the increase in DIC rates provided for in this bill is consistent with the criteria set out above.

The fiscal year 1972 budget estimate is approximately $33.9 million. The first full-year cost is $67.8 million increasing to $70.9 million for the fifth year.

The following is an itemized breakdown of the cost of S. 2867 for the first five years:

S. 2867

SEC. 1

The estimated 5-year costs for sec. 1 are as follows:[1]

Year:	Cost
1	$45,500,000
2	47,100,000
3	48,200,000
4	49,500,000
5	50,700,000
Fiscal year 1972 costs (6 months)	22,700,000

[1] Total caseload figures are not shown, since there would be a significant number of beneficiaries that would benefit from more than 1 provision of the fill. A summation of the caseload figures shown under the various sections would be distorted by these duplications.

The costs and caseloads detailed by paragraph are:

PAR. (a)—DIC RATE INCREASE TO WIDOWS

Year	Widows	Annual cost
1	183,000	$43,600,000
2	190,000	45,200,000
3	194,000	46,200,000
4	199,000	47,400,000
5	204,000	48,600,000

PAR. (b)—DIC WIDOWS WITH 1 OR MORE CHILDREN; EACH CHILD FROM $20 TO $22

Year	Children	Annual cost
1	75,400	$1,800,000
2	79,900	1,900,000
3	82,490	2,000,000
4	85,900	2,100,000
5	89,300	2,100,000

PAR. (c)—DIC WIDOWS A. & A. AT $55

No change to present law.

SEC. 2

The estimated 5-year costs and caseloads for sec. 2 are:

INCREASED RATES TO DIC CHILDREN ALONE

Year	Children	Annual cost
1	46,600	$1,800,000
2	46,100	1,800,000
3	45,600	1,700,000
4	45,100	1,700,000
5	44,700	1,700,000

SEC. 3

The estimated 5-year costs and caseloads for sec. 3 are:

PARS. (a), (b), AND (c)—HELPLESS DIC CHILD, 1 CHILD FROM $32 TO $55, CHILD FROM $88 TO $92 AND (c) $45 TO $47

Year	Children	Annual cost
1	6,700	$700,000
2	7,700	700,000
3	8,700	800,000
4	9,600	900,000
5	10,500	1,000,000

SEC. 4

The 5-year estimated costs for sec. 4 are:

Year:	Costs
1	$15,500,000
2	15,000,000
3	14,300,000
4	13,700,000
5	13,100,000
Fiscal year 1972 costs (6 months)	7,750,000

The costs and caseloads for sec. 4 detailed by paragraphs are:

PARS. (a) THROUGH (d)

Year	Caseload	Costs
1	50,427	$2,900,000
2	48,551	2,900,000
3	46,440	2,700,000
4	44,329	2,600,000
5	42,218	2,500,000

PAR. (e)—DIC TO PARENTS $55 A & A AND SEC. 9. DEATH COMPENSATION TO PARENTS $55 A & A

Year	DIC parents		Compensation parents		Total parents	
	Number	Annual cost	Number	Annual cost	Number	Annual cost (million)
1	3,200	$2,112,000	15,900	$10,494,000	19,100	$12.6
2	3,300	2,178,000	15,100	9,966,000	18,400	12.1
3	3,400	2,244,000	14,200	9,372,000	17,600	11.6
4	3,500	2,310,000	12,300	8,778,000	16,800	11.1
5	3,600	2,376,000	12,400	8,184,000	16,000	10.6

SEC. 5 THROUGH 8

The 5-year estimated costs and caseload for secs. 5–8 are:

Year	Caseload	Costs
1	3,400	$4,400,000
2	3,400	4,400,000
3	3,400	4,400,000
4	3,400	4,400,000
5	3,400	4,400,000

Note: Though there would be some savings to the insurance fund(s) as a result of implementation of sec. 7, the amount would be insignificant. The amounts shown above, thus, would be attributable to the "Compensation and pensions" appropriation.

Total cost of S. 2867 [1]	
1st year	$67,800,000
2d year	69,000,000
3d year	69,400,000
4th year	70,200,000
5th year	70,900,000
Costs by fiscal year:	
1972	33,900,000
1973	68,400,000
1974	69,200,000
1975	69,800,000
1976	70,600,000
1977	71,200,000

[1] Total caseload figures are not shown, since there would be a significant number of beneficiaries that would benefit from more than 1 provision of the fill. A summation of the caseload figures shown under the various sections would be distorted by these duplications.

LIBERALIZATION OF PROVISIONS RELATING TO PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION

The bill (H.R. 11652) to amend title 38 of the United State Code to liberalize the provisions relating to payment of dependency and indemnity compensation was considered, ordered to a third reading, read the third time, and passed.

Mr. TALMADGE. Mr. President, today the Senate passed, without a dissenting vote, two bills, H.R. 11651 and H.R. 11652, which will insure that veterans and their survivors will not suffer a reduction in their VA benefits as a result of recent increases in social security and other retirement benefits.

As chairman of the Subcommittee on Compensation and Pensions of the Senate Committee on Veterans Affairs, I was pleased that the Senate acted promptly and favorably on this badly needed legislation.

I ask unanimous consent that there be inserted, at this point in the RECORD, a letter from the Veterans of Foreign Wars and a telegram from the American Legion expressing those organizations' support for these bills.

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

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, D.C., Nov. 29, 1971.

The Honorable HERMAN E. TALMADGE,
Chairman, Subcommittee on Compensation and Pensions, Veterans Affairs Committee, U.S. Senate, Washington, D.C.

MY DEAR SENATOR TALMADGE: This is in reference to S. 2866 and S. 2867 which have been introduced by Senator Hartke, Chairman of the Veterans Affairs Committee, and co-sponsored by all members of the Committee.

These bills were introduced following hearings held by your Subcommittee with respect to pension and dependency and indemnity compensation bills. Since these bills were not before your Subcommittee at that time, the following are the comments and recommendations of the Veterans of Foreign Wars as reflected in the mandates approved by the 12,000 delegates representing 1.7 million members at our Dallas Convention which was held August 13–20, 1971.

Both of these bills carry out V.F.W. national mandates. Both of these bills also carry out a Priority Legislative Goal of the Veterans of Foreign Wars as approved by our Commander-in-Chief, Joseph L. Vicites.

S. 2866 would provide an average increase of approximately 6.5% in the rates of non-service connected pension payable to about two million veterans and widows. In addition, the maximum income limitation would be increased by $300. A relatively few World War I veterans who are still under the so-called "old" pension law a similar increase of $300 in the maximum income limitation is provided.

A new formula is also proposed in this bill, so that a VA pension check would change if a veteran's annual income were increased or decreased, even if only by one dollar. The new formula is a further refinement of the veterans pension program which was enacted by Congress and went into effect on July 1, 1960. The Veterans of Foreign Wars has supported this program, with its emphasis on the larger pension payment beng provided for veterans in the greatest need. The new pension formula, as proposed in S. 2866, does not change this philosophy but further refines the method of computing the pension check paid to veterans and their dependents.

Lastly, and most important to the Veterans of Foreign Wars, is that S. 2866 will carry out our top Priority Goal that no veteran or his dependent will suffer a reduction in his VA pension payment of the 10% increase in social security which went into effect in 1971 or an equivalent increase in retirement income.

For these reasons the Veterans of Foreign Wars strongly supports S. 2866, the veterans pension bill, which was developed by your Subcommittee on Compensation and Pensions and is expected to be considered by the full Veterans Affairs Committee in the near future.

The dependency and indemnity compensation bill, S. 2867, has the full support of the Veterans of Foreign Wars. There are approximately 200,000 widows and children of servicemen who were killed on the battlefield or who have died from service connected causes. This relatively small group of dependents is entitled to dependency and indemnity compensation payments from the Veterans Administration.

S. 2867 will provide a cost of living increase in the DIC rates for these dependents. This increase represents approximately the increase in the cost of living which has occurred since the last increase in the DIC rates for this group, which was in 1969 for widows, and on July 1, 1970 for children receiving DIC payments.

In addition, Mr. Chairman, there are about 70,000 dependent parents who receive DIC payments from the Veterans Administration. To qualify the dependent parent must meet strict income limitations which are almost identical to the requirements for a veteran to receive a VA pension. These dependent parents will suffer a decrease in their VA payments, unless there is an increase in the DIC payments and the maximum income limitation is increased. It is noted that S. 2867 provides both an average increase in the DIC rates for dependent parents and an increase in the maximum limitation by $300 a year. This will assure that no dependent parent will have his VA pension cut

because of the 1971 social security increase or equivalent increase in retirement income.

The Veterans of Foreign Wars also strongly supports, pursuant to a long-standing national mandate, the provision in S. 2867 which will permit all widows to receive the higher DIC rates. Under present law certain widows have no choice but to take the lower death compensation rates paid by the VA rather than the higher DIC rates because at the time their husband died he was under what is called an in-service waiver of their National Service Life Insurance premium.

In summary, Mr. Chairman, the Veterans of Foreign Wars strongly recommends approval of S. 2866 and S. 2867 by your full Veterans Affairs Committee and the Senate at the earliest practicable date. Approval of these two bills will not only provide a much-needed cost of living increase to a large group of veterans who are subsisting in whole or in part on a fixed income but will assure that no veteran or his dependent will suffer a cut in his VA check because of the 1971 social security increase.

Your favorable consideration of these views and recommendations will be deeply appreciated.

With kind personal regards, I am

Sincerely,

FRANCIS W. STOVER,
Director, National Legislative Service.

THE AMERICAN LEGION,
November 30, 1971.

HON. HERMAN E. TALMADGE,
U.S. Senate,
Washington, D.C.:

The American Legion is grateful to you, your Subcommittee on Compensation and Pensions, and the full Committee on Veterans Affairs for favorably reporting S. 2866 and S. 2867, to liberalize and improve the VA pension and DIC programs.

The Legion strongly supports these measures which are identical to H.R. 11651 and H.R. 11652 that passed the House November 15 and urge their enactment before January 1, 1972. Action prior to adjournment will assure that no beneficiary suffers a loss in net income as a result of the 1971 increase in social security benefits.

HERALD E. STRINGER,
Director, National Legislative Commission.

INDEFINITE POSTPONEMENT OF S. 2866 AND S. 2867

Mr. MOSS subsequently said: Mr. President, while we are still proceeding as in legislative session, I ask unanimous consent that the action taken earlier during the call of the calendar on bills S. 2866 and S. 2867 be vacated, and that they be indefinitely postponed, as they are identical to the companion House bills, H.R. 11651 and H.R. 11652, which have been passed.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from New Hampshire desire recognition at this time, in behalf of the minority leader, under the standing order?

Mr. COTTON. No, Mr. President.

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the distinguished junior Senator from Delaware (Mr. ROTH) is recognized for a period not to extend beyond 9 o'clock.

(The remarks of Mr. ROTH when he introduced S.J. Res. 180 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

EXECUTIVE SESSION

Mr. HARRIS. Mr. President, in accordance with the previous order, I move that the Senate go into executive session to consider the nomination of Earl Lour Butz Secretary of Agriculture.

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

The ACTING PRESIDENT pro tempore. The question is on the confirmation of the nomination of Earl L. Butz to be the Secretary of Agriculture. Time is equally divided between now and 1 o'clock this afternoon.

Mr. HARRIS. Mr. President, out of my time, I ask unanimous consent that I may yield 5 minutes to the distinguished Senator from Utah (Mr. Moss) on a nongermane matter.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, the Senate will proceed for 10 minutes as in legislative session.

HIGHWAYS VERSUS THE ENVIRONMENT

Mr. MOSS. Mr. President, in his recently published book "The Pavers and the Paved," Ben Kelley challenges, in hard-hitting prose, the wisdom of the prohighway decisions of Congress and foretells unhappy economic, social, and environmental consequences if we extend the present highway construction programs beyond 1977.

Mr. Kelley's views are particularly explosive because he has about-faced, and now attacks the policies he once upheld as Director of Public Affairs for the Federal Highway Administration.

He zeroes in primarily on the highway trust fund, which takes a percentage of every dollar spent on gasoline and sets it aside for the exclusive use of constructing the 42,000 mile Interstate Highway System.

According to Kelley, each year Americans spend upwards of $19 billion to maintain old roads and pour more than 20,000 miles of new highways that consume at least 200,000 acres of land, disperse more than 56,000 people and accommodate about 4 million newly registered motor vehicles worth another $19 billion.

The book is divided into two major sections.

The first, entitled "The Pavers," offers an explanation of the "whys" of the current highway program. Kelley says misleading claims made by road supporters have bolstered public acceptance of the interstate highway construction program, and he holds that the Federal highway trust fund is a self-perpetuating and a constantly growing source of tax dollars for highway builders and their allies. He charges that the fund has become an insurmountable obstacle to public funding or other transportation systems.

The second section, entitled "The Paved," is dedicated to those who are opposed to increased highway construction and includes a manual for freeway fighters. Kelley talks of a growing "national disenchantment" with the highway program and concludes with proposals for overhauling national spending priorities in the field of transportation. He advocates an end to the "highways only" philosophy which he feels has reigned since the Eisenhower days, and favors the establishment of a "transportation trust fund" similar to that enacted by Gov. Marvin Mandel, of Maryland.

There is no doubt, Mr. President, that it is time to take another close look at our highway programs. We have been building highways at a greatly stepped up rate—especially interstate highways—for some years now. Perhaps in some areas we will have built the major links when the present system is completed, and should concentrate on other types of transportation.

But certainly this is not true in Western States like Utah. We have only begun to build the highways and roads that we need—interstate, primary, or secondary. As of December 1970, more than half of the roadways and streets in Utah were still unpaved or surfaced with only soil or stone. We have years of construction work ahead of us. Furthermore, Mr. Kelley's suggestion that people be taken out of private cars and put into public conveyances as a way of reducing traffic on highways, or reducing the need for more roads and highways, would be met with considerable skepticism in my area of the country.

It is important also that we look at our highway program in terms of its ecological impact—just as it is important that we examine all construction in this light. All too many projects debase the quality of our air and water to an intolerable degree. But that does not mean that we should stop them all. It simply means that we must develop protective technologies and methods to protect and preserve our environment. The major challenge in the West so far as highways are concerned is how to construct those we need with a minimum impact on our air and water and the quality of our lives generally.

So, I must question some of the conclusions which Mr. Kelley draws. But I do feel that his insight into the transportation crisis facing America in the seventies can be of value to the Congress and the Nation as we attempt to reconcile our overall transportations needs with our agonizing need to protect our environment.

I therefore ask unanimous consent, Mr. President, to have printed in the RECORD four reviews of "The Pavers and the Paved." The first, from Business Week of May 15, 1971, sees in the book the beginning of an attack on the highway trust fund. The second, from American Road Builder (vol. 48, No. 5, May 1971), is critical of the book contending that it does not offer much in the way of new thinking. The third, by Susan P. Baker and appearing in the Baltimore Sun of June 6, 1971, analyzes the Kelley

recommendations for creating alternatives to our dependence on highways. The fourth, written by Jesse Merrell, and published in Transport Topics of May 17, 1971, is highly critical of Kelley, attacking his credibility because he is antihighway in his book but was prohighway in his speeches made while serving with the Federal Highway Administration.

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

[From Business Week, May 15, 1971]

A NEW PUSH FOR PUBLIC TRANSPORTATION

Highway critics are ready to buck the highway lobby or go around it to get people out of private cars and into public conveyances.

Ben Kelley is not exactly a neophyte in transportation matters—particularly when they pertain to highways. Once director of public affairs for the Federal Highway Administration, and now a high official in the Insurance Institute for Highway Safety, Kelley speaks with authority.

Next week his first book, *The Pavers and the Paved*, will be published, and it is going to stir up an unholy row. The reason: Kelley comes out strongly against that most sacred of cows, the Highway Trust Fund.

He could hardly have picked more powerful enemies. The companies involved in the building and use of highways are led by the automotive and oil industries. And it has been estimated that the so-called highway lobby accounts for more than half of all political contributions.

But it is just possible that Kelley's book is the beginning of the first successful attack on the fund and of serious attention to public transportation.

"Each time a new expressway is opened," writes Kelley, "it produces an increase in highway use, which, in turn, adds a new increment to gasoline and tire sales, which . . . generates an increase in money available for building yet more highways."

On June 1 and 2, a lot of people who think the same way will gather for a Washington conference on public transportation. Participants range from the Center for Urban Ethnic Affairs and the National Welfare Rights Organization, through the Sierra Club, to consumer organizations and several large unions, including the United Auto Workers. Says Hazel Henderson, a director of the Council on Economic Priorities, "We certainly are collecting a lot of very strange bedfellows."

The point, according to conference organizers, is to see whether enough public support can be marshaled to generate meaningful federal investment in public transportation. Such a "positive" goal avoids an early confrontation with the highway lobby.

But no amount of prudence or goodwill is likely to get around the key reality that the annual $5-billion in earmarked highway funds drains off most of the government's transportation spending resources. And while Kelley cries for the abolition of the Highway Trust Fund as a necessary first step toward reordering public transportation priorities, realists agree that the fund has too much pork-barrel appeal to be seriously altered. That is why public transportation champions are avoiding a direct attack on the trust fund.

The varying alternative approaches—in bewildering variety—employ either the "stick" or the "carrot" to induce people to leave their cars and board buses and trains. Naturally, the stick has been the most popular, since most of the schemes involve penalizing motorists as well as raising cash.

The Transportation Dept. once thought up a plan to tax urban area autos driven regularly into congested center cities. The tax would have raised $11-million annually for a proposed Urban Mass Transit Trust Fund. The Administration killed it.

Now both Transportation and various cities are toying with similar ideas. These include sliding scale taxes on parking garages to discourage all-day parking downtown, imposts to penalize the motorist driving alone, and, in New York City, big jumps in tolls on bridges and tunnels leading to Manhattan. New York, of course, has special problems. With the nation's biggest—and brokest—mass transit system, it must find some way to avoid major fare increases, which fall most heavily on the poor.

Even if such money-raising plans pay off, the money must indeed improve public transportation before commuters will abandon their cars. Merely making it more costly to get to work without providing good public transportation alternatives will simply drive business out of the cities.

That's where the "carrot" comes in. Exclusive bus lanes between Washington, D.C. and Virginia, and between the New Jersey Turnpike and the Lincoln Tunnel have saved commuters as much as 20 minutes each trip and are good, though primitive, examples of the "carrot." In higher density areas, new rail rapid transit systems, free of costly union work rule provisions, are thought more attractive. Besides being more comfortable, all-new systems can be more automated and thus cheaper to run.

In the long run, though, a different approach may be needed. Paul W. Cherington, professor of transportation at Harvard, and a trustee of the Boston & Maine RR, is currently exploring the possibility of paving over one of the B&M's commuter branches. He wants to run new, speedy buses along the right of way. In addition, a certain number of slots per hour could be sold to motorists. The fee would include all-day parking at Boston's cavernous North Station and free transfer to city transportation. This, says Cherington, "is the direction our thinking should be taking."

[From the American Road Builder, May 1971]

THE PAVERS AND THE PAVED

(By Ben Kelley and Donald W. Brown)

The argument runs something like this: We depend too much on highway transportation. We need something more efficient, less expensive, less damaging to the environment. Unfortunately, the people in charge of transportation development are so sold on highways that they don't really want to try anything else. The industrial complex which has a vested interest in highway development supports its interests so powerfully that the alternative solutions don't emerge, and can't emerge until we abolish the Highway Trust Fund and cut way back on the highway construction program.

But what are the alternatives? Ben Kelley, in *The Pavers and The Paved*, mentions "hovercraft, intercity high-speed trains and subways, TV-monitored traffic flow, crashproof experimental cars, short-takeoff-and-landing aircraft, computer-run mass transit services." He doesn't bother with the details. Stop building freeways, he suggests, and somebody will work out the alternative solution.

The big disappointment in Kelley's book is that he doesn't offer much in the way of new thinking.

Two years ago, the anti-freeway book of the year was Alan Mowbray's *Road to Ruin*. A professional writer who had done well previously with a book attacking the grocery business. Mowbray creamed the highway program with the same stylish skill.

Last year, it was Helen Leavitt and *Superhighway: Super Hoax*. Mrs. Leavitt got mad when it seemed to her that she was going to be pushed out of house and home to make for a freeway she didn't want and couldn't use.

Now comes Kelley, plowing much the same journalistic ground. Mrs. Leavitt writes with more passion; Mowbray writes with more skill. Kelley's advantage is that he has better credentials as an authority on the federal-aid highway program. He was director of public affairs for the Federal Highway Admintration in the days when Lowell Bridwell was in charge.

So Kelley was on the inside during the frenetic period when the Department of Transportation was brand new and Alan Boyd was putting it all together, using what sometimes appeared to be the trial-and-error method. Kelley, to his credit, refrains from ladling out the backstairs gossip. Practically all of his source material is public record.

One exception, significantly, is his account of his personal effort, while he was a federal official, to have federal funds applied to the improvement of a local road serving 15 rural families in Kentucky. Billions for freeways, but not one dime for Nelson Branch Road! Kelley got nowhere with his mini-crusade in behalf of the 15 families, and he was outraged.

Since neither hover craft nor subways will do much for Nelson Branch Road, it has to be assumed that Kelley would opt for a certain amount of local road construction. He might see Special Transportation Revenue Sharing as a partial answer to the transportation problem, but he doesn't say so.

His book says nothing about revenue sharing, and nothing about the 1970 Federal-Aid Highway Act, though it says quite a bit about the 1968 Act and prior legislation. One of the book's flaws is that it seems a little bit out of date.

When it comes to knocking the freeway program, Kelley does a workmanlike job of trotting out all the standard arguments and adding a couple new ones. His rebuttal to the claim that the Interstate System is saving lives is ingenious, if not convincing. A chapter comprising a "manual" for citizens to use when they want to stop a freeway should prove useful for anyone interested in that kind of activity.

[From the Baltimore Sun, June 6, 1971]

FREEWAYS ARE NOT ALWAYS WORTH MORE

(By Susan P. Baker)

Six sidewalks to the moon could be built with the concrete needed for our 42,500-mile interstate highway system. Americans may not want to walk to the moon, but many of them would like attractive alternatives to our dependence upon highways.

Ben Kelley makes it clear that it will be an uphill battle. The $70-billion interstate system has the backing of oil, concrete and tire companies, trucking and roadbuilding interests, the automobile and steel industries. Small wonder that the highway lobby has been able to ensure a self-perpetuating cycle; more superhighways, more highway usage, more gasoline and tire sales, more taxes into the Federal Highway Trust Fund, more superhighways.

Mr. Kelley was the first director of the Federal Highway Administration's office of public affairs. His hard-hitting book describes the Highway Trust Fund and its unfortunate effect upon our transportation system.

Each year, roughly $5 billion goes into the fund from gas and tire taxes, heavy vehicle use taxes and sales taxes on trucks, buses and trailers. Earmarked for superhighways (about 80 per cent is spent on the interstates) and other federal-aid highway projects, the fund is autonomous and immune from meaningful congressional review.

LIMPING URBAN TRANSIT

The result is what one would expect. Preoccupation with superhighways has meant starvation for other transportation needs. Limping urban transit systems and archaic local roads attest to the success of the Trust Fund.

Claim of highway proponents notwithstanding, public opinion polls indicate a desire for a more balanced program that will upgrade existing roads and improve public transportation. The highway user has found that highways intended to provide freedom of movement are not necessarily characterized by either freedom or movement.

"The Pavers and the Paved" is peppered with case-histories illustrating local opposition to federal interstate highways projects.

San Francisco renounced almost $300 million in federal funds that had been earmarked for freeways and voted approval of a rapid transit project, although virtually no federal funds were available for this type of facility.

IN NASHVILLE

Highway resistance was less successful in Nashville. Reassuring the about-to-be-injured black community that the proposed routing was only preliminary, state highway officials quickly and quietly acquired a right-of-way. Bulldozers began to cut a swath that ultimately would destroy or adversely affect an estimated 80 per cent of all Negro-owned business in greater Nashville.

Appeals were fruitless. Pledges to soften the effect of the freeway eased the tension, but were not all implemented.

Forceful in style, sobering in its implications, the book attacks the presumption that a freeway is always worth more than the countryside it supplants or the community it ruptures.

Mr. Kelley, is not content merely to describe a dismal state of affairs. He adds a "how to" chapter: "How to Halt a Highway." Acting quickly and avoiding actions that only waste time, groups familiar with their rights and knowledgeable about the regulations may have a chance.

"The Pavers and the Paved" concludes with recommendations for loosening the stranglehold of the highway lobby on our national transportation policy.

[From the Transport Topics, May 17, 1971]

KELLEY AT THE CROSSROADS: HIGHWAY PITCH SKIDS FULL CIRCLE

(By Jesse H. Merrell)

Will the real Ben Kelley please stand up? It's hard to tell who he is when comparing his new anti-highway book, *The Pavers and the Paved,* to the pro-highway speeches he made while serving as the first director of the Federal Highway Administration's office of public affairs.

In his maiden speech at FHWA, he referred to the Interstate highways as a "fantastic road system" which was the "most awe-inspiring transportation undertaking since the beginning of mankind."

In his book, however, the beautiful "awe-inspiring" princess is suddenly transformed into an ugly toad called "land-gulping superhighway construction projects."

In that same speech before the Marketing Division of the American Petroleum Institute in New Orleans on May 18, 1967, Mr. Kelly saw no "land-gulping," but said procedures for acquiring highway-use acreage "are constantly being refined and improved to insure their responsiveness to contemporary needs of affected communities."

He is wearing a different hat in his book, of course, and devotes a 23-page chapter to "How to Halt a Highway," mobilizing people against the monster that was so beautiful a few years ago.

In the introduction of his book, Mr. Kelly condemns the "alarmingly expensive" highways which will be built in the next six years because the Federal-Aid Highway Act of 1970 extends the "multi-billion dollar federal expressway construction program" through the fall of 1977.

Only three years ago, however, wearing his FHWA hat, he wrung his hands in bemoaning dismay at the bleak disappointment that: "We cannot complete the 41,000-mile Interstate system by its target date of 1972—and completion may be delayed until as late as 1975!!"

Donning still a third hat—with visions of dollars lining the band—Mr. Kelley comments in the introduction of his book that the lengthening of the highway construction program will be to his "good fortune" as an author since, hopefully, his book will sell and he can make some money out of the situation.

Space permitting, one could almost write a book from the inexhaustible fountainhead of contradictions between Mr. Kelley's utterances while at FHWA and that in his new book.

For example, his book belittled a reference by one congressman to "a magnificent highway system for America, the like of which no other nation has ever dreamed."

He apparently forgot the words he spoke in a June 20, 1967, Chicago speech, which now come back to haunt him:

"A substantial contribution is being made to national road capacity needs by the Interstate Highway System. When this magnificent network of safe, swift and efficient highways is completed, it will carry over 20% of the nation's motor vehicle traffic—even though it will constitute only slightly more than 1% of the nation's 3.6 million miles of roads and streets—and it will do so more safely and swiftly than any road network every built."

Now he is twisting figures and statistics around to try and prove that is not so in his 183-page book, and facts are not exactly falling on his mind like pristine seed on virgin soil.

He might not "tell lies that could walk a barbed wire fence," as the old country saying goes, but he is apparently not above stretching the truth until it can be slithered through a silk handkerchief.

For example, he claims the Interstate program is consuming about 130,000 acres of land, or about 43 acres per mile, annually. If you accept his figure, of 43 acres per mile, it would mean about 3,000 miles of Interstate roads are being built per year—and 45,000 miles would have been built already.

The entire system, which won't be finished before 1977, will only be 42,500 miles.

But Mr. Kelley is even off base in his figures. Design standards by the American Association of State Highway Officials allow only 30.3 acres per mile for four-lane divided highways—and only 36.3 acres per mile for eight-lane divided roads, which most aren't. But even if they were, they would still take nowhere near the 43 acres per mile claimed by Mr. Kelley on Interstate roads.

In his book, he referred to the Highway Trust Fund as a "new and untested devil." The truth is that when the Trust Fund was established by Congress in 1956, four other federal trust funds already existed, and there are now a total of eight.

The seven besides the Highway Trust Fund are federal old-age and survivors insurance, federal disability insurance, health insurance, unemployment insurance, railroad retirement, federal employes retirement and veterans life insurance.

There are other contradictions in his book. In his introduction, he says the federal-aid expressway program is "accountable not to Congress or the public but to a handful of road builders and administrators. . . ."

Yet on page 19 he does a complete flip-flop and says: "What keeps the mammoth highway program going are not road engineers, but the Federal Highway Trust Fund (and) the Interstate expressway construction program. . . ."

To complete the cycle, on page 21 he calls the Interstate expressway construction program and the Highway Trust Fund the "twin pillars" of the federal-aid highway programs and says "each was enacted by Congress."

First Congress has no control over road-building; it is all done by a "handful of road-builders." Then he turns around and says it's not the roadbuilders but Congress—which suddenly has control—that keeps it going.

As noted, it's hard to tell the real Ben Kelley, whose speeches at FHWA are affixed with the more sedate name of Albert B. Kelley. While at FHWA, Mr. Kelley also usually sported dignity-seeking horn-rim glasses, with which he was known to gesture authoritatively to punctuate his ceremoniously delivered speeches.

In his book, he wants to tie granny knots in the federal highway purse. In his speeches at FHWA, he said highway building "must be continued at a high level of investment" and "even taking the most optimistic view of continued programs of new construction, we have to accept that they will not be enough."

Now, however, he says what was not nearly enough is too much, and the paved must halt the pavers to save the country from utter destruction by a concrete and asphalt jungle.

He now aims Gatlin-gun bursts at the highway program with the same fervor which, while at FHWA, he aimed it at the "allegation and speculation that blames all of the nation's ills on highways, forgetting the unique and immense good which the federal-aid highway system has done and will continue to do for the United States."

In his FHWA speeches, Mr. Kelley looked forward to a "new era of highway progress" and said the highway 'has long been recognized as the backbone of surface transportation."

His book, however, laments "limping urban transit services and archaic local streets and roads that have been starved of public funds by the Federal Highway Trust Fund's policy."

In his book, Mr. Kelley bemoans that the Highway Trust Fund is "securely tucked into (the) hip pocket" of the Bureau of Public Roads and "is in many instances the tail that wags the departmental dog (DOT)." This was one of several suggestions to bust up the fund and channel it into other transportation modes.

While at FHWA, however, Mr. Kelley complained that the Highway Trust Fund "still is inadequate to provide the financing required" for work on the Interstate system and said "we are simply not doing enough today to meet our national need for highways tomorrow," even though the government has a "deep commitment" to "the establishment and maintenance of the world's finest highway system for this country."

Mr. Kelley now wants to raid the Highway Trust Fund to use for non-highway purposes. But while with FHWA, he assured the Asphalt Institute in 1967: "Neither Congress nor this Administration is about to weaken the integrity of the Trust Funds."

Will the real Ben Kelley please stand up?

(The remarks of Mr. Moss when he introduced sundry bills are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. AIKEN. Mr. President, as in legislative session, I yield 5 minutes to the Senator from Kansas (Mr. DOLE).

(The remarks of Mr. DOLE when he

submitted Senate Resolution 205 are printed in the RECORD under Submission of a Resolution.)

Mr. DOLE. Mr. President, I yield the remainder of my time to the distinguished Senator from Utah (Mr. Moss).

Mr. MOSS. Mr. President, I thank the Senator from Kansas.

DEPARTMENT OF AGRICULTURE

The ACTING PRESIDENT pro tempore. The Senate, in executive session, will continue with the consideration of the nomination of Earl L. Butz, to be Secretary of Agriculture.

Who yields time?

Mr. HARRIS. Mr. President, I yield myself 30 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized for 30 minutes.

Mr. HARRIS. Mr. President, 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 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 6 million farms in 1940—there are less than 3 million today, and USDA benignly predicts that at least another million farms will shut down during the next 9 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.

About 14 million rural Americans are left behind in rural poverty, with millions more existing just on the edge of poverty.

About 47.1 percent of the farm families in this country have annual incomes that fall below the poverty level of $3,000.

Some 1.5 million farmworkers averaged an income of $1,083 in 1970, another 1 million farmworkers raised their average income to $2,461 in 1970 by also doing some nonfarm work.

Why cannot independent family farmers, farmworkers 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 farmworkers 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 & Rubber, American Brands, and Purex.

If the tractor was the symbol of American agriculture 30 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. For others, losses in production can be easily covered by huge profits in processing or marketing. The individual farmer does not 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. President, the corporatization 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 the 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 do not 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 Corp., and Stokeley-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 has readily acknowledged, he was paid $12,000 a year by Ralston-Purina; $10,000 by International Minerals and Chemicals; $4,800 by Stokeley-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. President, 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, and I should like to read parts of it.

The report is entitled "Report of the Agribusiness Accountability Project." It was prepared under the direction of Mr. Jim Hightower, and dated November 17, 1971.

It states in part:

> 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 a 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.

Mr. President, I ask unanimous consent that the report be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HARRIS. Mr. President, I also ask unanimous consent that there be printed at the conclusion of my remarks a report on the activities of the Standard Life Insurance Co., of Indiana, prepared by the agribusiness accountability project.

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

(See exhibit 2.)

Mr. HARRIS. 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 that the outgoing Secretary should accept a high salaried job with Ralston-Purina while the new Secretary arrives from the board of directors of the same corporation.

Mr. President, 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 the subject "Vertical Coordination In The Pork Industry." The symposium was sponsored by Purdue and USDA with industry cooperation. The symposium was attended by representatives of feed companies, food chains, economists, and by USDA officials. At least nine major executives of the Ralston-Purina Co., of which Dr. Butz was then a director, were on hand. A 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 do not 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. President, a symposium of this kind involves the use of tax dollars—State and Federal.

The agribusiness accountability project in May 1971 issued a report called Land-Grant Colleges—Power and Poverty, which called attention to the problem of too much service of agribusiness rather than the small independent farmer by land-grant colleges. I ask unanimous consent that the report be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 3.)

Mr. HARRIS. Mr. President, rural Americans have too much at stake for us to take only a cursory glance at who this man Dr. Butz is. Gov. David Hall, of my State of Oklahoma, is evidence of the concern in rural America over this nomination. On November 18 I received from him a 6-page telegram stating his objections to Dr. Butz. Among other things Governor Hall said:

> Mr. Butz' strong connections with farm conglomerates . . . would cast serious doubt as to his acceptability as Secretary of Agriculture.

Further, he said:

> 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.

Mr. President, I ask unanimous consent that the complete text of the telegram be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 4.)

Mr. HARRIS. Mr. President, the nomination of Dr. Earl L. Butz as Secretary of Agriculture involves more than the selection of a new Secretary of Agriculture. The vote on his nomination involves the ordering of national priorities.

The first priority we must determine is the future of rural America. We can decide that rural America should be a place where people can live and work in dignity or that it should exist as a food factory for corporate profits alone. We can decide to halt, if not reverse, the outmigration from rural America or we can support the tragic exodus of almost one million rural Americans a year to our already overcrowded cities—we can allow farming to continue as "a way of life" as well as "a way of making a living," or we can replace the independent family farmer with agribusiness concerns motivated solely by profit.

Dr. Earl L. Butz is not the man to make these choices. His professional record is one of consistent and enthusiastic support for the giant agribusinesses that are driving the independent farmer off the land. As a former Assistant Secretary of Agriculture under Ezra Taft Benson, as the dean of a land-grant university, and as a director and shareholder of several of the largest agribusiness firms in America, Dr. Butz has put himself clearly on record as an advocate of corporate farming interests. My opposition to his nomination is based primarily on these grounds.

The questions raised by Dr. Butz' nomination, however, go beyond traditional farm issues. Other fundamental national priorities are also at stake.

The vote on his nomination will determine the depth of our commitment to feed the hungry and assist the needy in America. Dr. Butz has shown a callous disregard for this commitment. In an April 26, 1971 speech, Dr. Butz said:

> What were we marching for then? Then the big clamor was hunger and malnutrition. . . . And what came out of that? Out of that came a food stamp plan—so generous, so extensive—that it's just short of ridiculous in some parts of this country. Out of it came a welfare program that President Nixon is recommending to the Congress that is so far out that even the Democrats in Congress won't buy it.

The National Council on Hunger and Malnutrition in the United States has issued a statement through its executive director, John R. Kramer, in opposition to the nomination. I ask unanimous consent that that statement be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 5.)

Mr. HARRIS. Mr. President, Friends of the Earth are very disturbed about this nomination because of Dr. Butz' rather cavalier attitude toward environmental concerns as a passing fad. Their president, David Brower, on November 29, issued a statement in opposition to the nomination. I ask unanimous consent that his statement be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 6.)

Mr. HARRIS. Mr. President, I have received similar communications from other organizations that oppose Dr. Earl Butz.

Mr. President, I ask unanimous consent that a news release and a letter issued by eight national antipoverty groups, and a statement by Mrs. Johnnie Tillmon of the National Welfare Rights Organization be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibits 7 and 8.)

Mr. HARRIS. Mr. President, Dr. Butz is certainly not the kind of man we need to administer a food stamp program that feeds 10.5 million people and still does not help all those in need or a school balanced meal for millions of children.

Nor is Dr. Butz the kind of man we need to fulfill the very important environmental duties of a Secretary of Agriculture. His past remarks have shown a rigidity and hostility toward environmental issues and the environmental movement itself that would be very alarming in a man who is responsible for administering our 187 million acres of public forest lands and who has a great deal to say about the use of chemicals, fertilizer, and insecticides for agricultural use.

Farm organizations have already been heard from concerning the nomination of Dr. Butz, and those that truly represent the farmer have issued a resounding no to his nomination. Others, including those in the front ranks fighting against hunger and poverty and for a better environment, are also opposed to this nomination.

Mr. President, on Monday of this week I held a press conference at which the following nonfarm groups stated their opposition to Dr. Butz' nomination: The Sierra Club, the Friends of the Earth, Environmental Action, the UAW, the National Welfare Rights Organization, Southern Christian Leadership Conference, National Sharecroppers Fund, Washington Research Project Action Council, Crusade Against Hunger, National Association of Social Workers, Na-

tional Council on Hunger and Malnutrition, and the Americans for Indian Opportunity Action Council.

Mr. President, in 1968 President Nixon's campaign pledge was "to bring us together" in this country. Unfortunately, the nomination of Dr. Earl Butz as Secretary of Agriculture has succeeded only in bringing together almost every major farm organization, labor group, environmentalists, poverty groups and others in opposition to the nomination. I say "unfortunately," Mr. President, because this is not a partisan issue.

I have heard the charge made by some that the Democrats want to gather just enough votes to make Dr. Butz look bad, but not enough to defeat him; in that way we could use him as a whipping boy in 1972. Mr. President, that kind of cynicism is a dangerous thing. Too many farmers do not have until 1972 to wait for things to start getting better, and no responsible Member of the Senate would use the Nation's farmers as a pawn. If this were a partisan issue, I ask why it is that the ranking Republican member of the Committee on Agriculture, the Senator from Iowa (Mr. MILLER), and the Senator from North Dakota (Mr. YOUNG) also on the Committee on Agriculture, are ready to cast their votes against this nominee. The farm vote in this country, as many Senators well know, is neither Republican nor Democratic; it is profarm. The farmers in this country do not think Dr. Butz is the man to represent them in Washington.

Mr. President, another argument I have heard in the last few days in support of Dr. Butz is that the President has the right to select his own Cabinet members, and that because these men serve only during a President's tenure, and not for a lifetime, such as Supreme Court Justices, the Senate ought to confirm their nominations. I share the opinion that the President ought to be able to nominate his own Cabinet members. But I am not about to abdicate my constitutional obligation as a Senator to advise and consent to the President's nomination, and I trust that none of my colleagues are ready to do so either. I called upon the President to withdraw the nomination of Dr. Butz, as did some members of the President's own party, and I would hope that he still might see fit to withdraw the nomination and nominate someone who could really stand up for the independent farmer in this country. I would be glad to vote for that man. But instead the President has chosen the wrong man.

Dr. Butz, if his nomination is confirmed, will not serve simply as an adviser to the President. He will head a Government agency that affects every single farm in the Nation. He will head a Department that has a great regulatory responsibility.

Mr. President, this century has witnessed a great erosion of congressional power and a concomitant increase in the power of the executive. We have already reached the point where many consider the setting of farm policy to be the prerogative of the administration and the Department of Agriculture. I do not share that view, and I am sure that some of my colleagues on the Agriculture Committee do not subscribe to that philosophy. But now, for some to insist that the President has the right to choose a man to head his farm policy, without the advice and consent of the Senate, is farther than I am willing to go.

Mr. President, I have also heard from some during this debate on Dr. Butz that the Democratic criticism is rather shallow because we have no alternatives to offer in the way of a farm policy. That is not true. There have been a number of good farm proposals made in this Congress which would insure the future of the independent farmer. I should like to talk about a few of those proposals to point out that there are alternatives to Dr. Butz' vision of huge corporate farms.

The first thing we have got to do is to put some reality behind the rhetoric of our support for the family farm. A bill introduced by the distinguished Senator from Wisconsin (Mr. NELSON), of which I am a cosponsor, does just that by finding that it is "desirable to preserve free, private enterprise, to protect small business and prevent monopoly, and to protect opportunity for family farmers in interstate commerce." The bill, known as the Family Farm Act of 1972, would prohibit giant corporations with large nonfarm holdings from farming. It would stop the tax-loss farmers, the conglomerates, and the vertically integrated giants from destroying the independent farmers in America.

Mr. President, another thing that Congress must do is to give the independent farmer bargaining power. I have tried to do that by cosponsoring two bills introduced by the Senator from Minnesota (Mr. MONDALE): S. 726 and S. 727, the National Agricultural Bargaining Act of 1971 and the National Agricultural Marketing Act of 1971. The Bargaining Act would enable farmer-elected marketing committees to bargain and negotiate with processors and buyers to obtain decent and adequate prices on a commodity-by-commodity basis. The Marketing Act would enable the producers of any commodity to form a market order, and would provide a broad range of new powers for farmers under the order—including collective bargaining for minimum prices and other terms of sale. These programs, in some form, are essential to the independent farmer. Everyone in the chain of our food production system is making money—except the farmer. That has got to end.

Another thing we can do to help the independent farmer is something I talked about earlier; and that is to direct the research of the land-grant colleges towards helping the independent farmer. We have got AID research projects to help small farmers in India, Mr. President, and we do not even help the small farmer here in America.

We have also got to end the labor subsidy which gives the giant agribusinesses an unfair advantage over independent farmers. These corporations do not have to pay the same minimum wage as in other comparable industries; nor do they have to pay unemployment or workmen's compensation. In addition, our immigration policies always provide them with a constant flow of cheap labor from foreign countries—thus pitting the working man of this Nation against the poor in other nations. It is no wonder that the agribusinesses enjoy such a cheap cost of labor. The individual farmer is rather hard pressed in the face of these odds.

I ask unanimous consent that a statement of the agribusiness accountability project dated September 16, 1971, entitled "Minimum Wage for Farm Workers," together with a report on Stokeley-Van Camp, Inc., and migrant farmworkers in Illinois be printed at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 9).

Mr. HARRIS. Mr. President, when a giant conglomerate like Tenneco or a company like Standard Oil can go into agriculture and not be faced with the same labor laws that they are faced with in other operations, that is a direct incentive for these huge corporations and conglomerates to go into farming and compete with the small, independent farmer.

The same is true of tax-loss farming and hobby farming. They come into competition with the independent farmer many times to take a tax loss so they can charge that loss against profits made in other operations. A small farmer like my father has no such incentive. Farming is the only business in which he tries to make a living. It is not a question of efficiency. My father is efficient enough. The trouble is that the Government subsidizes the big farmers and corporate farmers. If they are so efficient, why do we have to give them so many billions of dollars of the taxpayers' money? We are subsidizing the competition of the huge conglomerates and rich farmers against the independent farmers who really make their living on the farm.

Mr. President, there is much we can do to give the independent farmer a fair chance.

We can end the scandalous situation wherein the top 5 percent of U.S. farms—the giant agribusiness—received almost half of our billion dollar subsidy program to farmers. This program was intended to aid small farmers but through various strategems the corporate giants have been the beneficiaries of our generosity. An effective limitation of $20,000 on the subsidy payments could put an end to this.

The Federal Government purchases $4 billion of food annually. We ought to make sure that the bulk of that food is purchased from the independent operator.

Last, Mr. President, there is the illegal billion dollar water subsidy with which we favor giant corporations in the West while independent farmers cannot get access to irrigated land. I introduced a bill to remedy this situation, and I should like to discuss it here today and show how this country has consciously chosen to aid giant corporations at the expense of small farmers.

I ask unanimous consent that the bill and the statement I made at the time I introduced it be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 10.)

Mr. HARRIS. Mr. President, the law

says that if a farmer is to get the benefit of federally financed irrigation water projects, he should not own more than 160 acres. That law has never been enforced. In California now, the giant corporations and conglomerates are coming into farming, gobbling up thousands and thousands and thousands of acres which are irrigated, because the taxpayers paid for the irrigation projects, and they are doing that in violation of the law. For that law to be enforced, they would have to divest themselves of the extra acreage. The bill I have introduced would require them to do so.

All the measures I have spoken about here today and last night are ways by which we subsidize bigness in agriculture. It is unnatural for corporations to take over agriculture, for the rich to get richer while the poor get poorer. That is unnatural. The reason why it is happening despite the fact that it is unnatural is that we subsidize that bigness. We ought to stop it. It has been going on under Democrats and under Republicans. We have got to turn it around.

We have driven the people off the small farms and out of small towns into the big cities where their problems have been infinitely greater. We can stop that outmigration. We can have an independent farm population in this country fully efficient, but we are not going to do it if we put a man like Dr. Butz in as Secretary of Agriculture, who believes that that is the way agriculture ought to go, as he so often has said.

I, therefore, oppose this nomination, and I hope its confirmation may be defeated.

EXHIBIT 1

REPORT OF THE AGRIBUSINESS ACCOUNTABILITY PROJECT

Agribusiness corporations served by the U.S. Agriculture nominee, Dr. Earl Butz.

Contacts: Jim Hightower, Martha Hamilton.

Agribusiness Accountability Project, 1000 Wisconsin Avenue, N.W., Washington, D.C. 20007. (202) 338-5365.

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 a 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; and Student, University 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 (Present). Research Economist—Brookings Institute, 1944, 1951; Research Staff—National Bureau of Economic Research, 1944–45; Lecturer, School of Banking, Univ. of Wisconsin, 1946–1965; and 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.); and Foundation for American Agriculture (Washington, D.C.).

Chairman, U.S. Delegation FAO, Rome, 1955, 1957; Member, American Farm Economic Association: Vice-President, 1948, and 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; and 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 product on.

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, Ralstan Purina leads the industry, *Feedstuffs*, and 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:

[Amount in millions of dollars]

	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
Consumer products: Pet foods, seafoods, 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

[Amount in millions of dollars]

	Net sales					Earnings				
	1966	1967	1968	1969	1970	1966	1967	1968	1969	1970
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 (dollars)	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 future 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 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 leasees of Jack-in-the-Box restaurants. The suits seek substantial damages "for alleged illegal resale price maintenance and alleged illegal requirements that leasees 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 CORP.

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 year—				
	1967	1968	1969	1970	1971
Rules:					
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
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
Net sales	461,700	501,800	504,600	505,900	517,600

	Fiscal year—				
	1967	1968	1969	1970	1971
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 Esterhazy, 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 the 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. vs. 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. Purcell 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, INC.

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 362d 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 sold 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 Gatorade, 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.

EXHIBIT 2

A REPORT ON THE ACTIVITIES OF STANDARD LIFE INSURANCE CO. OF INDIANA

CORPORATE PROFILE

Standard Life Insurance Company of Indiana, with its home office in Indianapolis, Indiana, lists its "products" as individual life insurance, joint life, emlpoyee benefit counseling, pension and profit sharing plans, deposit administration contracts, I.R.S. approved Keogh prototypes, actuarial plan design, servicemen's group life insurance, group ordinary, group term, group permament, salary savings, estate planning, retirement annuities, tax-favored annuities, college education plans, mortgage protection, credit life, reinsurance, mutual fund affiliate and broker dealer affiliate.

The company's field force is located throughout 45 states, the District of Columbia and Europe.

SALES AND ASSETS

Sales for Standard Life Insurance Company of Indiana in 1970 were a record high of $52,614,948, while premium income totaled $8,358,735. The company's net gain from operations amounted to over $592,000. Insurance in force increased by 8.2% and assets increased in 1970 to $68,928,331.

The yield on new investments in 1970 by the company was a record high figure in excess of 8.25%. Gross investment income for the year was also a record, amounting to $3,419,487. The net return on the entire portfolio amounted to 4.65%, also a record high.

The distribution of assets were:

[In percent]

Bonds	65
First Mortgages	13
Investment Real Estate	8
Policy Loans	5
Home Office Real Estate	4
Stocks	2
Cash	1
Due from Policyowners	1
Other	1
Total—$68,928,331	100

In the first six months of 1971 company sales of ordinary life insurance totaled over

$28.2 million, a record increase of 76% over the same period in 1970. The company's investment income increased 12.8%, a 5% increase over the first six months of the previous year.

Assets for the first half of 1971 also showed a record increase of $1.75 million to $70,818,000.

The company has also reported that in the first nine months of 1971 the direct sales of ordinary life insurance was over $40 million, an increase of 71% over 1970.

Approximately four percent of the company's bond investments, 25% of its preferred stock and 20% of its commonstock investments are in agribusiness or agribusiness-related industries.

PORTFOLIO OF INVESTMENTS

The following is a general summary of the securities which were owned by Standard Life Insurance Company of Indiana as of December 31, 1970. Also included are total amounts of mortgages and real estate owned by the Company as of that date.

Bonds:	*Par value*
U.S. Government	$2,389,000.00
Canadian Government and subdivisions	130,000.00
Government other countries	528,000.00
States—United States	754,000.00
Territories—Canada	2,687,000.00
U.S. political subdivisions	898,000.00
Canadian political subdivisions	803,000.00
Special revenue obligations—United States	50,000.00
Special revenue obligations—Canada	983,000.00
Railroads—United States	840,500.00
Railroads—Canada	100,000.00
Public utilities—United States	26,013,500.00
Industrial and miscellaneous	9,159,100.00
Total all bonds	45,335,100.00
Preferred stocks:	*Asset value*
Public utilities	$301,077.06
Industrial and miscellaneous	218,441.08
Total preferred stocks	519,518.14
Common stocks:	*Market value*
Railroads—United States	$40,621.25
Public utilities	416,895.00
Industrial and miscellaneous	667,680.70
Total common stocks	1,125,216.95
First mortgage loans	$8,832,745.41
Investment real estate	5,310,962.14
Home office buildings and properties	2,458,292.73

SELECTED LIST OF BONDS

Description	Interest rate	Maturity date	Par value
Tr. Purdue University—			
Dorm. fac	3½	1990	$50,000
Do	3½	1992	84,000
Do	3⅝	1995	100,000
Do	3¾	1998	50,000
Do	3½	2003	100,000
Norfolk-Western Railway	6	1981	200,000
Penn Central Co	8¾	1989	237,500
Western Pacific Railway Co	4.55	1980	300,000
American Can	4¾	1990	60,000
American Tobacco Co	3¼	1977	15,000
Anheuser-Busch, Inc	3⅜	1977	23,000
Do	4½	1989	65,000
Burlington Industries	4¾	1990	50,000
J. I. Case Co. (Tenneco)	3½	1978	48,000
Caterpillar Tractor Co	5½	1986	50,000
Chase Manhattan Bank	4⅞	1993	20,000
Consolidated Cigar Co	4¼	1975	25,000
Container Corp. of America	3.30	1980	90,000
Continental Can Co., Inc	5⅛	1985	44,000
Dan River Mills	4⅝	1990	100,000
Deere & Co	3½	1977	30,000
Do	4½	1986	50,000
Deere & Co. Credit Co	4⅞	1985	$50,000
Del Monte Corp	5¼	1994	15,000
Dow Chemical Co	4.35	1988	50,000
F.M.C. Corp	4¼	1992	25,000
Food Fair Stores, Inc	3⅜	1974	25,000
Fruehauf Trailer Co	3¾	1974	50,000
Fruehauf Corp	6	1987	200,000
General Motors Corp	3¼	1979	120,000
Georgia Pacific Corp	5¾	1994	20,000
Greyhound Corp	6½	1990	100,000
Gulf Oil Corp	8½	1995	50,000
Household Finance Corp	4⅝	1977	50,000
Do	7¼	1990	25,000
Libby McNeil & Libby	5	1989	30,000
Liggett & Myers Tobacco Co	6	1992	50,000
P. Lorillard Co	3	1976	10,000
Do	4⅞	1986	50,000
National Tea Co	5	1977	29,000
Packaging Corp. of America (Tenneco)	4¾	1987	75,000
Do	6.85	1993	50,000
Pepsi-Cola General Bottlers Inc	5½	1988	30,000
Pillsbury Co	4⅞	1989	15,000
Purex Corp	4⅞	1994	40,000
Jos. E. Seagram & Sons, Inc	4¼	1983	50,000
Tenneco Co	7	1988	50,000
Times Mirror	4½	1990	100,000
White Motor Co	5¼	1993	25,000
Witco Chemical Co	5	1980	34,000

SELECTED LIST OF STOCKS

Description	Yield (percent)	Number of shares	Asset value (cost)
Household Finance Corp. (supermarkets)	2⅜	[1] 400	$24,630.46
Ingersoll Rand		[1] 300	9,569.25
Occidental Petroleum	4	[1] 800	61,861.09
American Metal Climax	4	[1] 700	64,357.00
Norfolk & Western Railway Co		610	[2] 40,641.25
American Standard Corp		1,800	[2] 54,900.00
E. I. DuPont DeNemours & Co		400	[2] 53,350.00
General Motors		1,300	[2] 104,650.00
Seneca Grape Juice Corp		175	[2] 853.12
Union Carbide Corp		2,200	[2] 87,725.00
Westinghouse Electric Corp		800	[2] 53,400.00

[1] Preferred.
[2] Market.

PERSONNEL

Among the 19-member Board of Directors for Standard Life Insurance of Indiana is Dr. Earl L. Butz, Vice President, Purdue Research Foundation; Dean of Continuing Education, Purdue University, Lafayette, Indiana; Director, Ralston Purina, Stokely-Van Camp, Inc. and International Minerals and Chemical Corp.

Dr. Butz was first elected in 1951 to the Standard Life Insurance of Indiana board of directors and was elected to a new three-year term on the board on April 30, 1971.

As of December 31, 1970 he owned 2,310 shares of the company (November 24, 1971 market value—$21,367).

In addition to Dr. Butz two other members of the Standard Life Insurance of Indiana board have served in agribusiness-related organizations.

John L. Richardson, Vice President of Agricultural Relations for the company is the retired director of advertising and public relations for Allied Mills, Inc., Chicago Illinois, and Robert B. Stewart, Vice Chairman of the board and Senior Vice President of the company is retired Vice President of the Purdue Research Foundation, Lafayette, Indiana.

EXHIBIT 3

LAND GRANT COLLEGES: POWER AND POVERTY

(By Jim Hightower)

There is a troubling paradox in rural America. On the one hand, the mechanization and incorporation of the farm has led to an industrialized agriculture that has produced an enormous bounty of food products and that has created great agri-business wealth for the few. On the other hand, those same forces of industrialization have produced enormous poverty for the many—some 2.5 million farm workers receive exploitative treatment from their agri-business employers and live in misery and degradation; over half of the farmers in the country make sales of under $5,000 a year and steadily are being forced out of the markets and off the land; entire rural communities are folding up and becoming ghost towns, and their residents are trying to squeeze into cities that do not want them and cannot accommodate them.

The sixty-nine land-grant colleges in this country have been a major force in the creation of this paradox. On the one hand, they have lent their considerable resources to the development of an agricultural industry and to the service of agri-businessmen; on the other hand, they have withheld their considerable resources from the development of a total rural community and the crying needs of all rural Americans.

Land-grant colleges are the result of a deliberate national policy to foster the agricultural arts and to put science to work for the well-being of rural America. This was a policy developed at a time when the overwhelming majority of all Americans lived in rural areas, and when all rural Americans either were farmers or were economically dependent on farmers.

The colleges were created through the Morrill Act of 1862, which offered a grant of Federal land to each state that would agree to establish an agricultural college. Then, in the Hatch Act of 1887, the Federal government established an agricultural experiment station on each of these campuses. As the research and teaching staffs grew, there developed a need to disseminate the practical knowledge throughout the countryside; Congress met that need in 1913 by passing the Smith-Lever Act, which created the Agricultural Extension Service. These three acts are the legislative basis for today's land-grant colleges, and the contemporary history of the acts makes clear that the institution they created was to serve the most inclusive rural constituency and was to be concerned with the broad needs of rural America.

That they have failed to honor this broad mandate is obvious. Instead, they have narrowed their focus almost to the exclusive service of agri-business, leading a *Wall Street Journal* writer to describe the land-grant college as "a tax-paid clinic for a major industry." After World War II, the land-grant college scientist and economist became a partner to agri-business much in the same sense that other academicians entered into unquestioning partnerships with the defense establishment. Farm machinery, pesticides, hybrid plants, new feeds, processing systems, management techniques, packaging materials, marketing schemes, and literally every other agri-business need has been developed on these campuses, often at the specific request of the industry. The expertise has been on call to those who had the power to call it; those without power—farm workers, small farmers, the rural poor and aged, and the small rural businessmen—have not been invited to help make research decisions, though they have had to suffer the enormous social and economic consequences of those decisions. To their discredit, land-grant college academicians have failed to look hard at the total impact of their work or to question seriously their research priorities.

There recently came to light a graphic demonstration of land-grant college insensitivity to the needs of its broader rural constituency. In this case, Cornell University is the offending institution.

The New York State College of Agriculture at Cornell University is considered generally to be one of the very top land-grant colleges

in the country. Including its carry-over from the previous year, the College operated in 1970 with a $41 million budget, and its annual report literally is stuffed with beaming references to the good it was able to do agri-business. In his 1969 report, Dean Charles E. Palm noted this achievement of his College: "Apple growers, faced with a diminishing supply of seasonal labor, were assisted in exploring various ways to mechanize operations to eliminate labor."

That passage takes on a poignant dimension when it is realized that the Cornell College of Agriculture itself is the owner-operator of an apple farm that until very recently employed migrant farm labor.

The College owns or has use of about 13,500 acres of land in New York. Two hundred acres of that can be found far upstate, outside the town of Sodus. This is apple country. The Cornell fruit farm spreads off US 104 right to the water's edge of Lake Ontario. Far back from the highway, discreetly set out of sight behind the well-kept trees, was Cornell University's very own migrant labor camp. Over the years, about 50 farm workers—mostly Blacks and Puerto Ricans—have been coming up from their homes in Florida to work the Cornell apples during the June-November growing season.

Cornell did not provide much in the way of a summer home—as a doctor in a county-wide health clinic observed: "It is ironic that a humanitarian institution [he means Cornell] should run one of the worst camps in New York. The conditions at Sodus were what migrants have come to expect wherever they go: a family of eight lived all season in 1½ rooms; there were outdoor toilets only, with no heat or light; walls were cracked and leaking; and there was no heating system, so workers were forced to keep their gas burners on their cooking stoves going 24 hours a day. It's the same old stuff, only this time there is the bitter irony of knowing that it's coming from a tax-supported institution with a legislative mandate to serve all rural residents."

This is no innocent oversight. The College of Agriculture has held the deed to this farm for ten years, and they were using the farm (and the workers) long before they acquired the deed. It can be stated bluntly: the New York State College of Agriculture knowingly exploited these workers.

Worse yet, this powerful and rich institution has reacted either with hostility or with benign neglect whenever it has been suggested that the College is accountable for the plight of those workers. In 1968, an organizer for the United Farm Workers Organizing Committee telegraphed the president of Cornell, requesting recognition of UFWOC as the bargaining representative of the 52 workers then living in the College's camp. The College disvowed everything but actual ownership of the farm, claiming that their resident manager was "solely responsible for the entire operation of the farm. Cornell University has no employees, I repeat, no employees of any kind at the . . . farm."

That is a ludicrous bit of wriggling on the hook. Of course Cornell has workers there—who does the farm manager and the crew leader and the migrants themselves work for if not the institution that owns and profits from the farm and that directly or indirectly pays their salaries? The final word on unionization was handed down through the farm manager, who told the UFWOC organizer that if "any of my workers start talking about that union, I'll put them on a bus and send them back home."

In 1968, Cornell had an opportunity to respond to the obvious needs of its own farm workers and to offer an exemplary labor policy that could benefit others. A professor in Cornell's school of Industrial and Labor Relations came forward with a research proposal to study the conditions of migrant workers in New York and to demonstrate means of self-help, using the Cornell farm, camp and workers as a demonstration unit. His plan—which would have cost just over $10,000—was scuttled: "I can only conclude that the decision to abort the project stems from the traditional concerns that the College of Agriculture has with its traditional clientele, the growers of New York State."

In August of 1970, Cornell took still another step backward of this issue. During his campaign for the attorney generalship of New York, Adam Walinsky made a highly publicized tour of upstate migrant labor camps. Just before Walinsky made his rounds—perhaps the very day before—a sign that designated the Sodus farm as a Cornell Demonstration Orchard prudently was taken down. People in the area report that the sign had been in good repair and, in fact, had been freshly painted. It has not been put up again.

By late 1970 and early 1971, the Cornell camp was becoming an increasingly visible embarrassment to university officials. Outside interests, including the Migratory Labor Subcommittee of the U.S. Senate, were making inquiries. On campus, students had learned about the camp—the university senate was investigating and reporters from the *Cornell Daily Sun* began to come around with questions. Finally, the story broke to a national audience in the *New York Times*.

Here was the chance to admit past error and to announce a positive program of response. This influential rural institution could have chosen to apply its resources and its experience to the development of a model labor community and to the pursuit of answers to the difficult questions of farm labor relations. It could have begun here to meet its obligation to seek solutions for the really crucial problems facing rural New York. Instead, the College simply tried to wash its hands of the whole affair—"We're going to beat the hell out of the thing," blurted Dean Charles Palm. And they were.

On March 18, Cornell President Dale Corson met with two students who had come to ask him to intervene in behalf of the farm workers. Not only did he refuse their plea, but he also revealed that the College of Agriculture already had dealt with the issue—just hours before the meeting with the students, a bulldozer had razed the camp and covered the site with dirt. It had been decided to mechanize the farm; ironically, mechanization would be possible because of the apple shaker developed at the College.

The workers in Florida have been notified that Cornell will not be needing them any more—never mind that they have depended on that income (half a year's worth) for more than a decade. Not only was there no consultation with the workers on this decision, but those workers will get no severance pay, and they are excluded nationally from the unemployment compensation program. At least, they no longer will be Cornell's problem. Because of the public exposé and because of continuing student pressures, the College of Agriculture has offered a token proposal that will do nothing for the farm workers they have displaced, but that will provide 1¼ additional county agents to work in the Sodus area during the next year.

Obviously, more than that is required. Just as Cornell could not avoid its accountability by turning its back, neither can it meet its responsibility simply by posturing toward reform. A fundamental shake-up is required—a shake-up that will re-orient the College of Agriculture and cause it to respond to the needs of farm workers, small farmers, and rural communities.

Despite its failures, Cornell cannot be singled out as the sole villain. The narrow agri-business focus that is found at the New York State College of Agriculture pervades land-grant colleges throughout the country. The entire land-grant system—the 69 colleges, the experiment stations, the extension service, and the research offices of the U.S. Department of Agriculture—must bear the burden of accountability, and that system must be made to respond to all elements of its rural constituency.

A drive through rural America today, or a glance at the statistics on rural poverty and rural out-migration, is clear evidence that what has been good for agri-business has not proven good for all, or even for most. Those most in need have received the least attention. No one proposes that the land-grant system should abandon its traditional concern with farm productivity, nor is it even suggested that agri-businessmen no longer should be consulted about research. Rather, the point simply is that agri-businessmen are but one element in rural America, and the tax-paid land-grant system must be forced to consider agri-business research demands within the broader context of total rural need.

I am concerned in examining Dr. Butz's affiliations and background if he, as Oren Lee Staley, president of the National Farmers Organization has asked, "is a symbol of the betrayal of agriculture by some of its educational institutions to giant corporate interests?"

Dr. Butz is a product of the land grant college of Indiana—Purdue University. He nas a B.A., a B.S.A. and a Ph.D from Purdue. He has been on and off the Purdue payroll since 1934, serving as a graduate research assistant, a professor of the Department of Agricultural Economics, Dean of Agriculture, Dean of Continuing Education and Vice-President and Director of the Purdue Research Foundation.

Land grant colleges were authorized and endowed under the Morrill Act of 1862, the same year that the Department of Agriculture was created. In 1887, the Hatch Act created a system of Agricultural Experiment Stations, attached directly to these campuses.

In 1914, the Smith-Lever Act created the Extension Service to carry the benefits of the land grant college research to the people of rural America. In each of these acts, the intention was that the benefits of this land grant college system would flow to all rural Americans.

There are 69 land grant colleges today, located in every state. In fiscal year 1969, federal and state taxpayers put $223 million into research alone at these colleges. Add in tax money for Extension, and the figure approaches half a billion a year.

That is the largest research and development focus there is in rural America. But, in spite of its congressional mandate to serve all rural Americans, the land grant college system has focused the overwhelming share of its resources on agricultural efficiency and on the peculiar needs of agribusiness.

Purdue University has been no exception. In 1969, for example, the Agricultural Experiment Station at Purdue received a total of $8,101,673 for research on projects involving 172.9 scientific man-years (SMY). Very few of these resources were expended on what the U.S. Department of Agriculture calls "people oriented research."

	SMY	Amount
People as individuals	0.07	$38,819
Family members	2.30	31,885
Food	3.20	127,423
Total	5.57	188,127
As compared to—		
Corn	16.3	575,577
Poultry	5.7	331,520
Swine	9.9	506,811
Total	31.9	1,413,908

Of the Station's research bulletins (July, 1969–June, 1970) not one was aimed at the general rural community.

There was, however, a bulletin titled "An Examination of Furniture Casters."

In a list of over 350 scientific papers (July, 1969–June, 1970) not one paper was on a topic of value to the general rural community.

Yet, there was a paper titled "Evaluating Sands for Athletic Turf."

In 1969–70, Purdue received over $330,000 in research money from private industry. Many of the contributions were from chemical and oil companies. Names appear such as Chemagro, Chevron, Niagara, Gulf, Monsanto, Uniroyal Chemical, Union Carbide, and Eli Lilly. Other well known names associated with food processing appear such as Swift, Armour, Beech-Nut, General Foods and Quaker Oats.

Other industries that have a more intimate relationship with Dr. Butz also sponsored research.

They include International Minerals and Chemical Corporation (from which Dr. Butz received a $10,000 remuneration as a member of the board of directors and in which he owned 2000 shares of stock) and the Indiana Canners Association. IMC Corp. contributed $15,495 for use in developing growth regulators in field crop production and $550 for an evaluation of Thurdide-Pyrethrin mixture in pressurized spray. The Indiana Canners Association (whose president is W. B. Stokely, who is on the Stokely Van-Camp board of directors with Dr. Butz) contributed $12,500 for improvements in productivity and handling of raw products for the canning industry.

One question that arises here when discussing industry supported research is whether the grant for the project covers the real cost of the research for it is a fact that any improvements made by the experiment station while testing goes to the company gratis.

EXHIBIT 4

[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, ignores 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 Ranches 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.

EXHIBIT 5

NATIONAL COUNCIL ON HUNGER CONDEMNS BUTZ APPOINTMENT

To approve Earl Butz's ascension to the post of Secretary of Agriculture—entrusting him with the task of safeguarding the Federal programs designed to feed our hungry and malnourished poor—is to welcome the laughing hyena as the shepherd's watchdog. The shepherd may want the hyena confirmed as his sentinel, but that will not be doing the flock any favor.

The hyena laughs, but the joke is upon those he destroys. He prays upon the weak and disabled, attacking only those who have not the strength to fight back. So Dr. Butz courageously makes sport of the starving migrants and Eskimos whose nutritional well-being he may be charged with guaranteeing. So Dr. Butz ridicules as too "generous" a food stamp program that has stagnated in reaching only 41% of its target population (10.6 million of 25.5 million poor) with the cornucopian sum of 30 cents a meal. What a comfort to those twenty-five million to realize that he may soon become the guardian of their survival.

The metaphor is appropriate. The appointment is not. The shepherd must not be permitted to have his way.

For nearly two years, the Office of Management and Budget (OMB), disguised in sheep's clothing labelled "End Hunger in America Itself for All Time,' has been gnawing away at each of the food programs in turn. The Department of Agriculture (USDA), never noted for its clout, ineffectually protests, and, bit by bit, the programs dwindle, until Congress and the public intervene to fend off the wolf. In 1970, USDA did manage to keep the food stamp budget intact and even salvage funds to finance congressionally-dictated expansion of school lunch. But 1971 has not been a very good year at USDA:

In April, OMB sliced 1.7 million welfare recipients from the food stamp rolls (restored later under pressure).

In June, it was one million ghetto children who watched OMB wolf down their summer meals (restored later under pressure).

In July, it was the upper-level poor who had a large bite taken out of their food stamp benefits (no restoration).

In August, it was the school children's turn to have their lunches devoured because of curtailed funds to the states (restored later under pressure).

In September, it was commodity recipients who learned that an irregular diet of rotten food was to continue to be their lot (no change).

In October, it was 1.5 million pupils whose lunches were in jeopardy from the jaws of OMB (restored later under pressure).

In November, the threat is to breakfasts in schools and meals in day-care centers.

By now OMB has almost run out of programs to consume. What better ally could it have by its side as it confronts the challenge of 1972—denying more food aid to more needy people—than Dr. Butz. No longer need it put up with objections from USDA as it guts the pledged efforts to terminate hunger. At least someone after its own heart (or, rather, lack of it) will be in command. The wolf and the watchdog can lie down together. May the flock rest in peace.

EXHIBIT 6

FRIENDS OF THE EARTH OPPOSES THE NOMINATION OF DR. BUTZ AS SECRETARY OF AGRICULTURE

Friends of the Earth is opposed to the nomination of Dr. Earl L. Butz as Secretary of Agriculture because of his close identification with socially and environmentally farm policies. It would be hard to find a person more closely associated with agribusiness and the big corporate farm than Dr. Butz. Agribusiness has not only been a major polluter of the environment but has also been one of the forces responsible for driving the family farmer off the land.

Statements made by Dr. Butz indicate that he is openly antagonistic toward the environmental movement and completely unsympathetic to the environmental problems facing the country and the world. In a speech last April 26, 1971, Dr. Butz asserted:

"This fadism that we follow as a nation and currently its ecology and pollution and it hits us in agriculture right in the solar plexus. But, we are now completely dependent on a scientific agriculture, upon the use of these things which are dangerous."

". . . then I see these environmentalists on the other side trying to hold us back and trying to impede—not trying, but the net effect is to impede—the progress we're making in scientific agriculture."

Dr. Butz is completely oblivious to the significant environmental dangers resulting from the excessive use of pesticides and inorganic fertilizer, the clear-cutting of our National Forests, and the channelization of our rivers and streams. Yet as Secretary of Agriculture he will administer many programs which have far reaching environmental consequences for our land, our forests and our rivers and streams.

Friends of the Earth urges the Senate not to approve the nomination of Dr. Butz.

EXHIBIT 7

ANTIPOVERTY GROUPS OPPOSE BUTZ

Eight national anti-poverty groups today urged the United States Senate to vote against the nomination of Earl L. Butz to be Secretary of Agriculture. In a letter to all Senators, the groups stated that "a vote for Earl Butz is a vote against poor and hungry people."

The letter placed particular emphasis on Butz' public statements against food assistance programs which come under UDSA jurisdiction:

"One third of the total budget of the Department of Agriculture ($2.8 billion) is authorized for food assistance programs. 25.5 million Americans living on incomes below the poverty line are meant to benefit from these programs. Yet these are the programs that Dr. Butz has judged so harshly in public."

Noting Butz' "ties" to large agribusiness interests" and "his philosophy that the small farmer must 'adapt or die,'" the groups assert that Butz "speaks for the forces and policies that cause rather than curtail forced migration" from "rural areas to urban ghettos and slums." 30 million people have migrated "in the last few decades . . ."

"Some Senators are already prepared to vote against Earl Butz because farm income is too low," the letter continues. "The Senate must also consider the price the poor will have to pay. We submit it is too great a price."

Groups signing the letter were: Americans for Indian Opportunity Action Council, Crusade Against Hunger of the National Council of Churches, National Association of Social Workers, National Council on Hunger and Malnutrition, National Sharecroppers Fund, National Welfare Rights Organization, Southern Christian Leadership Conference, and the Washington Research Project Action Council.

NOVEMBER 29, 1971.

DEAR SENATOR: We urge the United States Senate to refuse to confirm Dr. Earl L. Butz as Secretary of Agriculture. We are convinced that a vote for Earl Butz is a vote against poor and hungry people.

As more information about Dr. Butz has become public—his ties to large agribusiness interests, his philosophy that the small farmer must "adapt or die," his belief that the Nixon proposed Family Assistance Plan is "too generous," his opposition to an adequate food assistance program—it has become abundantly clear that this man, a spokesman for a small, powerful, and often destructive minority in rural America, can only exacerbate the crisis which confronts the majority of poor people in America and weighs most heavily against the rural poor.

One third of the total budget of the Department of Agriculture ($2.8 billion) is authorized for food assistance programs. 25.5 million Americans living on incomes below the poverty line are meant to benefit from these programs. Yet these are the programs that Dr. Butz has judged so harshly in public.

We point out that the Department of Agriculture has a mandate to serve poor people. Poor people in America have President Nixon's promise to "end hunger in America for all time." That includes rural Americans: the small farmers, sharecroppers, tenant farmers, farmworkers, Indians, and men, women and children dependent upon agriculture. A large percentage of this constituency is poor or near poor. Look at the facts 12 million people in rural America live in poverty; ⅔rds of the bad housing in this country is in rural America; 10,000 rural schools do not have lunch programs; 30,000 rural communities have no water or sewer systems.

And that mandate applies to urban America as well: the poor who qualify for school lunch and food stamps and commodities, and the continuing tide of people being forced to migrate from rural areas to urban ghettos and slums (30,000,000 in the last few decades) because of corporate farming, mechanization, and the failure of the government to find alternatives to the decline of small-scale farming. Does Dr. Butz's dictum "adapt or die" apply to these people?

If Dr. Butz is appointed, will he speak and act progressively for these interests and concerns? We think not. He speaks for the forces and policies that cause rather than curtail forced migration. He speaks against the programs that help the poor. A vote for Dr. Butz is a vote against the poor, who are dependent upon a range of USDA programs from food stamp and food distribution programs to rural housing and farmer cooperative assistance.

Some Senators are already prepared to vote against Earl Butz because farm income is too low. The Senate must also consider the price the poor will have to pay. We submit it is too great a price. If hunger and malnutrition are to end in America and if rural America is to become something other than an "underdeveloped country" in our midst, the nomination of Earl Butz must be defeated.

Americans for Indian Opportunity Action Council; Crusade Against Hunger (National Council of Churches); National Association of Social Workers; National Council on Hunger and Malnutrition; National Sharecroppers Fund; National Welfare Rights Organization; Southern Christian Leadership Conference, and the Washington Research Project Action Council.

EXHIBIT 8

STATEMENT OF NATIONAL WELFARE RIGHTS ORGANIZATION

Gentlemen: I am Mrs. Johnnie Tillmon and I represent the National Welfare Rights Organization which represents 100,000 welfare recipients and other poor people in this country.

We understand the appointment of Dr. Earl Butz to head the Department of Agriculture—the message comes through to us loud and clear.—Mr. Nixon is out to get the poor.

President Nixon fathered the Family Assistance Plan, welfare 'reform' which forgets the humanity and destroys the dignity of millions of Americans who can't "make it" in his sagging economy.

Mr. Nixon made a "deal" with Congressman Mills and with Senator Long, Senator Percy and Senator Ribicoff so that the States won't get hurt by losing money under the Family Assistance Plan. But Nixon and his dealers have not even considered making a program that will keep the people from getting hurt . . . 90% of all welfare recipients will have their total grant cut under FAP. And in 21 states plans to cut the pittance to the poor are already going into effect.

Mr. Nixon authorized the enslavement of the welfare recipients in New York.

A man with that philosophy is a man who lives in the past, in the days of the English Poor Laws, a man who has already written off any personal concern for the reality of American poverty and American hunger. Our concern is that if such a man were to head the Department of Agriculture he would "write off" the food stamp program the commodities program the child nutrition programs, and take the $2.8 billion that USDA gets for those programs and spend it on chemical pest control research and Senator Eastland's welfare check.

Dr. Earl Butz would like to ignore the poor. The poor would like to "forget" Dr. Earl Butz.

Dr. Earl Butz refuses to recognize the poor. The poor would like to refuse to recognize Dr. Butz.

EXHIBIT 9

(Statement of the Agri-Business Accountability Project, Presented by Jim Hightower before the Senate Subcommittee on Labor, September 16, 1971)

Mr. Chairman, my name is Jim Hightower, and I am testifying for the Agri-Business Accountability Project. Our Project is a public interest research effort that has been working since last October on an examination of the role of big business in agriculture and in rural America. The Project is sponsored by three Washington, D.C. organizations—the Center for Community Change, the Project on Corporate Responsibility, and the Washington Research Project. The Project is based in Washington, D.C. and is funded by the Field Foundation.

This Project is here to tell you flatly that there simply is no excuse to deny farmworkers *exactly the same* minimum wage coverage enjoyed by all other industrial workers. Anything short of equal coverage now is to steal from the pockets of thousands of America's most deprived workers and to put that little savings into the corporate bank accounts of American agri-business.

The condition of America's farm workers and their families is no secret. Since the early New Deal, a year has not passed without a congressional hearing, a presidential report, a White House conference, a major book, a television documentary, or some other high-intensity exposure of farm worker misery. That misery need not be detailed again here. Suffice it to report that nothing has changed—farm worker families today live in stifling shelters that are without heat, plumbing, privacy, or hope for human happiness; their health continues to make a mockery of this nation's enormous wealth; their exploitive wages and inhuman working conditions persist in a day when all other laborers are ensconced in powerful, protective unions; and their economic and political powerlessness put the lie to this country's pretensions about freedom of opportunity.

John Steinbeck said all that needs to be said in this passage from The Grapes of Wrath:

"There is a crime here that goes beyond denunciation. There is a sorrow here that weeping cannot symbolize. There is a failure here that topples all our success."

It might be expected that the government of a civilized society would respond to such obvious need. The American government has not. Because of the opposition of agri-business, farm workers deliberately were excluded from practically every piece of New Deal labor legislation. Still today, they are denied the right of collective bargaining, which was assured other workingmen by the Wagner Act of 1935. Whether a man is a government bureaucrat, a university professor, a carpenter, an aircraft engineer, or even a grower, he is entitled to unemployment compensation when he is out of work; the farm worker is not, even though his employment is among the most insecure. Farm work is the third most hazardous industry in this country, but only 21 states allow workmen's compensation for farm

workers, and only 14 of those give him the same protection afforded others. Farm workers did not get minimum wage protection until 1963, and even then the coverage was made dramatically less than that enjoyed by other workers. The child labor standards are lower for farm workers, allowing an estimated 375,000 children of 10 to 13 years old to do farm work in 1969. Coverage of farm workers under the Social Security Act did not come until 1951, and today it remains less comprehensive than coverage for all other workers.

Mr. Chairman, the U.S. Department of Agriculture reports that "about 2.5 million different persons did some work on farms for cash wages or salary in 1970." About one and a half million of those did farm work only; on the average, they were able to find work for only 102 days of the year and were able to earn a pitiful $1,083. The remaining million workers combined an average 114 days of other jobs with 49 days of farm work in an effort to make ends meet; they came away with $2,461 for their year's labor. Less than 12 percent of this country's farm workers were employed year-round; they were the highest paid, pulling down a whopping $3,467 for 1970.

These wages are a scandal. These are the miserable earnings of families who are engaged in some of the very hardest work of our society and who are employed in one of our most dangerous industries. These are not people unwilling to work; on the contrary, they are so eager to work that many of them travel thousands of miles a year looking for jobs. They work for some of the biggest corporate names on Wall Street, yet they have been denied full coverage of our minimum wage laws.

This Subcommittee, previous congresses and a succession of presidents must bear the shame for that and be held accountable, for all of you have had the power to make the difference and you have refused to exercise it. Again and again, farm worker needs have been traded off in order to gain something for someone else. The Agri-Business Accountability Project looks directly to the members of this Subcommittee finally to demand and to hold firm for this small bit of simple justice for laborers in our agricultural industry.

Just as we have seen today, there has been a constant parade of agri-business spokesmen coming before committees to oppose any legislation that would provide amelioration of the farmworker's plight. They have come in the name of the small family farmer, seeking to pit his misery against that of the farm workers. In fact, these organizations do not speak for small family farmers at all and are not concerned with his needs, any more than they are concerned with the needs of farm workers. By accepting the agri-business line, congress has been sold a bill of goods, while small family farmers have been badly used and farm workers have been kept in bondage.

Mr. Chairman, food is an industry in this country, just as automobiles, electronics, and defense hardware are industries. In fact, food is the largest industry in America. The country's grocery bill ran to $91 billion in 1970. Restaurant food tabs ran that total to $114 billion. But it is not the small family farmer who has brought that bounty to us—it is a massive, industrialized system called agribusiness.

In the last published census of agriculture, the farm wage bill totalled $2.8 billion. More than $1 billion of that (37 percent) was paid by those farmers classified as "large" by the U.S. Department of Agriculture. Another $1.1 billion (41 percent) was paid by the .9 percent of growers in USDA's "largest" category. *In short, the "large" and "largest" growers were accountable for 78 percent of the total farm labor wage bill.*

The 1.8 million "small" farmers, who are the focus of so much agri-business concern here in congress, laid out only $144 million for wages—only 5.2 percent of the total. In fact, 92.7 percent of the farms in this country employed no laborers, or what amounts to one hired hand for less than a full year.

Without question, Mr. Chairman, farm workers are the responsibility of agri-business—the "large" and "largest" growers who comprise less than 13 percent of all farms, but who hire the overwhelming majority of farm workers. These are industrial giants. The "largest" growers—a mere nine-tenths of one percent of the farms (about 26,000 in number)—averaged $272,000 in sales. In addition, they accounted for:

29 percent of all feed bought.
39 percent of all livestock and poultry bought.
24 percent of all machinery hired.
11 percent of all fuel bought.
17 percent of all seed bought.
16 percent of all fertilizer bought.
41 percent of all labor hired.

These massive operations are growing more dominant every year. Who are they? Who are some of these "farmers" in whose names and through whose lobbies farm workers are denied something so minimal as the minimum wage paid in all other industries?

One of them is Del Monte Corporation, the largest producer and distributor of canned fruits and vegetables in the world. This agribusiness giant owns 32,000 acres of farm land and leases an additional 77,600 acres throughout the United States. It directly hired up to 39,000 seasonal laborers in 1969. It was accountable for many more farm workers through crew leaders and other contractual arrangements. This farmer had 1970 sales of $681,492,000 and profits of more than $14 million. Considering their salaries alone, Del Monte directors and officers were paid $1,336,575 in 1970. Mr. Eames, the President of the corporation, received a salary of $110,000 and additional benefits amounting to more than $77,000.

Another big time fruit and vegetable processor is Green Giant. This corporation, with annual sales in the vicinity of $200 million, has some 285,000 acres under cultivation and hires some 18,000 seasonal workers. In the 1960–1967 period, Green Giant's profits more than tripled. It is interesting to note that this corporation plows 10 percent of its sales into marketing, including advertising with little cartoon farm workers who assure us that all is happy in the valley of Green Giant. While their real life farm workers try to make it on a minimum wage of $1.30 an hour, the officers and directors of the company are pulling down well over $600,000 in salaries and retirement benefits. Mr. Cosgrove, Chairman of the Board of Green Giant, made off with $100,000 of that.

Stokely van Camp is another giant canner. It had $274 million in sales and revenues in 1970. The company employed 19,000 seasonal workers in its plants and fields that year. The Agri-Business Accountability Project found last spring that Stokely van Camp farm workers in Illinois were averaging $57.78 a week take-home pay for an average of 41 hours work snapping asparagus. Asparagus may be tender on our plates, but it is tough to harvest, and with $57.78 a week coming in you cannot afford to enjoy much Stokely van Camp asparagus anyway. Stokely's top officers and directors could enjoy life a bit more, pulling down a total of $318,000 in 1969. Mr. Stokely himself received more than $82,000 in salary, profit sharing and retirement benefits.

Mr. Chairman, these are only three of the "farmers" who we are asking to pay a fair minimum wage. We could as easily have selected some of their farming colleagues—such familiar names as Tenneco, Bank of America, General Foods, Dow Chemical Company, Royal Crown Cola, Purex, McNeil & Libby, Prudential Insurance Company, Union Carbide, Coca Cola, American Brands, United Brands, Alico, and Goodyear Tire and Rubber Company. Or we could have chosen some of the agribusiness family corporations—Duda and Sons or Wedgeworth in Florida; Senator Bentsen or Griffin and Brand in Texas; DiGiorgio or Bud Antle in California.

These are the enterprises hiring farm workers, not small family farmers. In Illinois, for example, 80 percent of the farm workers are hired by only four giant companies. These firms have the money and the managerial apparatus to pay minimum wage without any burden whatsoever. It is ludicrous to deny farm workers any benefits on the basis that their employers will be hurt.

We do recognize that small farmers and medium-size farmers employ some farm workers, and we can see that a fair minimum wage for their farm workers can be an unfair burden. But the answer is not to deny that minimum wage. The answer is to subsidize the small farmer's wage bill. Even if the public were to pay the entire wage bill of the small farmers, it would amount to under $200 million a year. Mr. Chairman, that is less than this Congress and the Nixon Administration gave away to Lockheed. It is a sum that is insignificant in the light of the $3.7 billion that is allocated to growers through the farm subsidy payment program. It is a proposal that has been suggested by no less a radical than Chairman Bob Poage of the House Agriculture Committee. It is a proposal that this Subcommittee should consider seriously.

The Agri-Business Accountability Project looks directly to this Subcommittee to call a halt, finally, to the tactic of playing the small farmer against the farm worker. Call the hand of those agri-business spokesmen. It is time that farm workers had their minimum wage, equal to that paid in other industries.

AGRIBUSINESS ACCOUNTABILITY PROJECT

(A report on Stokely-Van Camp, Inc., and migrant farmworkers in Illinois)

CORPORATE PROFILE

Stokely-Van Camp, Inc., according to a 1970 report, ranks 42nd among all food processing firms and sixth among canning firms in the nation.

It is engaged in purchasing, processing, and packaging a complete line of canned and frozen fruits and vegetables under several labels, including "Van Camps," "Stokely's Finest," "Fame," "Exquisite," "Stokely's Jellies and Preserves," "Honor Brand," "Sunshine," and "Picsweet."

Its stock is listed on both the New York and American Stock Exchanges.

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%.

As of May 31, 1971, Stokely-Van Camp had outstanding 156,098 shares of Second Preferred Stock and 3,360,015 shares of common stock, both entitled to vote, collectively. (It also had no-voting Preferred Stock). An aggregate of nearly 13% of the outstanding voting stock is controlled by the Stokely family and high officials of the company.

The company at the end of Fiscal 1970 was owned by 14,364 individuals, partnerships, estates, trusts, investment companies and other institutions who were holders of record as well as by many other whose stocks were held for them in the names of others.

It has 6000 permanent employees and a large number of seasonal or temporary em-

ployees during the packing season (See Workers).

Of the nearly 12,000 acres producing vegetables for processing by Stokely-Van Camp, 9000 acres are under contract. It owns 2350 acres of farm land in Tennessee and leases smaller amounts in other states, including 373 acres in Vermilion County for part of its Hoopeston, Illinois operations.

Incorporated in Indiana in 1936, Stokely-Van Camp has its executive headquarters in Indianapolis.

In addition to its four subsidiaries (see below) 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 divisons.

Subsidiaries of Stokely-Van Camp include: M. W. Graves and Company, Ltd., and Canada Foods, Ltd., Berwick, Nova Scotia are distributors and processors of canned and frozen vegetables and fruits sold in Maritime Provinces of Canada under their own labels.

Hawaiian Fruit Packers, Ltd., Kapaa, Kauai, Hawaii are packers of pineapple products for sale and use of Stokely-Van Camp, Inc.

Stokely-Van Camp of Puerto Rico, Manati, Puerto Rico is a sales corporation.

Stokely-Van Camp of Canada, Ltd., Essex, Ontario, Canada, are processors and distributors of canned vegetables distributed in Prairie Provinces of Canada under its own label.

In addition to Dr. Earl L. Butz (who serves on the board of directors of Ralston Purina, International Minerals and Chemical, and Standard Life Insurance Company of Indiana), at least four other members of the nine-man Stokely-Van Camp, Inc. board serve in agribusiness-related organizations.

J. W. Fisher is president of the Ball Corp., 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, Inc.

W. B. Stokely III is president of the Indiana Canners Association.

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.

Stokely-Van Camp, Inc. is also the largest packer of institutional canned goods in the United States. It offers a full line of 163 canned fruits and vegetables and 80 specialty items, including some soups that it does not market for non-institutional purposes.

About 20% of its total sales in frozen foods and 12–15% of its sales in canned foods are to institutions.

The U.S. Government is a major purchaser from Stokely-Van Camp, Inc. through the Defense Personnel Support Center, Philadelphia, Pa., and the Veterans Administration Marketing Center, Hines, Illinois.

Because of its large reliance on seasonal pack items as a mainstay of its total production, Stokely-Van Camp is well suited to the use of temporary seasonal workers in its processing operations.

According to *Standard and Poor*, Stokely-Van Camp employs 15,000 seasonal workers. According to *Moody's Industrial Manual*, it employs 19,000 seasonal employees.

These figures, however, do not take into account the number of non-migrant local people who work for Stokely at the height of the seasonal pack. Also it is unclear whether these figures are merely the sums of all seasonal employees working for Stokely at various periods between April 1 and November 15, in which case some employees are counted more than once.

Figures based on the clearance orders sent through the U.S. Department of Labor, Farm Labor and Rural Manpower Service and Manpower Administration Regional Office in Chicago on August 15, 1970 (the time when Stokely employs the greatest number of migrants in its midwest operations) in its operations in Illinois, Indiana, Minnesota, Michigan, Wisconsin and Ohio, Stokely hoped to employ 2154 migrant workers.

This region contains 23 of the Stokely-Van Camp plant operations in the United States.

These figures do not include the number of minors working illegally or any over-recruiting.

The migrants recruited by Stokely for its midwest operations come from Arkansas and Missouri, but principally from Texas (moreover, in Texas they come mainly from the southern tip—the Lower Rio Grande Valley counties of Hidalgo, Cameron, Starr and Willacy).

These counties, plus Webb (from which Stokely recruits migrants) accounted for 49,000 migrants to all firms, in all parts of the country in 1969, the largest concentration of migrant workers in Texas.

The three worst pockets of poverty in the United States are in these counties. Families-with-Spanish-Surname percentages are: (incomes less than $3,000 per year)

	Percent
Webb County	59.8
Hidalgo County	72.0
Cameron County	66.7
Starr County	76.8
Willacy County	71.1

The migrant workers recruited by Stokely (primarily Mexican Americans in family groups and individuals) work at its midwest operations in Norwalk, Paulding and Curtis, Ohio; Scottsville and Croswell, Michigan; Columbus, Horicon, Plymouth and Appleton, Wisconsin, where they perform mostly in-plant canning work; Rochelle, Illinois and Tipton, Indiana, where they work as hand harvesters; Hoopeston and Gibson City, Illinois, where they hand harvest snap asparagus and work on other in-plant operations.

Stokely-Van Camp, Inc. recruits all of the migrant workers for its Illinois operations via the United States Employment Service.

CREW LEADERS

The crew leaders recruit and transport migrants from Texas to their place of employment in addition to performing supervisory functions.

At Hoopeston, Illinois, they are compensated by receiving .7¢ for every pound of asparagus picked by a member of their crew though they do no picking themselves. According to the Labor Transportation Agreement they are also paid $20.00 for each crew member they bring to the company plant.

Many of them also have trucks in which they transport the workers to and from the fields and are paid by Stokely at the rate of 20¢ per mile against a minimum of $8.00 per day.

In addition they are also allowed to operate grocery stores within the Hoopeston camp. A sample of the prices include 15¢ for a lemon, 10¢ for a banana, 17¢ for an ice cream cone, and $7.00 for five pounds of uninspected goat meat. It has been alleged that these groceries are not registered with the State of Illinois Tax Division.

It has also been reported that crew leaders arrange work thereby being the only person who knows what the farmer is offering as the working wage, *e.g.*, the going rate is $1.80 but the worker only receives $1.30.

Crew leaders also often appoint certain people to better paying jobs. Also all advances and loans made by Stokely to the workers for transportation, medical, hospital, doctor and funeral expenses has to be repaid by the crew leader.

This often encourages the crew leader to get as much work as possible out of his crew members, often forcing them to work picking asparagus while it is raining, etc.

The control the crew leaders maintain over the workers has been described as "bossism." The primary fault, however, for this lies with Stokely for they use members of the workers' own ethnic group to make the control over the workers more subtle.

The company, in giving money to the crew leaders to lend to the workers, yet holding the crew leaders responsible for this money creates control over the crew leaders by the company and control over the migrants by the crew leaders.

WAGES

Many migrants working for Stokely-Van Camp in the Midwest perform field work, primarily hand-harvesting, including the snapping as asparagus and beans and the picking of tomatoes. They are also involved in hoeing, and in setting of asparagus roots.

The migrants working on asparagus and beans are paid a minimum of $1.30 per hour (the minimum payable in 1970 according to the Fair Labor Standards Act of 1966, or in the case of asparagus snapping, a price rate, 4½–5½¢ per pound depending on the age and yields of the Hoopeston fields, and 5–6¢ per pound, including orienting in the box, in the Rochelle area.

They receive the higher of the piece rate or minimum hourly wage. However, at the Hoopeston operation, each crew leader receives .7¢ for every pound or asparagus picked by a member of his crew, or 15.5% of what each picker in his crew is paid for a *good* field, or 12.7% of what each picker in his crew is paid for a *bad* field.

In most cases in asparagus picking around Hoopeston the picking is done entirely by Mexican-Americans. The only times that "Anglos" or crew leaders are present in the fields is to supervise and to operate tractors or other machinery, for which they are paid a higher wage.

In the fruit and vegetable processing industry nationally, in the usual peak week (at the height of the seasonal pack), 39% of all nonsupervisory employees work fewer than eight hours per day, every day; and this is during the peak week; during the 20th highest week, 59% of the nonsupervisory employees work fewer than 8 hours a day.

According to Arturo Lopez of the Illinois Migrant Council, "the migrant family's income is $2,000 to $2,500 for 12 months and that includes work at Hoopeston and for

many of them other trips to Michigan for cherries and into Florida later for citrus."

DEDUCTIONS

Deductions usually average about 18% of gross income per person per week. Of the deductions the largest single item generally is "other" or "manpower." This item includes deductions made for advances to workers made in Texas (after they had signed a work agreement); deductions made for hospital, medical and other expenses paid by Stokely-Van Camp. According to the clearance orders for Hoopeston, Stokely-Van Camp stated that "advances deducted at rate of $10.00 per week from workers pay." Pay stubs, however, show in many instances more than $10.00 was deducted and on one case $35.00 was deducted.

In some instances interest has been charged although at no point is the worker ever informed of this interest charge.

In addition, Stokely-Van Camp often acts as a collection agency for local merchants, doctors, and hospitals, deducting amounts these people *claim* are owed them by the migrant workers, without ever informing the migrants of these deductions until after they are made, and then only in a summary fashion, noted on a pay stub.

INSURANCE

Stokley-Van Camp has arranged for health, accident and life group insurance policies for its migrant workers. The company claims it is voluntary although there is some evidence that it is compulsory.

The life insurance policy on each migrant is $1,000; accident pays up to $240 in daily hospital benefits and up to a maximum of $200 for surgical expenses. Lesser benefits are also paid to a non-working spouse and children of the principal beneficiary.

The principal beneficiary pays $2.70 per week for coverage of both himself and non-working members of his immediate family. Each member of the worker's family pays 98 cents per week for his own coverage.

These policies do not cover the most recurrent medical expense of migrants—maternity and miscarriage expenses.

Stokely-Van Camp contributes nothing to the health and accident insurance policies (except administrative expenses) although the company does claim to contribute to the life insurance policy.

The company does not give each worker a copy of the policy, but only a small slip of paper summarizing the benefits.

In 1970 the company insuring the workers was Liberty Life Mutual Insurance Company, owned entirely by Liberty Mutual Insurance Co. (Boston, Mass.), the company being established for the purpose of providing private Workmen's Compensation to workers not otherwise covered by it.

Until 1970 Herbert F. Krimendahl served on the board of directors of both Liberty Mutual and Stokely Van Camp. After he retired he was replaced by Dr. Earl Butz (Director, Ralston Purina; Director, International Minerals and Chemical Co.; Director, Standard Life Insurance Co. of Indiana) on Stokely-Van Camp's board.

DISCRIMINATION

There is some evidence that "Anglos" are paid a higher hourly wage for work in the warehouse where migrants are paid a $1.75 per hour. If true, this would violate the Wagner-Peyser Act Regulations prescribing that wage scales for jobs performed by migrant workers must be the same as those for similar jobs performed by local workers.

The company would also be in violation, if this charge of discrimination were true, of Executive Order No. 11246 informing all government purchasing agents that they are to do business only with equal opportunity employers. In 1970 Stokely-Van Camp did over $1.3 million worth of business with the Federal Government.

HOUSING

Chester Sheard, a reporter, has described the Hoopeston, Illinois camp as follows:

"Less than a block from downtown Hoopeston, situated on land which once housed a concentration camp, stands the $10 million a year Stokely-Van Camp plant. . . . The cannery compound consists of factories for processing field crops picked by migrant workers and buildings for housing the migrants during the harvesting months . . .

"The quonset-hut type warehouses have been converted to living quarters . . .

"Rows of one room plywood cubicles have been built on each side of the building. The rooms are approximately 12'x15' and house as many as ten people. Regardless of the size of the family, there is only one cubicle per family . . .

"The floors are bare concrete and until recently, when forced to put in windows in each room, the only type of ventilation furnished by Stokely-Van Camp came from the six inch space at the bottom of the door leading to the room . . .

"The dark dreary halls must also serve as a play area for the children. The filth and make-shift appearance of the whole building is appalling."

Another report from Herb Stevens reads:

"There are a few older wooden barracks but mostly the Mexican Americans are housed inside a warehouse-like building in which one-room plywood cubicles have been fashioned . . . Stokely-Van Camp, too, provides a single bed, a stove and refrigerator and the toilet and shower facilities."

In 1970 the following violations of the Wagner-Peyser Act Regulations (regarding migrant housing) were observed:

The housing borders on the railroad tracks and is well within smelling distance of the lagoon into which Stokely-Van Camp drains its processing wastes.

There is poor traffic safety in the camp.

There were insufficient recreation facilities.

The housing was not in good repair.

The floors were coarse concrete.

There was no partition between the sleeping area of the husband and wife and the children.

Storing arrangements for the clothes were inadequate.

Unscreened spaces at the top and bottom of each door.

There was inadequate heat in the room as there were two blowers in each building which blew the air across the opened ceilings of each room.

Stoves were not vented.

No toilet paper roll holders and an inadequate supply of toilet paper.

Toilet facilities did not look sanitary.

There was no dry dressing area near the showers.

Laundry facilities were inadequate.

Food storage shelves were inadequate.

Many garbage cans were not fly tight.

Barracks contained flies, mice and cockroaches.

Mattresses were dirty (workers also reported that some mattresses had been stored during the off-season in a pesticide storage room).

Space between top and bottom bunks was inadequate.

HOOPESTON'S FORGOTTEN FAMILIES: OR LIFE IN A SLUM

(By Herb N. Stevens)

Their ads in deep southern Texas newspapers might well be worded: Spend the Summer in Sunny Illinois; Plenty of Open Air Work and Free Housing—in Your Own Ghetto . . . Except that the 1,000 migrant Mexican-Americans who come to Hoopeston early each April to work for the 2 large $10-million-a-year-volume field crop canners and who stay until as late as November 1st mostly cannot read.

The question, and the problem, finally focalizes on just what responsibility do the employers, Joan of Arc and Stokely-Van Camp, have for these Mexican-Americans, most of them illiterate even in their native Spanish . . . That these migrants are at the lowest economic level of all of America's ethnic groups is clearly evident in a tour of their free housing compounds, Joan of Arc's bordering Route 9 East and Stokely-Van Camp's less than a block from downtown Hoopeston.

The workers' only hope of escaping the poverty and misery of their Texas-to-Hoopeston-and back life cycle is to settle out of the migrant stream . . . It could happen, but more probably it won't.

Joan of Arc, which is especially big in red kidney beans, employs 179 year-round workers, 2 of whom are Mexican-Americans . . . At Stokley-Van Camp there are 100 full-time employees, and none of them are from the migrant camp.

"We have tried to keep some of our better Mexican-Americans year-around," insists Rich Tosi, the personnel manager at Joan of Arc, "but most of them want to go back to Texas, where it is warmer, for the winter. Even when there is field work here in the fall, we have trouble keeping them from leaving and going back."

He says that "nearly 85 percent of our 385 workers come back with us year after year—which speaks well for the way Joan of Arc treats them."

At Stokely-Van Camp, 5-plant Illinois Manager Maurice Schellhardt leaned back in the chair in his office and offered a little different view of why the Mexican-Americans don't want year-round work in Hoopeston: 'You see when they are here in the summer to pick our crops and work in the cannery we give them free housing, but if they worked for us full-time they would have to get their own homes. Not only would they lose from a financial standpoint, they wouldn't be happy living away from their own kind."

Asked what is the biggest improvement in the migrants' way of life in the 20 years he has been associated with Stokely-Van Camp, Schellhardt said: "It would have to be in their transportation to-and-from Texas. Now 85 percent of them come in cars—back in 1950 they all come up jammed in the back of trucks." . . . The canning companies have nothing to do with the cost or mode of transportation, however.

At Joan of Arc the housing is inside a compound and you need special permission to get inside . . . "This is at the migrants' own request," explains Tosi, who says they have been chronically bothered by salesmen.

The Joan of Arc migrant workers, who currently are picking asparagus by hand, most of it grown on company-leased land along Route 1 near Hoopeston, live in barracks-style wooden buildings although there is a newer barracks constructed of concrete block . . . The row-type housing is separated into 12-by-12-foot apartments with a partition separating a single bedroom from the kitchen-living room . . . Each unit is equipped with a single bed, a gas stove and an electric refrigerator.

With an average of 6 people to a family, the housing is crowded and uncomfortable. Each family cooks its own food and at Joan of Arc some families raise their own chickens or have goats . . . There are smaller wooden buildings where there are men's and women's latrines and showers.

Stokely-Van Camp's housing is clearly more forbidding . . . There are a few older wooden barracks but mostly the Mexican-Americans are housed inside a warehouse-like building in which one-room plyboard cubicles have been fashioned . . . It is dark

and poorly ventilated although Schellhardt pointed out that blower-type heaters were installed just last year to provide warmth in colder weather.

Stokely-Van Camp, too, provides a single bed, a stove and a refrigerator and the toilet and shower facilities are in separate buildings in the middle of the camp.

Schellhardt said that company policy forbids the workers bringing any live animals, such as chickens or goats, into the compound.

Migrant families are covered by a basic hospitalization insurance plan for which Joan of Arc charges $3.92 a week per family and Stokely's $2.45 . . . The plan provides hospital room and board up to 31 days, plus surgical benefits to $240 and pays $3 for in-hospital visits.

Pregnancies, which are commonplace among the Mexican-American women, are not covered by insurance and pose a serious problem . . . "We try to identify the women who are pregnant early and encourage the families to get money ahead to pay for the hospital-doctor costs—but somebody usually gets stuck," says Stokely's Schellhardt . . . He added: "When we are hiring in Texas in the winter we try not to employ any families where the woman is pregnant."

He said that miscarriages "are the biggest health problem. Women keep working when they are 2 or 3 months pregnant—and there are a lot of miscarriages, which are expensive and which aren't covered by insurance."

He said that Stokely's "will give a free bus ticket to get 'em back where they belong when a worker gets ill—I mean like with cancer or something like that."

There is a 3-week lull in work at Hoopeston after the asparagus pack ends late in June, and the migrant families have trouble getting enough to eat . . . Both Tosi of Joan of Arc and Schellhardt of Stokely's say "we don't let our workers starve." . . . Both canners allow their workers to draw grocery advances and Joan of Arc helps workers qualify for federal Food Stamps.

But Schellhardt opposes the Food Stamp plan . . . "We take care of our workers ourselves. When they get Food Stamps they get so they don't want to work when there is work available."

Tosi says that Joan of Arc's better migrant male workers "can make $3,300 in a season, and if they have a wife who is working she can add another $1,800 to their income." . . . Schellhardt said that Stokely's workers have a similar wage total.

"The basic wage is $1.30 an hour for field picking but many make as much as $2.60 an hour based on piece work in the asparagus," says Schellhardt . . . Other work, such as driving a tractor, is better paid, at $1.75 an hour.

Weather plays an important part in the raising of such crop as peas, beans and corn, and much of the time is idle for the migrants . . . When we were at the canning plants Wednesday workers came in from the asparagus at 11 a.m. because cool weather had closed the plants' sprouts and stopped the harvest . . . When it rains, there is no work and no pay and during the constant day-to-day wait for maturity of a crop, there are work lulls.

The Hoopeston Migrant Council is helping at the camps . . . They will provide a Day Care Center manned by college girls beginning early in June, and the Council also has a camp nurse, Mrs. Dan Kaufmann, who visits each compound daily . . . Her special concern is with pregnant women.

Hoopeston's Migrant Council is alienated from the Illinois Migrant Ministry which is a division of the Illinois Council of Churches . . . The biggest contributors to the local Migrant Council are the two canning companies which admittedly are sensitive to criticism they have been receiving from the Illinois Council of Churches.

Both Joan of Arc and Stokely's have playgrounds of a sort as each has a ball field . . . There is, however, no organized recreation or movies at the camps.

There are 48 children from the Stokely's camp who attend school in Hoopeston, and only 5 have dropped out, Schellhardt said . . . About half of these migrants can speak English, although most are in regular school classes, 4 in high school, 2 in Junior high and the rest in the elementary grades . . . Seventy youngsters from Joan of Arc are enrolled in Hoopeston schools.

When the Mexican-Americans leave Hoopeston in the fall to return to the Rio Grande Valley of Texas, few of them have winter jobs although many of the children attend migrant schools there . . . "Their interest in getting their children back to Texas for school in September often leaves us short-handed," says Tosi.

Canning field crops is big business in Hoopeston and the migrants are important because of the seasonal nature of the work . . . Joan of Arc raises 2,400 acres of asparagus, another 6,600 acres of corn which it cans both creamed and whole kernel, 600 acres of peas and 3,300 acres of kidney beans . . . Joan of Arc is a bigger year-round employer than Stokely because it cans kidney beans and dry beans through the winter . . . Stokely's canning operation mostly is shut down after November.

Joan of Arc was bursting with activity Wednesday, since it was announced that day that the firm has been bought by Princeville Canning Co., which is located north of Peoria and which specializes in the canning of yams and sweet potatoes which it sells under the Royal Prince label.

Joan of Arc has a smaller canning operation at Fowler, Ind., while Stokely's has other canning plants at nearby Milford and Gibson City . . . Some 275 migrants are housed by Stokely's at Hoopeston, with 125 at Milford and 100 at Gibson City.

Truly sensitive to the needs of the migrants is the Rev. Father Raymond J. Boyle, priest at Hopeston's Catholic Church . . . He has set up regular Masses in Spanish and even has Confession in Spanish.

Tosi said that "Father Boyle invites our workers to the Hoopeston church every Sunday for Mass." . . . Schellhardt wasn't sure just how many Stokely's migrants go to Mass in town but he said that "Father Boyle visits the camp occasionally and sometimes he has a special service at the camp on Sunday evening. I'm not around all the time and I don't know just how often that happens."

There are questions yet to be asked in Hoopeston . . . We have planned interviews with the school principals, with Father Boyle and with the administrator of Hoopeston hospital, as well as with the leaders of the Hoopeston Migrant Council.

We are still undecided about the extent of the exploitation of these migrants, and we told two other concerned people, Cayetano Santiago and Rev. Fay H. Smith, just that at a meeting Thursday afternoon in Springfield . . . Santiago is the director of the federal government-endowed Illinois Migrant Council with his office in Chicago while Smith is the director of the Illinois Migrant Ministry of the Illinois Council of Churches.

Both agreed that they had "lost comunication with Hoopeston." . . . A hearing has been planned on July 24 in Hoopeston . . . The topic is: "The Governor's Spanish Speaking Commission on the Problems of Migrants at Hoopeston."

How bad is the communication? . . . When we told them we were given a copy of the migrants' insurance policy by Stokely-Van Camp, Santiago said: "We have been trying to learn the details of that insurance for two years."

HUMAN DIGNITY—DESPITE IT ALL

(By Herb N. Stevens)

"I visited the Stokely-Van Camp migrant camp today and I just cried—I cried real tears for these people," said a Baptist minister who is a member of the Spanish Speaking People Study Commission which held a hearing all-day Friday in Hoopeston.

"We're not running rest camps for these workers," testified Maurice Schellhardt, the Illinois manager of canning companies at Hoopeston, Gibson City and Rochelle for Stokely-Van Camp in complaining to the Commission about "a lack of investigation by federal officials before allowing migrant workers to qualify for federal food stamps.'

Said 19-year-old Manuel Garcia, a Mexican-American migrant who works at Joan of Arc: "We have had 2—maybe 3 days of work during this entire month of July."

"I went to the Stokely-Van Camp compound this noon and I was appalled—and what's more it is illegal to house people in a quonset warehouse building with no windows," said another member of the Study Commission.

Garcia, asked if he had ever seen a state inspector at Joan of Arc during his 2 years in the Migrant Stream at Hoopeston, said: "No, never." . . . He was asked how many people live in the Joan of Arc barracks-style cubicles which are 14 by 15 feet: "It is by families—sometimes there are 8 to a room, other times 12—and sometimes 15 in a single room." . . . The canning company furnishes one bed for each family, "but when we came in here in the spring we found nothing was ready. We had to go find the beds and mattresses and put them inside," said Garcia.

Said State Representative Arthur A. Telscer, a Chicago Democrat and the chairman of the investigating committee midway through the hearing: "I find it disappointing that there are no public officials here from the Hoopeston community. It is beyond me how public officials can turn their backs on these people."

The hearing, which drew NBC television coverage during both the morning and afternoon sessions, had received no mention this past week in either the local Hoopeston daily newspaper or in the Danville Commercial-News, which is widely circulated in the Hoopeston community.

There was a decided lack of Anglo faces in the hearing room, and the only elected official present was State Senator Tom Merritt, a Hoopeston insurance agent, who sat at the rear of the room during a part of the morning's testimony . . . Joan of Arc had no officials in attendance, and Schellhardt left immediately after being the first witness at the hearing.

Said a Study Commission member to Schellhardt after an intensive questioning of the Stokely-Van Camp manager about company's compulsory hospital insuranse program: "I hear you tell that you are so nice and so good—and now I find that you are not so good and so nice. You make these migrants pay the entire cost of this insurance and your company pays nothing." . . . Answered Schellhardt: "My company pays the entire cost of administration of the insurance program."

Other testimony brought out that Anglos are paid a higher hourly wage for work in the warehouse where migrants are $1.75 an hour . . . It also was charged that Mexican-Americans have deductions taken from their pay without explanation by both Stokeley's and Joan of Arc. . . . "These deductions are for wage advances during times when there is no work or for things like unpaid hospital bills; we have a woman in charge of payroll who decides how much to deduct from the worker's pay—the amount taken out varies according to how large the worker's pay check is for that week," said Schellhardt.

Asked now young are children who work in the spring picking asparagus, Garcia said: "Oh, sometimes 10 years old, or 8 or 6." . . . He said that migrants are paid the same for picking a poor field of asparagus as for one which is rich and ripe with the vegetable, although often "a good field yields twice as much asparagus as a poor field in the same amount of picking time."

When the harvest is in full sway, migrants get up as early as 1 or 2 o'clock in the morning and work 7 days a week, even in the rain, it was testified. . . . Workers are paid $1.30 an hour for picking asparagus or 4½ cents per pound on a piecework basis . . . Because children pick with their parents, and their asparagus is taken to the weighing scales by the adults, the piece work rate prevails and with the children's help the income may be as high as $2.75 an hour.

A younger child can pick up to 150 pounds of asparagus in a day while an adult's yield may be 500 pounds.

Another topic during the hearing was the question of automation and a resulting decline in the need for migrant field work by the canning companies . . . It was testified that many of the Hoopeston migrants who formerly had gone to Michigan to pick cherries and then come back to Hoopeston on August 1st for the corn pack had to remain in Illinois this year because Michigan canners have new virating machines which automate the picking of cherries.

The Illinois Migrant Camp Law, which dictates the quality of housing provided by such companies as Joan of Arc and Stokely-Camp, was described as "a skeleton law which allows flagrant exploitation of Mexican-American workers." . . . Neither Hoopeston housing compound has water inside the buildings and only a single light bulb in each living cubicle . . . Toilet facilities are outhouse-style and there are central lavatories and showers.

Mrs. Jo Jordan, a field worker for the Illinois Migrant Council in the Hoopeston area, told the Commission: "Now is the time for action. These people are taken advantage of in so many ways. There must be new legislation requiring adequate schooling for the migrants." . . . A former Head-Start teacher, Mrs. Jordan said: "The Hoopeston schools have no remedial programs for these predominantly Spanish-Speaking children who are in the community 6 months of the year."

She said that a Day Care Center for children through the age of 5 is a must in Hoopeston . . . A federally-funded Day Care Center is operating now in Hoopeston, but it is for one summer only . . . Of 62 children enrolled, only 4 can speak English.

Arturo Lopez, director of the Illinois Migrant Council office in Hoopeston, read a list of recent pay checks received by migrants which varied from $18 to $38 for a week.

Dr. Eugene Kosyak, a physician and surgeon, said that ailments of migrants which are chronic in nature or which could be delayed for treatment "are let go. The policy seems to be to let them go back where they came from to get those things taken care of." . . . He said there is a prevalence of back ailments among the Mexican-Americans "because of the type of physical labor which they do."

Schellhardt had testified earlier that "migrants who are seriously ill are given bus fare to get back where they came from." . . . All of the migrants at Hoopeston come from the Rio Grande Valley of Texas where it was testified there is "no work almost all the time."

A teenage migrant girl told the Study Commission that crew leaders run the people. "They take what work there is for themselves and don't give the rest of us work." . . . Both Stokely-Van Camp and Joan of Arc operate their field work through Mexican-American crew leaders who are in charge of from 20 to 40 workers.

Ernesto Cordoba, a settled-out migrant in Hoopeston who is employed by American Can Co., said that the migrants are taken advantage of, testifying that he knew of 4 teenage boys who were arrested in Paxton recently for illegal possession of liquor and when Stokely-Van Camp officials were notified in Gibson City "they said, 'do what you want to with them; we don't want them back.'"

Testimony indicated that most of the migrants lead a hand-to-mouth existence and that a week with no work jeopardizes food for the family . . . Garcia, who at 19 pursues his high school degree at a migrant school in Texas, says:

"I must get an education. I want to leave this life and get a job away from the Migrant Stream. I don't think that in 10 years there will ever again be such a thing as migrant farm workers."

The Hoopeston Migrant Council, which in past years has been publicized as a model for other communities trying locally to help migrants, was criticized before the Study Commission as "a do-nothing organization." . . . It was charged that the council's most recent meeting was in February and that its only program for the migrants has been a part-time in-camp so-called Day Care where younger children are told stories and taught to play games by non-Spanish-speaking college girls from the Hoopeston community . . . The Day Care has been suspended the past 2 weeks while the college girls were on vacation.

It also was pointed out that the Hoopeston community's general attitude toward migrants is reflected in its schools where officials refused to provide classrooms for the federal Day Care Center from January, when the request was made, until late in May "when for some reason they changed their minds and agreed to let us use space during the summer in the John Greer school."

It was suggested to the Study Commission that legislation be enacted to force better housing for the migrants, that hospital insurance be required by law with the companies paying a part of the cost, that a Day Care Center be required at migrant camps, that a higher wage rate be enacted for farm workers and that the state employment service try to provide more work for the migrants who actually work less than 3 of the 6 months they are in Illinois.

It was charged that "because the companies make no voluntary improvements of any kind the only answer is legislation which will force a lessening of this inhumane treatment of more than 1,500 migrants living in the Hoopeston-Rossville-Milford-Gibson City communities."

State Representative Telcser, who will make a report of his findings at the 77th General Assembly in January of 1971, said: "We have the facts—and I think you will find that something will be done legislatively."

EXHIBIT 10

[From the CONGRESSIONAL RECORD, Nov. 16, 1971]

S. 2863—THE RECLAMATION LANDS AUTHORITY ACT

S. 2863. A bill to provide for the creation of an Authority to be known as the Reclamation Lands Authority to carry out the congressional intent respecting the excess land provisions of the Federal Reclamation Act of June 17, 1902. Referred to the Committee on Interior and Insular Affairs.

Mr. HARRIS. Mr. President, I send to the desk for appropriate reference, for myself and Mr. BAYH, Mr. CRANSTON, and Mr. HART, a bill designed to carry out the congressional intent respecting the excess land provisions of the Federal Reclamation Act of June 17, 1902.

Our predecessors in Congress, recognizing that irrigation is essential to American agriculture, wisely chose to make a public investment in irrigation when they passed this historic 1902 act. Just as wisely, they sought to assure that the benefits of Federal irrigation projects—which would literally transform desert wastelands in the West into the richest agricultural areas in the world—would accrue to small homesteaders rather than land speculators or monopolists. The Reclamation Act stated that landholders could receive federally subsidized water for farms of 160 acres or less, or 320 acres in the case of a man and wife, provided that they live on, or very near, their land. In 1926, Congress strengthened the 1902 act by providing that any federally irrigated holdings in excess of the 160-acre limitation had to be sold within 10 years at preirrigation prices.

Critics of the acreage limitation provision, both in 1902 and today, insist that huge farms are necessary for their efficiency. That is a myth. The giant agribusinesses are efficient only in stifling farm competition and in tapping the Federal Treasury for subsidies. One hundred and sixty acres of prime irrigated farmland, or 320 acres in the case of man and wife, are more than enough to support a prosperous family farm.

Mr. President, the men who championed the Federal Reclamation Act of 1902 were visionary Americans. They understood that land and water, America's greatest resources, were not boundless, and that they must be protected from the few who would monopolize their use.

Delegates to the irrigation Congress in the 1890's, which sought to enlist the Federal Government in irrigation projects, repeated a warning given to Americans by the English historian T. B. Macaulay:

"Your national safeguard lies in your boundless public domain . . . But the time will come when this heritage will have been consumed, this safeguard will have vanished. You will have your crowded Brighinghams and Manchesters, and then will come the test of your institutions."

Congressman Oscar W. Underwood of Alabama, who was instrumental in the passage of the Reclamation Act, sounded this same theme when he pointed to the decline of free land and the beginnings of urbanization. In a statement supporting the Reclamation Act, which has a perculiarly modern ring, he said to the applause of the House of Representatives:

"The farm boys in the East want farms of their own. If (the Reclamation Act) gives them a place where they can go and build homes without being driven into the already overcrowded cities to seek employment.

"It will provide a place for the mechanic and wage-earner to go when the battle for their daily wages becomes too strenuous in the overcrowded portions of the East. . . . If this policy is not undertaken now, this great Western desert will ultimately be acquired by individuals and great corporations. . . .

"I believe the passage of this bill is in the interest of the man who earns his bread by his daily toil. It gives him a place where he can go and be free and independent; it gives him an opportunity to be an owner of the soil and to build a home. These are the class of men we must rely on for the safety of the nation. In times of peace they pay the taxes and maintain the Government; in times of peril and strife they are the bulwark of the nation, and it is justice to them that this legislation be enacted into law."

And President Theodore Roosevelt, who signed the Reclamation Act into law and insisted upon its 160-acre provision, said:

"We have a right to dispose of the land with a proviso as to the use of the water running over it, designed to secure that use

for the people as a whole and to prevent it from ever being absorbed by a small monopoly."

Mr. President, those men were fighting to carry out the Jeffersonian vision of agrarian democracy. They wanted to see an America peopled by prosperous and independent men, free of the control of the baronial landed classes.

Today, nearly two centuries after Jefferson and 70 years after the passage of the Federal Reclamation Act, agrarian democracy exists only as a myth. America's land, once publicly owned, and the federally financed water used to irrigate much of it, are illegally in the control of large land interests.

Not surprisingly, Mr. President, the large land interests in this country have always opposed the Reclamation Act's antimonopoly provisions. The railroads, land speculators, and giant agribusinesses have employed various strategies to get around the 160-acre limitation. What is surprising is the Federal Government's acquiescence in what amounts to a giant land steal and a raid on the public treasury.

Federal reclamation has delivered water to 8 million acres with an annual crop value of $1.7 billion. Congress has appropirated or authorized spending $10 billion on reclamation projects. The amount of the subsidy to Western landowners for irrigation has been estimated to range from $600 to $2,000 per acre.

This money, supplied by the average taxpayer, is buying water for hundreds of thousands of acres of land owned by giant corporations while independent family farmers have not been able to get access to irrigated land. California—the home of the giant agribusinesses—provides a typical example of where the taxpayer's money is being spent. California's Imperial Valley produces about $250 million annually of cotton, sugar beets, lettuce, alfalfa, and other crops. What makes the Imperial Valley so fertile and productive is water brought from the Colorado River by a network of dams and canals built by the Federal Government at a cost of over $200 million.

Because of the Government's outrageous record of nonenforcement of the Reclamation Act, more than half of the irrigated acreage in the Imperial Valley is held by owners of more than 160 acres, and two-thirds of it by absentees. Agribusiness giants such as Purex, United Fruit, and the Irvine Land Co., which owns 10,000 acres in the valley, are reaping huge profits because of the water subsidy. Federally subsidized water is also being delivered to lands in California owned by Tenneco, Getty Oil, Standard Oil of California, and the Southern Pacific Railroad.

The record elsewhere is no better. In the Pacific Northwest, federally dammed water from the Columbia River will soon flow to the vast lands held by Boeing Aircraft, Burlington Northern, Utah and Idaho Sugar, and Amfac of Hawaii.

Increasingly, the giant agribusinesses are taking control of American agriculture, and they leave no room on the land for the independent, family farmers who have been disappearing from rural America at the rate of 800,000 a year.

I do not think the Congress of the United States ever intended to subsidize Boeing Aircraft or Standard Oil in their farming ventures. I certainly hope not.

Mr. President, it is time to put an end to this outrage. At a time when 70 percent of our people are packed onto less than 2 percent of the land, when our cities are on the verge of collapse because of overcrowding, unemployment and welfare, it is essential that we gice people a chance to make a living in rural America. But America has no national rural policy for people. Instead, we have allowed vested economic interests, guided by nothing nobler than profit, to determine the future shape of this Nation.

The bill I am introducing today, the Reclamation Lands Authority Act, could be the beginning of a national rural policy. The emphasis of that policy is to serve people and the public interest, not few large corporations.

The bill, which has been introduced in the House of Representatives by several California Congressmen, requires the Federal Government to buy "excess" land at a preproject market price and to lease or sell it at a postproject market price. This mechanism is greatly preferable to a simple enforcement of the 1902 law. For in that case those purchasing the land at the preirrigation prices called for in the law could receive the enormous windfall now in the hands of the giant corporations.

The American taxpayer has built and paid for the irrigation system that has made our land in the West so valuable. Therefore, he should reap at least part of the gains.

The profits from the sale, lease or use of these lands are to be placed in an education, conservation, and economic opportunity fund. Seventy percent of the revenues from the fund are to be earmarked as grants for public education, following our historic heritage of financing education with land grants. Ten percent of the funds will go into the already existing land and water conservation fund. The remaining 20 percent of the fund shall be made available upon specific appropriation by Congress for the development of public facilities servicing project areas, for promoting economic opportunities of veterans and persons living in substandard conditions and for such environmental and ecological benefits as Congress may authorize.

To administer this program, the bill creates a Reclamation Lands Authority as an independent agency under a board of three members appointed by and responsible to the President.

The Authority is empowered to determine the uses for which purchased excess lands may be sold, leased or made available for public purposes, and is charged with attaching such conditions to any use of the land "as will preserve open spaces and agricultural greenbelts and into her respects preserve an environment of beauty, health and attractive quality for now and for the future."

The Authority is also charged with encouraging "effective regional, State and local planning of land usage and environmental adjustment in the areas where excess lands are located."

Mr. President, the Reclamation Lands Act provides the chance for us to rekindle the spirit that made America the land of opportunity. This bill would give the independent family farmer, the veteran, and the economically disadvantaged from both our cities and rural areas a chance to start all over again. It would enable us to finance public education—the strength of any free society—with funds created by public water and land development. And it would mark the day when Americans realize that our limited land and water resources cannot be left in the hands of big business.

I would hope that each of my colleagues will give this proposal the serious consideration it merits, and I welcome their cosponsorship of it. Furthermore, I would hope that the Interior Committee will be able to hold hearings on this proposal in the near future.

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

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

S. 2863

A bill to provide for the creation of an Authority to be known as the Reclamation Lands Authority to carry out the congressional intent respecting the excess lands provisions of the Federal Reclamation Act of June 17, 1902

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 Reclamation Lands Authority Act".

STATEMENT OF PURPOSE

SEC. 2. (a) The Congress declares that it shall be the purpose of this Act to reaffirm the historic purpose of the Federal Reclamation Act, especially as it applies to the development and use of excess lands, and to make that intent and purpose operative in the national interest and the direct benefit of its citizens.

(b) The Congress further declares that it shall be the purpose of this Act to make such disposal and uses of these excess lands as will improve the environment of the Nation through the use of these natural resources to provide resident ownership and operation of family-sized farms, to open new opportunities for veterans and to create open spaces, protect the natural beauty and quality of the habitat of all living things within Federal reclamation project areas, and to provide by the application of the net revenues from the sale or lease of said excess irrigated or irrigable lands to the demonstrated needs of public education and community development, and for other purposes consistent with the historic purpose of the Federal reclamation law.

SEC. 3. To effect these expressed purposes and others which may become imperative as the Nation faces its responsibilities and opportunities to create a healthful environment consistent with the ecological needs of the land entrusted to our care, there is hereby created by a body corporate to administer the excess lands resulting from the enforcement of the provisions of the Federal Reclamation Act of June 17, 1902 (32 Stat. 388) as amended and supplemented, to be designated as the Reclamation Lands Authority (hereinafter referred to as the "Authority").

SEC. 4. To administer the purposes expressed in this Act and enforce the laws pertaining to excess land as prescribed in the Federal Reclamation Act of June 17, 1902 (32 Stat. 388), as amended and supplemented, the Authority shall be an independent agency responsible to the President, and subject to all laws pertaining to accountability and report. It shall be directed and its activities managed by a Board of three members, appointed by the President by and with the consent of the United States Senate. Their terms shall be staggered, in such a manner as to provide an eight-year term for the designated Chairman, a five-year term for one member, and a three-year term for the other member. They may be reappointed. Their salaries shall be fixed by the President in keeping with the accepted schedule of remuneration for heads of important Government agencies. The Board shall organize itself and its operation, shall select its officials, agents, and employees in keeping with Civil Service standards and practices and said employees shall be included in the Federal roster to share in all legal benefits of Federal Government employment and to be subject to such requirements as to ability and conduct as are thereby prescribed.

SEC. 5. The principal place of business of the Authority shall be located at a place of accessibility within the region of excess lands which it administers.

SEC. 6. Immediately upon the passage of this Act into law, the Authority shall be provided by the Department of the Interior a

listing of all irrigated and irrigable lands administered under reclamation laws, denoting specific compliances and failure to comply, declaring noncompliance as excess lands to which all titles, claims, access, entry, and control shall transfer to the Authority forthwith, to be sold, leased, or managed according to the determination and within the purpose of the Act. Such a listing and transfer of lands subject to reclamation law shall be provided the Authority at six-month intervals.

SEC. 7. The Board of Directors of the Authority shall have power and it is hereby conferred upon it, to adopt and enforce all the necessary bylaws, orders, rules and regulations required to effectuate the will of Congress as expressed in this Act.

SEC. 8. The Authority shall have such powers as are conferred on Government corporations generally, and specifically shall have the power of eminent domain. Except as otherwise specifically provided in this Act, the Authority—

(a) shall have succession to its corporate name;

(b) may sue and be sued in its corporate name;

(c) may adopt and use a corporate seal, which shall be judicially noticed;

(d) may make contracts and enter into agreements as herein authorized;

(e) may adopt, amend, and repeal bylaws or provisions thereof; and

(f) may purchase, lease, or accept, hold and use such real and personal property as it deems necessary or convenient in the transaction of its duly authorized business, and may dispose of any property, real or personal, to which it has title according to its authority under this Act.

SEC. 9. In the development of its purpose and the exercise of its duties, the Board of Directors shall select a treasurer and as many assistant treasurers as it deems proper. Board members and treasurers shall be bonded, giving such bonds for the safekeeping of the securities and moneys entrusted as are required by law, and in the case of subordinate officials as the Board shall determine.

SEC. 10. Any member of the Board may be removed from office at any time by the passage of a concurrent resolution of the Senate and House of Representatives, said concurrent resolution stating in specific terms the reason for such action.

SEC. 11. The powers of eminent domain residing in the Board by this Act shall extend to the purchase of any real estate or acquisition of real estate by condemnation proceedings, the title to such real estate being taken in the name of the United States of America, and thereon all such real estate shall be entrusted to the Authority as the agent of the United States to accomplish the purposes of this Act.

SEC. 12. There is hereby conferred upon the Authority all of the powers now residing in the Secretary of the Interior to enforce all the provisions of section 5 of the Federal Reclamation Act of June 17, 1902, section 46 of the Act of May 25, 1926, and all Acts amendatory and supplementary thereto as these apply to the limitation of size of farms to be served by and under provisions of Federal reclamation projects.

SEC. 13. The Authority is hereby authorized and directed to acquire by purchase, eminent domain proceedings, or otherwise, all excess lands in projects governed by Federal reclamation laws at preproject prices as defined in section 46 of the Act of May 25, 1926, and to deposit the proceeds from the sale or lease or use of such lands in the Treasury of the United States in a specially designed "Education, Conservation and Economic Opportunity Fund" which is hereby created to be used exclusively for the purposes of this Act.

SEC. 14. The Authority shall purchase all excess lands at preproject prices which do not reflect the benefits of the Federal financing or construction. The proceeds from the sale, lease, or use of such lands shall be paid into the "Education, Conservation, and Economic Opportunity Fund," and are to be used for the purposes of this Act and administered for said purpose by the Board.

SEC. 15. The Education, Conservation, and Opportunity Fund shall be operated as a revolving fund for the purposes of this Act. Moneys in the fund equal to the cost of lands purchased by the Authority at pre-water-project prices, together with such moneys as Congress may appropriate for deposit in the fund for the purchase and management of excess lands, shall be available to the Authority for further purchase of excess lands. Ten percent of the balance in the fund remaining thereafter shall be transferred to the Land and Water Conservation Fund already established by the Congress to be used for purposes consonant with those of this Act, and an annual accounting shall be made to the Authority by said fund and made a part of its annual report. Seventy percent of the balance in the fund available for use by designated agencies and purposes under this Act shall be made available for the benefit of public education and for such expenditures or allocations as the Congress may authorize. Such funds shall be transferred by the Authority to agencies specified by the Congress. The remaining allocable amount in the fund made available for public purposes under the Act shall be made available upon specific appropriation by the Congress for the development of public facilities serving project areas, for advancing economic opportunities of veterans and persons living in substandard conditions, for development of healthful environments and communities needing open spaces, and for such other environmental and ecological benefits as Congress may authorize to be made from the fund.

SEC. 16. The Authority shall determine the uses for which purchased excess land may be sold, leased, or made available for public purposes, and shall attach such conditions at time of sale, lease, or public use as will preserve open spaces and agricultural greenbelts and in other respects preserve an environment of beauty, health, and attractive quality for now and for the future. In determining as between sale, lease, or public use of excess lands purchased, the Authority shall give due weight to benefits to the revolving fund and the advancement of economic opportunity for persons who have served the Nation in the Armed Forces and disadvantaged citizens seeking such opportunity as ownership, lease, or use of irrigated or irrigable lands afford. In the pursuit of these purposes, the Authority shall encourage effective regional, State, and local planning of land usage and environmental adjustment in the areas where excess lands are located.

SEC. 17. In the exercise of its charter under this Act, the Authority is herewith authorized to obtain lands excess to the direct needs of other Federal agencies of the Government which may be declared available where such lands may become a unit of lands administered by this Authority. Such acquired lands shall be treated in the same manner as other excess lands of the Authority.

SEC. 18. The Authority may establish an Advisory Committee to which it shall appoint citizens who neither have nor represent vested interest in excess lands purchased or in the water brought to such lands. The Authority may service such an Advisory Committee and provide for the expenses thereof. Committee members shall serve without remuneration.

SEC. 19. There is hereby authorized for appropriation an amount as may be necessary from the general fund of the Treasury for deposit in the revolving fund designated as the "Education, Conservation and Economic Opportunity Fund" of this Authority, for the purposes of this Act, to be accounted for in the usual manner and to be subject to the same accounting practices as other Government agencies.

SEC. 20. There are hereby authorized to be appropriated for the purchase, lease, and use of excess lands such amounts out of the Education, Conservation and Economic Opportunity Fund as are available and needed by the Authority to carry out the intent and purposes of this Act.

Mr. AIKEN. Mr. President, I yield 10 minutes to the minority leader.

Mr. SCOTT. Mr. President, I hasten to speak early in order to allow ample time for our presidential candidates to postulate their rejoinders as we draw near the noon deadline for the afternoon paper. I would not want to deprive them of their daily headlines, and we must, of course, in all our deliberations, allow for the opportunity of the ambitious to arrange to be heard. After all, one of them has his eye on that $20 million—in fact, I think all of them have their eyes on that $20 million in the great lottery which we built into the tax bill. I notice that the attendance is smaller when we are talking about the loss to the farmers than when we are talking about personal opportunities for political enrichment at the expense of the American taxpayer.

My observation over the years, in both Houses of Congress, has been that there are a few farmers in Congress, but there are a lot more politicians who, instead of being farmers, are busy farming the farmers, which is still a relatively rich lode, and it is, I suppose, not too surprising.

Nevertheless, what a pity it is that this Chamber is nearly empty, and thereby deprived of the aural excitation which would come from listening to my mellifluous tones. This I regret, of course, but it has to be borne. We wait in patience for our presidential candidates to arrive and unload on us the accumulation of their acquired wisdom regarding sons of the soil, and a good bit of the soil will be distributed toward the fan, as usual.

And so we discuss something as important as the confirmation of the nomination of a Secretary of Agriculture while those who would be stimulated by thoughts of a checkoff are sedated in the face of the problem of those on the farm. Well, this is the way it goes in Congress. You get a bigger crowd at the sweet smell of green money than at almost any other reason for rallying around.

The confirmation of Earl Butz as Secretary of Agriculture is, in my judgment, something which will occur when we vote, and something which ought to occur, because the President of the United States is normally accorded the right to nominate his own members of the Cabinet, with the expectation that, assuming their good character and a record of integrity, he is entitled to the judgment of those upon whom he relies.

I suppose one of the rarest sights to be seen in America is a happy farmer. This is because the problem of scratching a living from the soil is such a chancy thing, such a tremendous risk and gamble against nature, or hopefully with nature,

that it is easily understandable that the farmer's fears of the results of his dealing with the middleman and with the distributor, his competition with others to reach the consumer through the market, and his concern for either famine or glut within the market.

It is understandable that farmers do not have quite the same opportunity to be joyful as those on more fixed incomes, whose dragons are the fears of inflation and such like.

The Secretary of Agriculture will need to reassure the farm population of this country. He will need to find ways by which they can receive adequate prices for their grain and for their food and fiber production. It is very important that this happen, and happen soon.

I think under the next Secretary of Agriculture there will be considerable good news. I think the fears that have been expressed will be allayed. I think the future will bring with it a considerable content of good news for the farmers. I believe there will be improvements in the prices of the things they grow and wish to sell.

In a very real sense, the farmer is the seed corn of the Nation, because obviously without him, and without the fact that he is willing to take the enormous risks that come with the production, growth, distribution, and sale of his products, this country would be thrown back upon the necessity of importing that with which we feed ourselves and those things which we wear.

And so, while the proportion of farmers has been decreasing constantly in America, the attendance of America upon the farmer has been increasing at the same time. I have had a number of talks with Dr. Butz. He is a formidable, able, and articulate man, fully prepared, he assures me, to implement the President's mandate that the farmers must be spoken for and not spoken at. He was born and raised on a family farm. He has been an operating farmer. He has close ties to rural life, and he is a man who is experienced in the agricultural economy; therefore, he has the characteristics to meet and to tackle head on these extremely difficult problems. I would expect him to speak for and continue to speak for the farmers, all of them, small as well as big, and to listen with compassion to the problems of the American farmer, and above all to make sure that a rural voice is heard in the highest councils of government, and heard loud and clear, because the farmer has a number of just causes for complaint.

My own experience, for example, with the milk producers in my own Commonwealth, indicates to me how important it is that in the Federal Government there be someone who is fully aware of the problems that go with the administration of the milksheds of the country, how important it is that someone understand the gambles they take, and the necessity for the assurance that they will have a fair price for that which they sell.

I believe that, in spite of the fact that even in my own Commonwealth there are those who have expressed misgivings, we must remember that misgivings are always expressed where a change is contemplated in the Department of Agriculture. I think it is a good thing that we are going to continue this Department, that the reorganization of the Government proposed will not remove from the farmers of this country their right to have a voice in the highest councils of the land, the President's Cabinet. That is why I believe he will be a good and strong Secretary. He has been made fully aware, through many consultations with Senators, of their concern and their problems. Senators have long felt that the problems of agriculture have not always been made apparent to the action level of this country; namely, to the President.

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

Mr. SCOTT. Will the Senator from Vermont yield me 5 additional minutes?

Mr. AIKEN. Yes.

Mr. SCOTT. I am glad to yield to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, I fully share the views expressed by the distinguished minority leader, and I would say that if we could use the $46 million that will be in the slush fund if the checkoff prevails, we could do a lot for the American farmer, and a lot for others about whom we have heard great concern expressed here this morning.

I also share the view that it is a little early for presidential candidates to appear in the Chamber, but they will be here, some under the wrong impression that they have a right to choose the Cabinet before they are elected. Of course, if they are elected, then they can name to their Cabinets men and women of their choice. But it is the right, as the Senator from Pennsylvania knows much better than I, of the President.

I think it appropriate at this point to quote the distinguished junior Senator from Arkansas (Mr. FULBRIGHT), who said on the floor of the Senate on March 26, 1970:

> Mr. President, I wish to emphasize that I have great respect for the President's prerogative in the nomination of high officials in the judicial and especially the executive branches of our government.

The senior Senator from Idaho (Mr. CHURCH) said when talking about Executive appointments:

> It has long been recognized that the President is entitled to have in his Administration men and women of his own choice.

That is the issue, whether the Democrats—some Democrats—want to name the Secretary of Agriculture. This is a right reserved to the President, unless the nominee is unfit or incompetent, lacks integrity, or lacks honesty. None of these allegations has been made about Dr. Butz. He is an honorable man. He is an honest man. He is a man of great character and integrity.

So I would suggest, as the Senator from Pennsylvania has, that perhaps we missed the point in the debate so far.

Mr. SCOTT. I feel that the distinguished Senator from Kansas could not be more right. After all, one of these candidates for the Presidency may, in some 5 years or more from now, succeed to the Presidency himself, and want his own nominees to be confirmed.

I have stood on this floor and in the other body and supported the nominees of a number of Presidents—not of my party—for Cabinet officers. Some of the Senators who have expressed doubts here have supported unquestionably nominees of Presidents of their party. It would seem to me that they ought to be as generous here.

I agree, too, that this $46 million slush fund, this raid on the Treasury, this gross and greedy grabbing, recklessly attempted to be legislated onto the statute books, would do the farmer a lot of good. This $46 million would help in the purchase of feed grains and corn and wheat. This $46 million would help to strengthen our export program. This $46 million, which does not really belong to those who are seeking to slide it from the taxpayers' pocket into their own, could do a lot more good if it were made available within the regular income of the Federal Government, for purposes of Government aid and assistance.

Mr. DOLE. The $46 million is not the total cost. When you add on the administrative costs and the other nightmares associated with such a scheme, I would guess it may reach $100 million. I have no way of knowing what the total cost will be.

Last week, during this debate, we had perfect attendance. Every potential and announced candidate was in the Chamber and voting, canceling speeches all across the country. In fact, I understand that the Senator from South Dakota left a meeting in the dark last night. He leaves most meetings in the dark. In this meeting, the lights went out, and he rushed back to vote against Dr. Butz. All those candidates will be back to express their great concern about the family farmer, but they are really concerned about, "How can I get $20 million for my campaign next November?"

Mr. SCOTT. I agree with the distinguished Senator from Kansas.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. AIKEN. I will yield more time.

I was interested in what the Senator from Kansas just said. I was hoping some of the candidates would show up and make their speeches even though the galleries are comparatively empty and the floor is in similar condition. I hope that all the candidates do not show up at half past 12, expecting to use the last half hour. There is a great tendency to want the last half hour of a debate such as this.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. AIKEN. I yield the Senator 10 additional minutes.

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

Mr. SCOTT. I yield for a question.

Mr. HARRIS. Does the Senator find it as laughable as I do to hear the Republican leader of the Senate, the former Republican chairman, and the present Republican chairman accusing the opposition of being partisan in this matter?

Mr. SCOTT. Oh, no, we are not accus-

ing you of being partisan. We are accusing you of being partisan beyond principle, and there is a great difference. We are accusing you of being partisan for the sake of grabbing Treasury money. We are partisan; you are partisan; they are partisan. I am saying that there is a difference between partisanship and principle.

I was about to point out that the distinguished Senator from Kansas and I both shared the privilege of being chairman of our political party, as has the distinguished Senator from Oklahoma. That is why I was referring to the loss of the $46 million to the farmers, because the presidential candidates wanted it more than they wanted to give it to the farmers. This iniquitous and pernicious provision, this checkoff, is not hermaphroditic by any means. It arises from only one side of the aisle. It is parthenogenetic or, one may say, springs straight from the forehead of Larry O'Brien, because out of the secret meeting with Larry O'Brien and the leaders of the other party in Congress arose this decision to cut and run with a slice of the Treasury. We suggested that before they grab the money, they pay their bills. That was our amendment. The Senate rejected other amendments which would at least have tinged the proposal with a touch of equity, because the Democrats wanted the clear, cold, ruthless, sharply cutting effect of being able to excise from the Treasury's funds a sufficient amount to finance themselves.

Make no mistake about it. If this tax bill has that iniquitous provision in it, it will be vetoed. The first move up here was to say that the President was bluffing. He is not bluffing, and he is not a man to bluff. The next move is going to be, "We won't give him a tax bill." Just try to get away with that. Just try it. Let me say what will happen.

During the present year, so far, 1,357,652 automobiles have been sold. On these automobiles, a promise has been made, in some cases of refunds totaling approximately $200 per car. Some of these refunds, notably by American Motors, have been made.

Congress has just voted to repeal the excise tax on automobiles in order to provide a stimulus for the purchase of cars and also because of the jobs this is expected to create. Upon the enactment of the repeal consumers who purchased new automobiles beginning on August 16, 1971, will receive refunds of the excise tax paid on their cars. In fact, one manufacturer—American Motors—has already been providing purchasers with refunds in anticipation of the repeal. Generally, refunds will total approximately $200 per car.

Statistics released by the automobile manufacturers reveal that the promise of an excise tax refund to new-car purchasers has in fact resulted in increased automobile sales. For example, for the month of September, the first full month to which tax refunds on sales would apply, sales of domestic cars increased from 488,211 in the same period in 1970 to 755,233 in this year, or an increase of 54.69 percent. For October, sales of domestic cars totaled 629,152 in 1970 and 933,713 in 1971, or an increase of 48.41 percent. For the first 20 days of November, the increase in sales of domestic cars was even more dramatic: 296,593 for the like period in 1970 and 596,358 for this year, an increase of 101.06 percent.

While it is true that in part of the fall of 1970 domestic car sales were reduced by reason of a strike at General Motors, it should be noted that the recent increases in sales have been such that for the whole of the year January 1 to November 20, 1971, sales of domestic automobiles increased by 18.69 percent over a similar period in 1970. The actual cars-sold total was 6,551,629 in 1970 and 7,776,547 in 1971.

In addition, the major automobile manufacturers have pledged that, following repeal of the tax, they will pass the tax reduction on to consumers. This will mean continued benefit to the purchaser of a new car of approximately $200 per car.

INCREASE IN IMPORTS (CARS)

	1970	1971	Increase (percent)
August	112,400	158,528	41.03
September	91,784	128,392	39.77
October	124,000	116,000	—6.45
Total to Oct 31	1,064,515	1,357,652	27.53

Whether this tax bill or another, there will have to be a tax bill unless this Congress wishes to break faith with all those who purchased automobiles relying in good faith on the promised excise tax refund.

Stand up—stand up—and say to 1.3 million auto buyers, "We, the Democrats, are going to take your $200 away from you, because we are the party of the people. We are the party of the people, and we can do to the people anything we want, because we can always talk enough of you into voting for us. We will take your 200 bucks, and you will lose your 200 bucks; and all of you will join in this total and collective sacrifice on the altar of Democratic rapacity and avarice."

Try it. Try it and see what happens in the next election. Kill the tax reform bill. Say that we will not have a bill. We will be back in special session, and it will not be a turnip session, either. It will be a session to repeal the carrot which the Democratic Donkey has grabbed and run away with. That is what it will be. It will not be Truman's turnip session. It will be a carrot session; because this, to turn the word "carrot" a little, was a 22-carat grab on the U.S. Treasury.

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

Mr. SCOTT. I yield.

Mr. DOLE. I am pleased that the Senator from Pennsylvania has emphasized the $20.4 million grab, and it is that—and I say that with all respect to those who may have supported it.

I am also in accord with the Senator's view that this bill in this form will be vetoed. We should make no mistake about it.

I suggest—and I suggested before—that this is rather a high ransom to pay. Apparently, the Democrats who are running for President do not care what the ransom is, because they are not going to pay it. They are looking for $20.4 million from the Treasury. They are some $9 million in debt, and I sympathize with them for being in debt. Eighty percent of the contributions to the Republican National Committee average $15 or less. We are not the party of fat cats. I would point that out to the presidential candidates who are talking about being the party of the people who are now out raising hundreds of thousands of dollars for the primary campaigns to gain the nomination so that they can get the $20.4 million of Federal money for the presidential campaign. That is not reform—in no way is it reform. I think it is time that the American people understood it for what it is; namely, a raid on the Federal Treasury, as the distinguished Senator from Pennsylvania has said before.

Mr. SCOTT. Mr. President, will the Senator from Kansas yield me 1 minute?

Mr. DOLE. I yield 1 minute to the Senator from Pennsylvania.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for 1 minute.

Mr. SCOTT. Mr. President, a married couple will contribute $2 to the Democratic Party. I suggest that we use the nice, shiny Eisenhower dollars because they make such good blinders—$1 for the husband, and $1 for the wife.

Let us take the Eisenhower dollars—the dollars that commemorate a singularly respected man for his honesty and integrity—and symbolically put one over the husband's eye and another over the wife's eye, thus blinding them, and then let the Democratic Party tell them that while it may be darkness for them, all is light and effulgence for the Democratic Party.

I thank the distinguished Senator from Kansas for yielding me this time.

Mr. HARRIS. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized for 5 minutes.

Mr. HARRIS. Mr. President, at first glance it might seem strange that the distinguished Senator from Pennsylvania (Mr. SCOTT) and the distinguished Senator from Kansas (Mr. DOLE), instead of talking about the Butz nomination, are talking about the campaign financing bill. But it is not strange because campaign financing is related to the big rich farmers and the big corporations in agriculture who have dictated the nomination of this man Butz. He comes from Ralston-Purina, and the outgoing Secretary of Agriculture is going to Ralston-Purina. The rich and the big corporations have come more and more to dominate American politics. My colleagues across the aisle are satisfied with that. I am not. Neither are the American people. What we are going to do is give them a chance voluntarily to give or not give $1 each to the party of his or her choice so that the big, rich farmers and the big corporations will not dominate agriculture, but the people themselves will have a chance to control politics and government a good deal more than they have been able to do for a period of years past.

We have heard the threat again today

on this floor that the President will veto the tax bill if the campaign financing section is kept in it. Mr. President, if he does, there is not going to be any tax bill this year. I do not like that tax bill anyway. We seem to be dropping the people's portions of it and getting back to the Nixon program alone which means $74 billion worth of tax cuts will go to the big corporations over the next 10 years and crumbs for the average taxpayer.

What I like about that remaining package is the campaign financing section, which may allow the little people to get more of their people in office, particularly in the Presidency, to change this favoritism from the rich back to the average taxpayer.

That tax bill is a bad bill without the campaign financing section in it. It should be killed if the campaign financing bill is forced to be dropped.

Mr. President, I say as a member of the Finance Committee—and this is no bluff—that if the President vetoes that bill and it comes back here without the campaign financing section in it, I shall stand on the floor of the Senate and try to prevent it from being passed.

Mr. HUGHES. Mr. President, I yield myself such time as I may need.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HUGHES. Mr. President, I yield 10 minutes to the distinguished Senator from Massachusetts (Mr. KENNEDY).

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY. Mr. President, I rise to express my opposition to the confirmation of the nomination of Dr. Earl L. Butz as Secretary of Agriculture.

At the outset, let me say that I do so with a belief that in most circumstances the President should have great leeway in deciding on his Cabinet choices.

But I believe that on many tests, the current nominee fails to demonstrate the concern for important and overriding humanitarian issues. There is ample justification to oppose this Presidential Cabinet nomination.

On November 17—in a letter to the distinguished chairman of the Committee on Agriculture and Forestry—I expressed my concern over some aspects of the record of Dr. Butz. As chairman of the Judiciary Subcommittee on Refugees my particular concern relates to Dr. Butz' views and attitudes toward the overseas distribution of American surplus food commodities and the role of the private voluntary agencies in this program.

As I indicated in my letter to Senator Talmadge, several representatives of the voluntary agencies expressed strong reservations to me regarding Dr. Butz' confirmation. They suggested that during his previous service with the Department of Agriculture he was "less than sensitive to the aims and objectives of voluntary agencies," and to national humanitarian concerns overseas. This situation is best illustrated, perhaps, by reference to issues of deep concern to the agencies at the time.

The primary issues were defined in a report of findings and recommendations on "The Continuing Challenge of American Abundance." The report was prepared by the American Council of Voluntary Agencies—ACVA—in November 1956, and transmitted to Secretary of Agriculture Ezra T. Benson by Mr. Charles P. Taft, chairman of the State Department's advisory committee on voluntary foreign aid. The report noted the vast abundance and surplus of American agriculture, and the continuing challenge to use this abundance effectively—"as the flood of refugees swells and more people become the victims of violence over which they have no control." The report specifically mentioned the needs of a million refugees who fled from North to South Vietnam, the Chinese refugees in Hong Kong, the Hungarian refugees in Europe, the Arab refugees in the Middle East, and others.

The report went on to express the agencies' concern over the fact that many commodities, "made available by the Department of Agriculture as a result of legislation," were being "withdrawn from availability." The report made a number of recommendations.

First, the report recommended that rice be kept on the availability list for overseas distribution by the agencies. Rice was one of several commodities which the Department of Agriculture had suddenly withdrawn from the list—contrary to the expressed wishes of Congress, and despite the fact that some of the hungriest peoples in the world, including the destitute refugees in Asia, were rice eaters.

Second, the report recommended that our vast wheat surpluses be processed into a form—called bulgur wheat—acceptable for consumption by the millions of people being served by the agencies overseas.

Third, the report recommended that agency feeding programs be approved on a yearly rather than a quarterly basis, for planning and efficiency reasons.

Fourth, the report recommended that the Department of Agriculture apply more flexibility in assessing the responsibility for payment of the ocean freight costs of food shipments. A pattern was developing in the Department's decisions to place this responsibility more and more on the recipient government—at a time when many governments could not really meet this responsibility and when Congress had set aside increased funds for the payment of freight charges on agency food shipments.

And finally, the report recommended that—in the interest of balanced feeding programs and with the absence of other food fats and oils—surplus corn be processed into oil, sirup, and similar byproducts.

The report said, in conclusion, that the recommendation represented "a realistic assessment" of what could be done, in the interest of strengthening an area of policy strongly supported by the American people.

The Department of Agriculture's response to the agencies' recommendations was contained in a letter to Mr. Taft from Dr. Butz. The letter—dated March 15, 1957—was a litany of negativism. Its contents were devoid of sensitivity to legitimate humanitarian concerns. They applied the "trickle down" theory for meeting the needs of the voluntary agency programs—but were full of strong concern for those commercial interests which had much to gain by limiting and cutting back on the volume and content of food donations to the disadvantaged in this country and overseas.

Four of the agencies' recommendations were rejected out of hand—and frequently, according to agency personnel involved at the time, for reasons contrary to the facts.

Dr. Butz refused to put rice—let alone some other commodities—back on the availability list. He called the recommendation on bulgur wheat "impracticable." He rationalized away the recommendation for an annual approval of agency feeding programs. And on the recommendation that the vast quantities of surplus corn be processed into more useful products, he suggested it would be a "costly departure" from established policy. And then he said:

> Donation of the corn products which could be used as food (oil, grits, flour, starch, and syrup) into foreign programs would require that they also be made available for domestic donation to schools, institutions, and needy persons. It is our belief that such distribution would tend to displace some normal commercial purchases of such products with harmful results to wholesalers and retailers engaged in such trade.

A fifth recommendation—on the flexible handling of ocean freight costs—was ignored in Dr. Butz' letter. But the record is clear on what happened at the time. Ocean freight regulations were substantially modified, requiring most foreign governments to pay 50 percent of the freight charges. In some countries, such as Yugoslavia and Greece, needed food and humanitarian programs for the disadvantaged and refugees were seriously crippled by the lack of resources in recipient countries. And the operation of such agencies as CARE, Catholic Relief Services, and Church World Service were badly hampered. Needless to say, the friction generated in our foreign relations by this situation was unnecessary, and subsided only when more reasonable arrangements were made with the countries and agencies involved.

The agencies' letter and Dr. Butz' response typifies the kind of relationship which existed between the Department of Agriculture and the private humanitarian sector during the time of Dr. Butz' previous service. Just a few days ago, his letter was labeled by one agency representative "as another instance of being stymied all over during the mid-fifties." The situation contributed a great deal to a deterioration in the humanitarian partnership developed between Government and the agencies following World War II—a situation which was remedied through legislation and administrative decision after Dr. Butz left the Department. I should add here that our able colleague, the junior Senator from South Dakota, contributed much toward repairing the partnership when he served as director of the food-for-peace program some 10 years ago.

And so all the recommendations in the agencies' 1956 report, and many more of their suggestions, were adopted. All them immeasurably strengthened a significant area of public policy and con-

cern. Bulgur wheat, for example, has become a mainstay in overseas feeding programs.

I fully appreciate that the institutional arrangements relating to food programs and the voluntary agencies have been modified and changed over the years and that the Department of Agriculture plays a lesser role than it did during Dr. Butz' previous service with the Department. But in view of his record of previous service with the Department of Agriculture, I strongly feel the agencies have a legitimate concern over his nomination and the kinds of attitudes and policies he may carry with him to the Cabinet.

Widespread citizen concern for disadvantaged people overseas is a longstanding tradition in our Nation's history. Despite this, however, the record is clear that this concern—as expresed so well in the program of the voluntary agencies—has often been lost in a tide of negativism and redtape toward humanitarian programs. The record toward today's tragedy in South Asia is no exception. Perhaps all of this is unavoidable, because in political terms humanitarian causes lack the powerful lobbies and constituencies backing other interests. But great power creates and carries with it great responsibility. And in terms of the world leadership we claim is ours, what is too often missing is that dimension of compassion toward the weak and downtrodden, who have traditionally looked to America for comfort and hope.

It is important that we have strong national leadership in this area. Dr. Butz' record, however, leaves much to be desired. And for this reason, among others, I will vote against his confirmation.

Mr. President, I ask unanimous consent to have printed in the RECORD the report of the American Council of Voluntary Agencies for Foreign Service, Inc., under date of November 15, 1956, and Dr. Butz' letter under date of March 15, 1957.

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

THE CONTINUING CHALLENGE OF AMERICAN ABUNDANCE

Since the more than forty voluntary agencies united in the American Council of Voluntary Agencies for Foreign Service presented, in the spring of 1954, a paper entitled "The Moral Challenge of our Abundance," two changes have occurred. First, our American abundance has grown to such proportions that ordinary storage facilities have become insufficient—millions of bushels of wheat are stored in the holds of the ships of the Ghost Fleet, and in tents in the great expanses of the Southwest. Secondly, the challenge has become more intense as the flood of refugees swells, and more people have become the victims of violence over which they have no control.

Since the Spring of 1954, a million refugees from North Vietnam have moved southward as destitute exiles in their own land. A steady stream of Chinese, representing every walk of life from fisherman to professor, has flowed into the haven of Hong Kong. Hungarians, whose compatriots with their blood bought freedom for a day in their homeland, now put their foot on the threshold of the Western World, via the Austrian frontier, and ask for our help. And now, in addition to the continuing programs for the Arab refugees in the Near East, there are new groups of needy people among the Egyptians.

Due to the upheavals in Central Africa, certain very specific programs have been undertaken to meet special needs. The agencies have endeavored to reach the needy of every race, color and creed, thus creating bond of mercy which is a bond of peace.

American voluntary agencies, including those supported by the three great faiths, have been in Vietnam, Hong Kong, at the Hungarian frontier, and in seventy-five other countries and areas of the world giving not only first aid, but planful care to the most dispossessed of humanity.

The voluntary agencies, as visible expressions of great American traditions, work ceaselessly around the world so that those who escaped from one bondage at so great a cost to themselves, will not become victims of the bondage of starvation. Voluntary agencies also conduct continuous programs of aid for those who are victims of a starvation that is endemic in underdeveloped and over-populated areas of the world.

It is of the American tradition to nurture not only the free individual, free from all tyrannies, including the tyranny of hunger, but also the free society. There is no doubt that the struggle is becoming more intense for the mastery of the patterns of society—the free, open society being pitted against the totalitarian rigid society. This was never more evident than in Budapest when the offer of American surplus foods and gift medicines to a people fighting for its freedom, was instead blocked by the guns and tanks of a re-imposed totalitarian system. The dread pattern has now been re-established in which an all-powerful despotic State reduces to a lonely and powerless entity the individual within its borders.

The very existence of voluntary agencies, and their activity in every corner of the Free World, bears witness everywhere to the reality of a free society, a society which permits and nurtures free associations formed by free men.

The Congress heeded the recommendations of the combined voluntary overseas aid agencies expressed in "The Moral Challenge of our Abundance" and, as a result, the American voluntary agencies have been able to plan and gradually to expand the distribution of surplus commodities through their ongoing programs so that in the Fiscal Year of 1955, they distributed 403,046,224 pounds, in the Fiscal Year 1956, 1,205,679,566 pounds and in the first Quarter of the Fiscal Year 1957, 494,557,354 pounds, or a total of over two billion pounds since June 1954. If shipments continue at the rate established in the first Quarter of the current fiscal year, the commodities shipped in the three year period since the Spring of 1954 will have exceeded the value of one billion dollars estimated in the joint paper "The Challenge of American Abundance." These commodities were distributed in 78 countries and areas of the world.

These distribution plans could only have been carried out because of the great welfare and health channels that the agencies have long since established overseas—channels that could not be duplicated by government with any amount of money. These feeding projects are integrated into existing welfare, health and training programs which the agencies conducted before the availability of surplus foods, and which will continue, irrespective of the availability of such foods. This is not to underestimate the vital importance of surplus commodities as a supplement to the agencies' regular programs.

For the first time, in December 1955, surplus corn, wheat, beans and rice, were made available to American agencies serving the dispossessed and needy overseas. By August 1956, the supply of beans was exhausted, when the agencies had shipped 72,228,494 pounds of that commodity. Announcement has been received that rice will no longer be available after December 31st of this year. By that time the agencies will have shipped over 300,000,000 pounds of rice for overseas distribution.

In a three-year period, supplies of certain other commodities, made available by the Department of Agriculture as a result of legislation, were withdrawn from availability. Of these, the agencies used 81,675,255 pounds of shortening and cottonseed oil, withdrawn as of July 1, 1955, and 305,837,106 pounds of butter and butter oil, withdrawn as of July 1, 1956.

Milk has been on a "current" basis since the beginning of the calendar year, meaning in effect that there are no stocks from which to draw, and while there is sufficient milk for distribution during the flush season, in the months of January through March, very little is available for ongoing feeding programs.

This, then, is the statistical record of the agencies participating in the surplus commodity disposal program. On the matter of program performance, there seems to be agreement that the distribution has been on a non-discriminatory basis to those in greatest need. Machinery has been set up to avoid duplication, and the aid given through the agencies has not interfered with national or international economies. Every effort is made to assure that the American origin of the supplies is known to the recipient individuals and organizations overseas, and most important of all, lives have been saved and hope renewed among dispossessed and uprooted people.

To preserve the unquestioned gains achieved throughout the world by the ongoing feeding and welfare projects of American voluntary agencies, it would seem that it is time for a "new look" at certain aspects of the program. From such a "new look" arise the following specific recommendations:

1. Among the hungriest people in the world are the habitual rice eaters, and therefore it is recommended that rice remain on the availability list for the feeding programs of the voluntary agencies.

2. It is recommended that we utilize added millions of pounds of our wheat surpluses in a form acceptable for consumption by great groups of people served by the voluntary agencies—especially in Africa, the Near and Middle East and Asia. Tais form is known as parboiled or bulgur wheat.

3. Since voluntary feeding programs are planned in conjunction with our welfare programs of long-term effect, it is recommended that the agency programs be approved on a yearly basis and that sufficient surplus stocks be allocated to fulfill planned programs. Such a planful approach would prevent the periodic unavailability of such basic items as milk.

4. Since the surplus food stocks made available through the voluntary agencies derive from the productivity of some American people and the efforts of others who pay taxes, the resulting surplus distribution programs of the voluntary agencies are a direct people-to-people operation. We are in agreement that whenever the host government is in a position to contribute to ocean freight costs on voluntary agency surplus commodity shipments, this should be encouraged. Where, however, such contributions tend to negate the people-to-people aspect of such agency programs or to render it impossible for the agencies to meet existing needs adequately, it is is recommended that the United States Government absorb the ocean freight charges. This is especially true where the agencies are serving groups of refugees or enclaves of people in whose welfare the host government may have less than moderate interest.

Since Congress has set aside increased funds (under permissive legislation in the Agricultural Act of 1956) for freight on voluntary agency surplus commodity shipments, it is recommended that these funds be utilized to include additional areas of need at the earliest possible moment.

5. Balanced feeding programs are especially necessary in aiding the most threatened and poorest members of the world community whom we are able to reach with our aid. Fats are a vital requirement of diet. Even though other fats and oils are presently unavailable, the huge corn surplus permits the processing of that commodity into corn oil, corn syrup and other useful by-products.

The above recommendations are based on a realistic assessment of the part that overseas sales and domestic school lunch and other programs play in the disposal of surplus agricultural and dairy products. The agencies take into account the fact that as underdeveloped countries become stronger economically, they will become market areas for such items as are now held in surplus. They are keenly aware that the friendship which grows out of cooperation in meeting human needs is a long-term spiritual investment of immeasurable value for the people of our nation.

It is seldom that a happy circumstance prevails whereby an abundance of surplus stocks and burdensome storage costs are diminished with proportionate expansion of understanding and goodwill; whereby an exchange is effected which in a sense translates material gifts into spiritual realities among peoples.

Thus are expressed the abiding concerns of the voluntary associations of Americans for the building of true brotherhood among peoples by people-to-people efforts; for the strengthening of the sense of personal worth among those disinherited and cast off by the world; for the reassertion of eternal values among those for whom all values have failed; for the sowing of peace among those anguished by violence, insecurity and unending want.

DEPARTMENT OF AGRICULTURE,
March 15, 1957.

Hon. CHARLES P. TAFT,
Advisory Committee on Voluntary Foreign Aid, International Cooperation Administration, Washington, D.C.

DEAR MR. TAFT: In our letter of January 24, 1957, we acknowledged receipt of the paper "The Continuing Challenge of American Abundance" and advised you that we would carefully study the recommendations contained therein.

The contributions which have been made by the American Voluntary Welfare agencies in their distribution of surplus foods abroad have been very worthwhile and have materially assisted us in our care and management of CCC food stocks. I have discussed the proposals which have been made by the American Council of Voluntary Agencies for Foreign Service, Inc., with several of my staff members in the interest of giving every possible consideration to each proposal and would like to comment on them in the order in which they were mentioned.

Within the past year there has been a very active market demand for rice and sizeable sales have been transacted with India, Japan, Pakistan, Korea, and Indonesia under Title I, Public Law 480 and the ICA Section 402 authorities. Rice was taken from the list of commodities available for foreign donation effective December 31, 1956, because it became apparent in the fall of 1956 that the stocks remaining in CCC inventory would be required for sales which had been, or were anticipated to be made. We anticipate that the export market demand in 1957 will not only exceed the quantity exported in 1956 but will permit complete liquidation of stocks in CCC inventory from the 1954, 1955, and 1956 crops.

As you know, the donation authority in Section 416 of the Agricultural Act of 1949, as amended, provides that CCC give primary consideration in the disposition of its stocks to normal domestic and export channels of trade. In view of the anticipated volume of export sales in 1957 we have no recourse but to deny the proposal that rice be reestablished as available for foreign donation at this time. We shall continue to periodically appraise the export demand for rice as it relates to quantities in CCC inventory, and in the event that the export demand does not meet our anticipations, we shall be happy to give consideration to making rice available for foreign donation at such time.

The recommendation to have CCC process wheat into parboiled or bulgor wheat for foreign donation presents several problems. Representatives of the trade who are equipped to process wheat into bulgor have stated that the Soft White varieties of wheat are preferred in the manufacture of this product. There has been a very active export demand for these varieties of wheat and we anticipate that we will be able to liquidate the approximately 70 million bushels of Western Soft White wheat which we have in inventory.

We further expect to take over very little, if any, 1956 crop Western Soft White wheat and anticipate that we will have a market for any which may be taken over.

We would further question the advisability of engaging in such a program because the production output of the four plants which process bulgor could supply only a small percentage of the orders we could anticipate receiving from the voluntary agencies. We would consider it inappropriate for CCC to encourage the expansion of production facilities for this product by offering it for donation. We therefore consider it impracticable to adopt the recommendation to process CCC wheat into bulgur.

We can readily understand the desire of the Voluntary Welfare Agencies to have CCC commodities allocated to them on an annual basis rather than a calendar quarter basis in order that they can better plan their foreign distribution programs. This could be accomplished by reserving or setting aside specific quantities of commodities in CCC inventory for such use. Such action however would necessarily require that we be in a position to accurately forecast the quantities of price supported commodities to be produced in any program or crop year, the quantities to be taken into CCC inventory, the quantities to be disposed of through domestic and export sales, and the residual quantities to be made available for donation. The uncertainties of weather, prices in the open market and foreign demand as it is influenced by changing international conditions cannot be assessed accurately enough to make such a forecast.

It is because of these limitations that we request that the Voluntary Welfare Agencies continue to submit their Section 416 food requirements on a calendar quarter basis. In our conversations with their representatives we will endeavor to provide them with all possible information on the supply outlook for each commodity in order that they may plan their programs as far in advance as possible.

The inclusion of fats and oils in the foreign donation program by conversion of CCC corn into oil, starches, livestock feeds and other byproducts would be a costly departure from our basic concept of the purposes of the donation program and could generally impair the purposes of the price support program. The amount of oil obtained from corn is 1 percent under the dry milling process and 2.7 percent under the wet milling process. The quantities of oil which would be obtained would be relatively small in relation to the cost. CCC would however obtain sizable quantities of livestock feed products which could not be donated and would have to be sold in the open market in competition with commercial feeds either directly, or through the corn processing firm. Donation of the corn products which could be used as food (oil, grits, flour, starch and syrup) into foreign programs would require that they also be made available for domestic donation to schools, institutions and needy persons. It is our belief that such distribution would tend to displace some normal commercial purchases of such products with harmful results to wholesalers and retailers engaged in such trade.

I should like at this time to thank you, members of your Committee and all the members of the American Council of Voluntary Agencies For Foreign Service, Inc., for the excellent cooperation we have received in carrying out the Section 416 foreign donation program. We shall continue to give the most careful consideration to recommendations which are made to improve this program in the mutual interest of obtaining the maximum benefits to the United States.

Sincerely yours,

EARL L. BUTZ,
Assistant Secretary.

Mr. KENNEDY. There are other reasons as well. In speeches as recent as last April, Dr. Butz has displayed a callous disregard for the needs of the Nation's poor and hungry.

He implied that the concern of hunger and malnutrition was "a fad" and stated:

> And what came out of that? Out of that came the food stamp plan—so generous, extensive—that it's just short of ridiculous in some parts of this country.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HUGHES. Mr. President, I yield 2 additional minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I find that to conflict with my view that there is a fundamental requirement that this Nation prevent any of its citizens from going hungry.

Also, through those speeches, his views of the importance of preserving our environment clearly demonstrates that he is out of step with the Nation.

Thus, he said a choice must be made between "a little thermal pollution in our waters" or "brownouts in our cities." I think we are committed to prevent both and I find it objectionable that the proposed nominee is willing to trade one against the other.

There is another reason as well, a reason that is directly related to the farm needs of the Nation.

For this nominee has openly acknowledged that he would like to see the continued disappearance of millions of farmers from rural America. He has urged the conglomeration of American agriculture as a board member of the giants of agribusiness in this Nation, and we can be sure that he will be endorsing policies to do exactly that as Secretary of Agriculture.

Already the farmers of this Nation have had to suffer under policies that have brought parity for the farmer down to 69 percent, the lowest level since the depression years.

In the past 2½ years, 100,000 farms have disappeared across the Nation, 595-000 men and women have left the fields, and farm machinery costs have climbed 13 percent while farm prices have barely edged up 3 percent.

And this nominee would speed up the process of consolidation, speed up the process that already has deeply endangered rural America.

And so, for all of these reasons, I oppose confirmation of the pending nomination.

Mr. HUGHES. Mr. President, I yield 5 minutes to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized for 5 minutes.

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

Mr. President, I regret that I am going to have to vote against the nomination of Earl Butz to be Secretary of Agriculture. I say this because of my philosophy that the President should generally have the choice of selecting his own Cabinet, and the power of advice should be only sparingly utilized. However, this is one of those occasions where I feel that the Senate must act.

There are a number of important reasons why Earl Butz should not be confirmed as Secretary of Agriculture. First, he has received a general vote of no confidence from a great many farm groups, including the National Farmers Union, the National Farmers Organization, the Midwest Farmers Association, the National Corn Growers Association, as well as from individual farmers contacting my office. Just before coming here this morning, I took a look at my mail, and I find that I have had 185 letters in opposition to Dr. Butz and three in favor of him.

Second, Dr. Butz indicated a predisposition against congressional enactment of price supports and supply adjustment programs and for the return of the farmers to the marketplace.

Dr. Butz' earlier writings and speeches also indicate that in the past he has opposed price support and supply adjustment programs which, for the past 20 years have been important in stabilizing prices and income for cotton, wheat, feed grains, rice, peanuts and dairy producers. Producers of these products do not trust Dr. Butz, on the basis of his past record, to be a good administrator of these programs that are favorably inclined to maintain their income.

Third, in answer to the questions by members of the Senate Committee on Agriculture and Forestry, Dr. Butz expressed interest in, but would not take a position regarding legislation needed to strengthen the farmers' bargaining positions with agribusiness corporations.

Thus, Dr. Butz would apparently return the farmers to the marketplace without strengthening their bargaining power.

Fourth, Dr. Butz has a long association with agribusiness including membership on the board of directors of the Ralston Purnia Corp.

During his period of service, Ralston Purina acquired a dominant position in the broiler industry and vigorously opposed legislation to strengthen the bargaining position of farmers. This makes Dr. Butz suspect as an adequate spokesman for the family farmers who are in support of strengthening the farmers' bargaining power in marketplace.

In view of his vigorous opposition in the recent past, farmers are unlikely to trust him in the very important areas of farm bargaining and farm support programs, even though he promises to support their interests.

Fifth, Dr. Butz has made statements in the past indicating his lack of support for the food stamp and the school lunch programs, which it would be his responsibility to administer if he were confirmed.

Sixth, I must also oppose Dr. Butz' appointment because, on the basis of his past statements and activities, he has shown a lack of concern for conservation and the abatement of pollution and the improvement of the environment.

He has always championed the private interests of agribusiness firms rather than the public interest. The position of Secretary of Agriculture, is a position of public trust with the responsibility for defending the public interest. Dr. Butz is a man who has been associated primarily with the larger corporate agribusinesses.

This appointment would be too much like putting the fox in the chicken coop.

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

Mr. TUNNEY. I yield.

Mr. DOLE. The Senator is not questioning Dr. Butz' honesty or integrity, is he?

Mr. TUNNEY. I certainly am not questioning his honesty or his integrity. I think as far as his integrity is concerned as a person, he is a man of high ethics.

Mr. DOLE. The Senator does not question the President's right to name his Cabinet, I understand.

Mr. TUNNEY. I do not question the right of a President to name a person to the Cabinet that he thinks will support his own philosophical point of view. On the other hand I feel that the Senate and an individual Senator has the right to determine whether a Cabinet appointment is going to be detrimental to the interests of a significant portion of the society and citizenry. If it is, then a Senator in conscience has to vote against that nomination.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. TUNNEY. Mr. President, will the Senator yield to me for 2 additional minutes?

Mr. HUGHES. I yield 2 minutes to the Senator from California.

Mr. DOLE. Mr. President, will the Senator yield further?

Mr. TUNNEY. I yield to the Senator from Kansas.

Mr. DOLE. I commented earlier about the general right of the President to name men of competence and honesty to the Cabinet. Certainly we have a responsibility in the Senate. We suffered for 8 years under Orville Freeman, and I assume that upset many Senators in this Chamber, and that is part of the reason we are in great difficulty in this country now. But it was not all the fault of Orville Freeman. We pass the laws and we call upon the Secretary of Agriculture——

Mr. HARRIS. Mr. President, I object to the Senator from Kansas talking on our time.

Mr. DOLE. I want to know, if the Senator does not question his honesty and integrity, it is because the Senator does not want the President to name him or because the Senator wants to name him himself?

Mr. TUNNEY. It is not a question about wanting to name the man in the Senate.

Those of us who oppose Dr. Butz feel that to put a person in charge of the Department of Agriculture, who has been associated with the large corporations, who has identified more with an old-fashioned outmoded concept of supply and demand, not interested in seeing support prices maintained so that the small farmer will still have a chance to earn an income—that such a person should not be in a position of high responsibility and should not be in a position to administer the food stamp and school lunch programs.

We know that through administrative rulings it is possible and it is easy for a Secretary to cut back, curtail, and curb the programs beyond what Congress originally intended when they were passed.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DOLE. Mr. President, will the Senator yield to us 2 additional minutes?

Mr. AIKEN. I yield to the Senator from Kansas.

Mr. TUNNEY. Inasmuch as the average family farmer feels that Dr. Butz is not going to protect his interest, and inasmuch as I agree with the average family farmer, I do not see how I can do anything other in conscience but vote against the nomination.

Mr. DOLE. I do not quarrel with the Senator's right to vote against Dr. Butz. We cannot reach the same conclusions based on the six or seven reasons the Senator mentioned. But Dr. Butz does support the 1970 Agriculture Act. He said that there were abuses in the food stamp program, and there are abuses in the food stamp program. We provide food stamps to some who do not need them and thereby deprive those who are needy. He has made speeches on the environment and the swine industry.

He has expressed his concern for the American farmer. He was born and reared on a farm, and he was a farmer himself. He has been an articulate spokesman for American agriculture. That would qualify him, in my mind, more than Orville Freeman, who was nominated by President Kennedy, and he was a big city lawyer from Minneapolis and never worked on a farm.

Mr. TUNNEY. I wish to ask the Senator how his mail is running on this question.

Mr. DOLE. I do not vote solely on the basis of my mail, because the mail is often not a clear indication of how the majority views a situation.

Mr. TUNNEY. I do not either, but how the average family farmer feels is extremely important.

Finally and perhaps most important for the future of agriculture, I must oppose Dr. Butz because family farmers are in a severe cost-price squeeze at the present time and deeply resent the competition of conglomerate corporations

and agribusiness firms. They believe the Secretary of Agriculture should be a strong spokesman for family farmers. Dr. Butz's activities and statements in the past 30 years raise substantial doubts regarding his philosophical position on this sensitive issue.

Agriculture today is at a very serious crossroads. Decisions made by the Secretary of Agriculture in the next few years will have an enormous impact on type of agricultural economy this Nation will have in the future. I believe that rural America deserves a progressive rather than a regressive voice. I believe that all Americans deserve an agricultural voice that puts the public's interest first. I do not believe that Earl Butz is that voice.

I would like to conclude my statement by including in the RECORD excerpts of statements made by Dr. Butz on the various areas of concern to me.

As Assistant Secretary of Agriculture under Ezra Taft Benson, Dr. Butz is quoted as advising farmers to "adapt or die, resist and perish—too many people are trying to stay in agriculture that would be better off someplace else." This statement was made in a March 7, 1955, speech before the National Farm and Ranch Congress in Denver.

Charles Bailey of the Minneapolis Sunday Tribune quoted Dr. Butz in 1958 as follows:

Farmers ultimately will lose their vocational identity as members of the community. At this point farming no longer will be a way of life.

At a Minneapolis Marketing Seminar sponsored by the General Motors Speakers Bureau on April 26, 1971, Dr. Butz said:

I suppose in history we'll look back 5 or 6 years from now and we'll call this the year of the environment.

* * * * *

But look back 3 or 4 years before this . . . the big clamor with hunger and malnutrition.

* * * * *

Senator McGovern had his televised hearings in Florida to show the bad plight of migratory workers . . . Ted Kennedy took a planeload of cameramen to Alaska to see the starving Eskimos . . . Out of that came a Food Stamp Plan so generous that . . . it's just short of ridiculous . . . Out of it came a welfare program that President Nixon is recommending to the Congress that is so far out that even the Democrats in Congress won't buy it.

* * * * *

We always overreact to crisis.

Lake Erie—How many of you have heard that Lake Erie is a dead Lake and the other lakes dying. Last year the commercial fish take in Lake Erie was a record. It can't be very dead. . . . Let's come down to earth on this propaganda and agitation that we're getting about environment and be sensible about it.

In the same speech Dr. Butz remarked:

But I'm going to talk about something this morning that I think is a real threat to American agriculture. It involves our future. Something you can help with. And that's the threat that comes from the environmentalists, from the do-gooders or from consumerism, or from whatever you want to call it.

Dr. Butz continued to say:

We need to extol the benefits that come from these chemicals and pesticides and antibiotics that we use.

. . . then I see these environmentalists on the other side trying to hold us back and trying to impede—not trying, but the net effect is to impede—the progress we're making in scientific agriculture.

This fadism that we follow as a nation and currently its ecology and pollution and it hits us in agriculture right in the solar plexus.

In an article in Successful Farming in 1949, Dr. Butz indicated his views toward the price support program:

I am alarmed by the growing agitation for programs of one kind or another that will lead directly or indirectly, to controls on the individual farmer . . . If and when such a situation occurs, there can be no voluntary compliance.

In a speech at North Carolina State College on February 13, 1956, Dr. Butz once again spoke of the price support program:

At the root of much of agriculture's price and income problem today lies the tremendous hoard of farm products . . . As a nation we have gotten ourselves into our current almost unbelievable surplus situation, primarily because many of our people believed . . . that an Act of Congress could brush aside fundamental demand and supply relationships . . . American farmers find themselves saddled with the most stringent set of production and marketing controls in their history . . . They are the inevitable aftermath of a price support system conceived in short run profits.

Mr. DOLE. Many family farmers have been told by Tony Desafo and the National Policy Committee, and Staley was on the policy council, to write to their Congressman and tell them to vote against Dr. Butz and they have done that. I have a lot of mail, probably 2 to 1, against Dr. Butz but most of it has been inspired by this.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DOLE. I yield myself 1 minute for a question.

Mr. HUGHES. Mr. President, I would like to ask the distinguished Senator from Kansas a question since he has mentioned the NFO. I have already referred to his questioning of Mr. Staley which appears on page 104 of the hearings. Does the Senator from Kansas refute the statement of the president of the National Farmers Organization?

Mr. DOLE. We checked on Tuesday of this week and he is still listed as a member of the council. He did not say take me off.

Mr. HUGHES. Mr. President, would the Senator respond to the question. Does the Senator from Kansas repudiate the words of the president of the National Farmers Organization, Oren Lee Staley, given in testimony before the committee when the Senator from Kansas was asking the questions?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DOLE. Mr. President, if the Senator will yield himself 1 minute I will answer the question.

Mr. AIKEN. I yield the Senator 1 minute and then I would like 1 minute.

The ACTING PRESIDENT pro tempore. How much time is yielded?

Mr. AIKEN. One minute.

Mr. DOLE. I am a friend of Staley. Do not misunderstand me. I know he is an active Democrat but the point I make is they are paraded before our committee as nonpartisan witnesses, and that is not a fact. He was listed on Tuesday, November 30 as a member of the Democratic Policy Council of the National Democratic Committee. He has not asked Larry O'Brien to take his name off that list. He has not done so. I asked him as recently as yesterday and he has not done so.

Mr. AIKEN. Mr. President, I yield myself 1 minute to make a comment with respect to the Senator from California protesting against the Food Stamp Act.

When the last food stamp bill was reported from the Committee on Agriculture. It did not include this national standard about which the opposition to Earl Butz now complains, that provision was inserted by amendment in the Senate.

So I hope we do not get blamed for something we did not do in our committee or in the Department of Agriculture.

Another thing I would like to point out is of all the witnesses against Mr. Butz in the committee we were unable to get any of them to suggest the name of the person they would like for Secretary of Agriculture. In other words, they wanted to beat him but they did not have any other proposal.

Further than that, much has been made of the position of Mr. Butz on the environment. I think that is very logically explained in a speech he made December 1, 1970, at a dinner in Chicago hosted by the Foundation for American Agriculture.

I think in view of the discussion I will ask unanimous consent to have the speech printed in the RECORD if it has not already been done, and I do not think it has been.

Mr. President, I ask unanimous consent to have printed in the RECORD the speech by Earl L. Butz entitled "Man and His Environment—Crisis or Challenge," given in Chicago on December 1, 1970.

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

INTRODUCTION

"Who's Who in America" contains a prosaic account of the accomplishments of the Hon. Earl Lauer Butz. Inevitably it fails to indicate that in Dr. Butz America has one of the most brilliant and penetrating minds that has marched up the talent-filled Indiana turnpike in many a Wabash moon. It is a march that has brought to him national and international recognition. Unhappily, because of the single page assigned to this introduction, and the fact that rubber type is still not available, it is impossible to do justice here to this wise, humane and witty gentleman, so, in desperation we are forced to retreat to the colorless format of "WHO'S WHO" and present a condensed account of his career as recorded therein.

From Purdue University. Earl Butz received his B.S. Degree in 1932 and his Ph.D. in 1937. He has served as Research Economist for the Federal Reserve Bank of Louisville, as Professor and later Head of the Agricultural Economics Dept. of Purdue and

as Dean of its College of Agriculture. During the Eisenhower Administration, he was an Assistant Secretary of Agriculture, a member of the Board of Directors of the Commodity Credit Corporation and Chairman of the U.S. Delegation to FAO, 1955 and 1957. He has been an officer of the American Farm Economics Association and a member of the Canadian-American Committee, the International Conference of Agricultural Economists and the American Association of University Professors. He serves on the Boards of International Minerals and Chemical Co., Ralston-Purina Co., J. I. Case Co., Stokely-Van Camp Co. and Standard Life Insurance. Co. of Indiana. Presently he is Vice Chairman of the Board of the Foundation for American Agriculture, Vice President of the Purdue Foundation and Dean of Continuing Education at his alma mater.

On December 1, 1907 at a dinner in Chicago hosted by the Foundation for American Agriculture and moderated by Vice Chairman J. W. Stuart, Board member Clifton B. Cox introduced Dr. Butz, who spoke to the Foundation's Board and their guests on "Man and His Environment—Crisis or Challenge?" The foundation is privileged to publish his talk herein, but it should be added most emphatically that the printed words only faintly indicate the dynamic impact of these remarks as delivered in person by their author.—C.D.B.

MAN AND HIS ENVIRONMENT—CRISIS OR CHALLENGE?

(By Earl L. Butz)

Man has been a polluter, of sorts, ever since he discovered fire. Indeed, he wasn't nearly as clean in his living patterns and as sanitary in his personal habits centuries ago as are his modern descendants. We know something about the way the caveman lived by examining his rubbish pile. He polluted the air, the water, and the soil. But he didn't live in dense urban concentrations, and he had such a vast array of space and natural resources available to him that any pollution was so diluted that it was inconsequential, if it was even noticeable. Indeed, his animal and human wastes were recycled into the soil, and became an asset in his plant culture.

From that early day until now, our population-resource ratio has narrowed markedly, our per capita demand for resources has risen sharply, our population curve has accelerated upward at an alarming rate, and the opportunity to move on to virgin and unspoiled areas is virtually nonexistent.

FEVER PITCH IS REACHED

Small wonder, then, that we are all concerned about environment, resource use, pollution, and quality of life. In the last half dozen years interest in these areas has built up to near fever pitch. We are probably right now at a peak in our national clamor to "do something" about pollution.

We have a certain amount of faddism in our support for public causes. Think back over the last half dozen years or so. A couple of years ago our great national concern dealt with malnutrition and hunger. A greatly expanded federal food stamp program resulted. A revolutionary new concept in welfare was placed before the Congress by this administration. Before that we were all steamed up over racial and ethnic discrimination, with a wide variety of organizations carrying that flag.

Today I think it can be said that 1970 will go down in history as *the year of the environment*. In another year or two the very same organizations and media that wave the environment flag so vigorously today will have still another torch in their hands—and wave it just as enthusiastically. It is difficult to keep public interest at fever pitch in any movement more than a year or two.

Perhaps it's better this way. It is a well demonstrated American trait to over-react to crisis. When any issue is at the crest of its "agitation curve," exaggerated statements are made, perils are overemphasized, emotions are stirred up, and some unwise things are done. But on the other hand, governments are moved to act, corporate managers are made aware of their public responsibilities, and Mr. John Q. Citizen also decides that he too may be called upon to share in the cost of improving the situation. When public clamor subsides a bit and we enter the sub-crisis stage of public discussion and concern, it is always possible to make sounder decisions, to formulate better programs, and to move forward on a rational basis. There is evidence that our nation is just now entering that phase of environmental awareness.

PEOPLE GENERATE POLLUTION

The current furor over environmental pollution is, in fact, merely an expression of *people-lution*. The classical "solution to pollution is dilution" is completely inadequate as the concentrating population generates pollutants faster than the available dilutants of air, water, and space can absorb them.

The astonishing fact is that the human race as a whole is currently doubling every 30 to 35 years, and in some areas, notably Central and South America, the doubling time is currently approaching 25 years. If the population were to grow 3 per cent annually, it would multiply 18 times in a single century. Looking at these facts another way, if we had multiplied at the present rate from the beginning of the Christian Era, there would now be over one million people per square foot of earth surface. Obviously, that rate of growth cannot persist indefinitely because of the sheer limitation of space and food. However, such a rate is within the realm of possibility within our lifetime. Therefore, face it we must!

Or to put it in still different terms, within 100 years from now at present rates of increase, the world population will aggregate nearly 50 billion humans, equivalent to 1,000 people per square mile, or more than the density of people in New Jersey, over the entire land mass of the planet, including all the mountains, all the deserts, and both polar icecaps.

We haven't been doing quite that well in the United States, but we have been growing pretty rapidly. We reached 50 million by about 1880, 100 million by 1917, and 200 million in 1968. It looks like we'll hit 300 million by 2000.

Obviously, this is a geometric increase. But alarming as it is, it falls short of describing our trouble in true proportion, for certain social and environmental conditions are changing even more rapidly than the population.

DISEASE POTENTIAL INCREASES

In the first place, we don't know a great deal about the effects of high density population on human beings. It is clear that concentrations of people commonly produce high rates of abnormal social and psychological behavior. We know that disease potential increases with high density population. We don't know enough about the relationship between high density population and the rapidly accelerating increase in competition and the complexity of relationships among individuals. The resulting higher sociological and psychological stress no doubt is a contributing factor to high drug usage, breakdown of law and order, and a threat to organized society itself.

In the United States in 1970, only about 25 per cent of the population lives in rural areas. Or putting it another way, three-fourths of all the people live on one per cent of all the land.

Another aspect of the environmental problem, in the western world anyway, involves the skyrocketing curve of human wants and needs. The production of electric power is doubling every decade, and with it the thermal pollution of water, increased pressure on clean air, and marked invasion into our limited supply of fossil fuels. In North America, automobiles are increasing twice as fast as people; draw your own conclusions relative to the impact on atmospheric pollution and the growth of unsightly junkyards. As per capita income levels have risen and dietary patterns have grown more sophisticated, our food supply is possible only through increased use of chemicals and pesticides with their attendant regulatory and residue problems, animal feeding in large concentrated units with concomitant waste disposal problems, and a higher solid waste production associated with modern food merchandising and processing. These simple illustrations are indicative of the manner in which a geometric growth curve of human desires imposed upon a geometric growth curve of population can, in time, stretch the population-resource ratio to the breaking point. We are not there yet, but we are on the way.

SOLID WASTE IS GROWING

Solid waste production is also growing. Even this is on a geometric curve. The per-capita production of solid waste in this country is now about five pounds per person per day. This has doubled in the last couple of decades. The figure is increasing at about 3 per cent each year, which when added to an increase of 2 per cent in population each year, means about a 5 per cent increase annually. If we were to include all industrial and agricultural wastes, the figure would rise to 8 pounds per person per day, or nearly 1½ tons per person annually. This aggregates to almost 300 million tons annually for the entire nation. What a load for incinerators, dumps, land-fills, garbage disposals, and sewage treatment plants!

Attempts to categorize and measure the various kinds of pollution have met with only limited success. We can pretty well quantify our solid wastes that move out of home, factory, and feedlot. Likewise, there are reasonable estimates about the quantity of emission of solids into the atmosphere, particularly from the automobile. The measurement of water pollution is different, as it occurs both from run-off from our farms and industrial discharge into our waters, and also thermal pollution, particularly from electrical generating plants. And in recent years we have heard a lot about noise pollution, especially near airports and busy highways.

We all point to the automobile as the major air pollutant. While one should not minimize the contribution automobiles make to air pollution, their share of the total pollution is often exaggerated.

In spite of all the talk about electric automobiles, steam-powered cars, and the like, it is reasonably clear that the internal combustion engine is here to stay as an essential part of surface transportation. We have taken the sensible approach as we make modifications, even though they cost a little money, that reduce the emission problem to acceptable levels. It has been estimated by the automotive industry that auto emissions climbed to their peak a couple of years ago and have been going down since then. They will continue to go down each year, even though car population and vehicle miles driven will go up, so that by the early 1980's total vehicle emissions will be nearly comparable to what we had in 1940. And no one worried much about them then.

TROUBLE SOURCES LISTED

We should not let our daily awareness of the automobile obscure other important sources of air pollution, such as industrial plants and municipal and private burning.

Most industries, whether they contribute by smokestacks or through exhaust systems, add several types of air pollution to the atmosphere. Open burning on municipal dumps adds smoke and particulate waste in addition to deadly fumes.

Municipal and private utility companies are also examples of secondary sources of pollution. Electrical companies, while producing a non-pollutant source of energy and heating use coal as a source of power. This coal consumption adds significantly to the smoke, particulate, and sulphur dioxide content in the atmosphere. Finally, the individual, farmer and city slicker alike, pollutes when he burns off his fields or burns his trash in the back yard.

We are making substantial progress in reduction of water pollution. It is estimated that in 1970 total expenditures in this country by government (federal, state, and municipal) will be $3,680,000,000 for water and sewage treatment facilities of one kind or another. In the federal budget that President Nixon recommended to Congress last January, he included $800 million for 1970 for water pollution control. This compares with only $214 million the year previously. He estimated that over the next five years, a total of $10 billion of federal funds should be appropriated for this purpose. However, we should recognize that solid waste disposal problems are compounded by the abatement of water and air pollution. Chemicals and sludge collected in waste water treatment plants and particulates washed from industrial smoke must be collected and disposed of in some manner.

Agriculture is one of our big solid waste producers. On top of that, agriculture contributes its share of water pollution in the nature of nitrates and nitrites, ammonia, and persistent pesticides such as DDT, Deildrin, Endrin, and Toxaphene. Yet we must hasten to point out that it would be impossible to produce our modern food supply without the use of such pesticides.

One of agriculture's "messiest" problems is manure disposal. And it is going to get worse in the future.

FARMERS CAUGHT IN MIDDLE

Farmers are caught right in the middle of consumers' demand for more red meat—with less pollution from its production. But we have not yet found a way to produce a tasty sirloin without some cow manure as a by-product.

Historically, manure disposal on the American farm was relatively simple, when most farmers were diversified with both livestock and crops. Manure that fell in the pasture was automatically recycled back into the land. Manure that fell in the barnyard or barn was spread on adjoining cropland where the nutrients were re-used by next-year's crops.

Today much of the two billion tons of manure produced by farm animals each year is dropped by animals concentrated in large units. Since we have developed methods to produce inorganic fertilizers cheaply, the value of manure as fertilizer today is often less than the cost of storing and spreading it. Thus, it is regarded as a costly disposal problem.

Animal wastes thus accumulated must be disposed of somehow. However, animal wastes pollute the environment in a number of ways. Odor is an obvious pollutant; it is one that livestock producers have learned to tolerate or even appreciate, depending on the price of livestock. But neighbors—especially if they are not farmers—don't have the same economic interest in that smell.

The run-off from barnyard manure, entering streams, ponds, or lakes, can pollute those waters in several ways.

It is little wonder that cities show increasing interest in concentrated livestock operations anywhere within or even near the watershed from which they draw their water supply.

Fortunately, there are safe and sanitary ways of disposing of barnyard manure besides spreading it back on the land, but try to convince an urban politician that his water supply is safe so long as one of those fully modern f..ding installations is located anywhere within his watershed!

We now come to the $64 question. Can pollution be controlled? Can it be slowed down? Can it, hopefully, be reversed?

AGRICULTURE MAKES STRIDES

The answer to all of these questions is a resounding YES—if we want to pay the cost. We have already reduced substantially the pollution from the internal combustion engine. Industrial plants have spent and are spending tremendous sums to reduce both air and water pollution. Agriculture has made great strides in the safe use of chemicals, biologicals, and herbicides, and is making real progress in the disposal of animal wastes.

While of course we always need added research on any problem, and there are additional refinements that can be made in practically any process, we do know how to reverse our headlong plunge toward a complete fouling of the nest in which we live. We are making progress. While much remains yet to be done, let's not discount for a moment the advances we have made.

A study made earlier this year and reported in *U.S. News and World Report* indicated that it would take $71 billion to clean up polluted air, land, and water in this country in the next five years. The study estimates that $54 billion is required to clean up the waterways, $13 billion to combat dirty air, and $4 billion to improve methods for disposing of solid wastes.

Give or take $20 billion one way or the other, and you still have a pretty sizable price tag on our cleanup job. It is very likely more than the body politic will appropriate for that purpose. But all of it won't have to be appropriated. Part of it will come out of your pocket and mine in a higher cost for the automobile we buy, the electricity that lights our house, or the food that comes to our kitchen.

It is important that we as a nation recognize that solutions to these and similar problems rest not with some distant entities such as corporations or the government, but with each of us as individual citizens.

Some while back the comic strip character Pogo said about pollution, "We have met the enemy . . . and they are us!"

THERE IS NO SHORT CUT

The emission control systems on the automobile don't come for free—the purchaser pays for them. If ultimately we get lower compression engines, unleaded gasoline, with perhaps lower energy conversion ratios, we'll have to pay for it. There is no short cut.

If power generating plants install emission controlled devices and minimize thermal pollution, those of us who buy electric power will pay for it.

If the disposable soft drink can, the no-return beverage bottle, and the plastic detergent container give way to some other—and perhaps more costly—method of distribution, we'll pay for it. There is no short cut.

On the other hand, we should recognize that economic benefits also flow from pollution control. Therefore, the total cost of cleaning up our environment, estimated earlier at $71 billion over five years, is gross cost and not net.

Cleansing the environment actually will save vast sums, in addition to enhancing the quality of day-to-day living. It has been estimated that polluted air costs some $13 billion a year in property damage from soiling, corrosion, and abrasion of materials. It is difficult to esimate how many more billions should be added for health care bills and the loss of farm crops.

Similarly, polluted water costs the nation perhaps $12 billion a year. The five-year economic loss of $60 billion is more than the estimated tab for making waterways cleaner. Improving the disposal of solid wastes, authorities say, would contribute to better public health, save money on trash collection, incineration, and dumping.

Government and industry together are spending only millions annually to fight air pollution. The study cited above indicated the five-year bill for air pollution would be about $13 billion over five years, or about $2.6 billion annually. It has been estimated that damage caused by air pollution probably exceeds $13 billion a year.

MODEST FRACTION IS REQUIRED

The gross national product in the U.S. in 1970 was approximately $970 billion. The National Planning Association has projected that it will grow about $45 to $50 billion annually at constant 1970 prices. Only a modest fraction of his annual increment will be required to conserve our resources and enhance our environment. Ten billion dollars per year or more put into environmental improvement would be less than one per cent of our G.N.P. We can and will do at least that much. While this may mean a slight reduction in the growth rate of real personal disposable income, Americans have always made greater sacrifices in income in order to improve the quality of living. Look for example at the reduction in the workweek from the 60 or 70 hours of a century ago to some 35 hours today. It is clear, in this instance, that our society has elected to trade off several hundred billion dollars per year in personal income in order to work fewer hours and increase the quality of living through expanded leisure time. However, we are now at the point where the enjoyment of leisure time has been seriously impaired by the limitations on recreational opportunities through environmental pollution.

Caution must be exercised that we don't go overboard in our hysteria to clean up the environment and make everything *absolutely* safe.

This is a world in which we constantly offset risk against benefit. We never completely insure our car against all hazards, our dwelling against total loss, our life for what it is *really* worth, or our health against every hazard. In practically every phase of our activity we take some chance. We are constantly trying to evolve a risk-benefit ratio which satisfies each of us, and which each of us can afford. If we completely insure against every risk, we may end up with nothing left to enjoy our new-found safe position.

ILLUSTRATIONS ARE GIVEN

A few illustrations will suffice. We must shortly decide whether we want to build additional power generating plants, with perhaps a tolerable amount of thermal pollution and atmospheric pollution, or whether we want to experience electrical brown-outs on midsummer afternoons when everybody turns on his air conditioner. We must decide how much additional cost we want to add to our total transportation bill to reduce pollutants from that source to, or even below, tolerable levels. We must decide if we want to completely eliminate risk in using chemicals, pesticides, and antibiotics in food production, or whether we want to have an adequate, nutritious, and economical food supply for our growing millions. Modern agriculture cannot continue to produce adequate amounts of safe and wholesome food without chemicals or antibiotics. If we were seriously to curtail their use on farms and in the food industry, we would immediately experience a decline in the quantity and overall quality of our food supply. Consumers would quickly experience a rapid rise in food prices, and consequently would have much less to spend for all the other things that go into the fabulous American standard of living.

We can go back to organic agriculture in this country if we must—we once farmed that way—75 years ago. We know how to do it. However, before we move in that direction, someone must decide which 50 millions of our people will starve. We simply cannot feed, even at subsistence levels, our 205 million Americans without a large production input of chemicals and antibiotics.

Our problem today is that two-thirds of living Americans never had the experience of biting into a wormy apple, seeing the wormhole, and wondering "Did I eat that worm or is he still in the apple?" They think that God and nature made all apples good.

ECOLOGY IS SEVERE ON MAN

The plain truth is that the ecology of nature is pretty severe on man, and man is constantly trying to modify it.

Let's be honest: God put the worm in the apple; man took it out.

God put the cockroach in the cracker barrel; man took it out.

God put the potato bug on the potato; man took it off.

God put the termite in the timber; man took it out.

God put the malaria-laden mosquito in the backyard; man took it out.

God put the mildew on the rose; man took it off.

God put the parasite in the pork; man took it out.

How far back to Nature do our ecologists want to go? Or, if they are honest with themselves, do they really want to go at all? Let's be honest about it.

By all odds the most serious pollution threat facing the world is the *people-lution* discussed earlier in these remarks. This is the real source of the other pollutions. We simply are getting too many people relative to the resource base to support them. Population is increasing on a geometric curve, while food production is increasing on an arithmetic curve. When the massive force of an exploding world population meets the much more stable trend line of world food production, something must give. Unless we give increased attention now to the softening of the impending collision, many parts of the world, within a decade, will be skirting a dis aster of such proportion as to threaten the peace and stability of the western world itself.

If our world population doubles in the next three decades, as it very likely will, this means that we must learn somehow in the next generation how to feed as many more people as we have learned to feed since the dawn of history. And we must do this on even less arable land resources than we now use in agricultural production.

About a billion people live in the industrialized western nations of the world. They have access to half of the available arable land, and are using much more than half of the earth's yield of material products. About 2.5 billion people live in the largely agrarian, underdeveloped nations, and more than half of them are undernourished and otherwise underprivileged.

It has been estimated that a child born in the United States requires in its lifetime at least 20 times the resources that will be used by a child born in India. This is a difference in living standards, and it measures the rate at which our natural assets are used up by an industrialized society. It implies that a great deal of the world is not likely to be industrialized if anything near the present population level is maintained.

POGO IS QUOTED

In closing, we come back to Pogo's observation about pollution, "We have met the enemy . . . and they are us!"

Therefore it is we, as individual citizens, who will have to decide how much we are willing to pay for a better quality of life beyond that which is truly necessary. And that includes population control. When we quit thinking of these problems as the concern of others and face the fact that they are ours—this nation can move forward with greater effectiveness toward the achievement of a better quality of life for all.

It is completely unacceptable to believe that there is no way out of the problems we have created. Unquestionably, there are risks involved, but none so great as the risk that we may quit risking, try vainly to set the clock back, abjectly surrender the goal of a better world in the mistaken belief that this one is as good as can be.

MESSAGE FROM THE HOUSE

As in legislative session, a message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to 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.

The message also announced that the House had passed a bill (H.R. 11589) to authorize the foreign sale of certain passenger vessels, in which it requested the concurrence of the Senate.

The message informed the Senate that Mr. STUCKEY had been appointed as a conferee at the conference on the bill (H.R. 11341) to provide additional revenue for the District of Columbia, and for other purposes, vice Mr. ABERNETHY, excused.

NOMINATION OF EARL L. BUTZ

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. AIKEN. I yield back the time I did not use.

Mr. HUGHES. Mr. President, I yield myself such time as I may use.

On page 104 of the hearings I want to read a statement of my colleague from Iowa, the ranking Republican member of the Committee on Agriculture, in response to a question to Mr. Staley.

Senator MILLER. I would just like to say to my colleague from Kansas, I have known Mr. Staley a long time, and from my observation, Mr. Staley has been very bipartisan in his attitude, and I was somewhat shaken when I saw his name on the Democratic advisory committee, which the Senator from Kansas has now brought to this committee's attention.

I am relieved, may I say, to know that Mr. Staley is not a member of that committee, and that he is continuing to preserve his bipartisan approach.

Senator DOLE. Let me say the same thing. Oren knows, as well as anyone, that we have worked very closely on a number of things. In fact, I guess they decided, some wanted a speaker at their convention, and some did not want a speaker, so they asked me to come in December.

I want to get back to the matter of research policies of land-grant colleges, because it is a matter I think we need to focus attention on in the future in the Agriculture Department, and because it poses a question that may not be unique at all to a single land-grant college or university, or may not be unique at all to a single research foundation. In fact, this may be widespread in the United States, and I feel it is important to be investigated in the future.

Perhaps the agribusiness-government complex and its importance is best illustrated by the activities of the Purdue Research Foundation of which Mr. Butz serves as vice president and received $10,816.50 in 1970. The Purdue Research Foundation is a private, nonprofit foundation created as an arm of the university in 1930. It purchases land for the university, acts as a funnel for research grants from Federal, State, and private sources, and holds patents for the university. In 1970, it received over $12 million from public and private contributions and $3 million primarily from proceeds from the sale of property, and interest and dividends from its stock and bond investments.

About 80 percent of the money received by the Purdue Research Foundation comes from the Federal Government, primarily the Public Health Service, the Department of Defense, and the National Science Foundation. Approximately $2.7 million comes from industry. Most research funds from both public and private sources are channelled through the foundation.

Despite Dean Butz' statement, as reported in the Washington Post on November 14, 1971, that the industry-financed research projects of Purdue were taken on without any restrictions and with the results made public, it has been extremely difficult to obtain information about that industry-financed research. But enough is known to raise a series of questions that demand thorough review by the Department of Agriculture.

That is the reason why I am placing this in the RECORD this morning.

Let me stress again that these are not questions of anyone's honesty. They are questions of policy, important questions, but questions that Mr. Butz is particularly ill-suited to pursue because of his personal involvement in those policies.

Let me also point out that the agribusiness-Government triangle evidenced in the Purdue Research Foundation—PRF—is not confined to Purdue. Other land-grant colleges have similar foundations and similar policies. A review of these matters by USDA should not be confined to any one particular campus.

Of particular concern is whether or not public agriculture colleges are being turned into research labs for agribusiness, whether public resources are being used to subsidize essentially private research.

PRF, in addition to buying and holding land for the university, serves as a middleman between public and private finances and faculty research. In some cases, the research and development process is initiated by the agribusiness company, which may be interested in testing a particular product or developing a new product or process. In those cases, the agribusiness company sponsors the research, often channeling the money through PRF with the understanding that it will have first rights to license any patented process or product resulting from that research. In other cases, PRF searches for public or private

resources to underwrite a research project conceived by an individual faculty member and perhaps already partially developed.

Let us examine one example of this relationship, an example that underscores some of the problems with it. International Minerals & Chemical Corp., on whose board of directors Mr. Butz has served since 1961 at an annual salary of $10,000, contributed at least $50,000 to Purdue research since 1963 for the development of new processes for regulating the growth of soybeans. That research was undertaken by a Purdue Agriculture School research team which in fact developed a new process for regulating soybean growth. That process was patented by the Purdue Research Foundation on August 5, 1969. Soon afterward. International Minerals & Chemical Corp. received an exclusive license from PRF to use that process for its own business purposes.

I think that it can be safely assumed that the funds given by IMC for this research were granted with the understanding that IMC would receive the benefits of that research.

There are many important but unanswered questions. Did the contributions of IMC fully pay for the research undertaken or was there a hidden public subsidy to this bit of private research? Is this a cheaper way for agribusiness companies to conduct their research and development than if they did it themselves?

When new products or processes are developed by faculty members and then patented by PRF, how are the licensees chosen? Of 12 known patents held by PRF, seven have been licensed to private agribusiness companies. At least four of those seven companies have directors who also serve on the board of the Purdue Research Foundation. In addition to the interlock between IMC and PRF through Dean Butz, two PRF patents are licensed to Commercial Solvents Corp. of Terre Haute, Ind. Dr. Maynard C. Wheeler is a director of Commercial Solvents and a director of PRF. Mr. Robert Wheeler is a director of Commercial Solvents and one of the 98 members of PRF. One PRF patent is licensed to Duncan Electric Co. Mr. Jack Bixler is a director of Duncan Electric and a director of PRF. Mr. Charles H. Lawshe is a director of Duncan Electric and a member of PRF.

How are these licensees chosen? Is there competitive bidding? Does that vary when the product or process involved has been developed partially or wholly with State or Federal funds?

I raise these questions, because what is at stake here is nearly half a billion dollars of State and Federal research money that is channeled through our 69 land-grant colleges and their affiliated extension services each year.

That is the largest research and development resource there is in rural America. Is that money benefiting all segments of agriculture and rural America evenly, or is it largely directed toward more efficiency and more bigness? Are the peculiar and immediate problems of small, independent farmers and farmworkers being sufficiently tackled, or are most of the direct benefits of this research money going to agribusiness, with the other segments of agriculture confined to a "trickle down" benefit?

I do not know the answers to these questions, but the example of the Purdue Research Foundation indicates that it is imperative that we inquire. For it is the half billion dollars a year of public research money that has, is, and will continue to set the direction of American agriculture and the path of rural America.

Mr. Butz is clearly not the man to direct USDA into a reexamination of those policies because he is the product of them himself. But if he is confirmed in his nomination, it certainly is imperative that he direct and set up a panel which is nonpartisan, bipartisan, or whatever, to do this investigation, and to do it properly.

Now is not the time, in my opinion, to approve a nominee for Agriculture Secretary whose career has largely focused on agribusiness and sorely neglected the immediate problems of small- and medium-sized commercial farmers and farmworkers.

The question is not the ability of Dr. Butz in the fields he has followed. He has distinguished himself in the fields of development that he has followed. I do not question these points.

In conclusion, I want to point out, in the points raised, specifically directed at the Purdue Research Foundation only, that there are many other research foundations and many other college and universities doing similar type of research for similar reasons. The question is that these things should be brought into focus, that they should be studied, and recommendations should be made to assure that all segments of our agriculture receive a fair benefit from the research dollar we are appropriating and expending for agriculture in America.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "The Purina Sale."

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

THE PURINA SALE—DON DANFORTH'S AMAZING BID TO MAKE IT ON HIS OWN

Who ever thought that Don Danforth, Jr., would turn out to be an "Up the Organization" man? But that is precisely what history will record him to be if he and his associates, who include his father and a brother, are successful in bidding for the soon-to-be- divested poultry division of Ralston Purina Co., the Danforth-founded feed-food corporation that today does about $1.8 billion a year in business.

The popular "U-the-O" book was written by Robert Townsend, whose unorthodox management turned underdog Avis into the world's second largest rent-a-car business.

Don Danforth, who is 39, is a grandson of the founder of Ralston-Purina, William H. Danforth. Don, Jr.'s father is a former chairman of the board. A brother, William, is chancellor of Washington University in St. Louis. (It was from there that his grandfather was graduated in 1894.) Another brother, John, is attorney general in Missouri. (He lost a bid for a U.S. Senate seat to veteran Stuart Symington by less than a 2% margin in 1970).

It has been long suspected that young Don has always wanted to do his own thing. It isn't easy when you're part of a family who owns at least $40 million worth of common stock in Purina, the dividends on which last year alone amounted before taxes to about $2.7 million. Don was the only one of the three brothers who seemed to have the desire to remain in the feed-food business.

He is an executive vice-president of Purina, a member of the board, and president of the agricultural products group (in itself a $900 million segment of the company's total sales).

Danforth, his father and his brother, Bill, have temporarily disassociated themselves from discussions pertaining to the intended sale of the broiler and egg segments of the Checkerboard Farms division.

R. Hal Dean, chairman, as is known, has relieved Danforth of all operating duties in the interim, along with Tom M. Reese, a corporate vice-president and director of the CF division, and Max O. Bradshaw, vice-president for operations and processing in the CF division. Both intend to go with the new package if the "Danforth Group" is successful in its bid to buy the poultry division. The latter does not include frozen branded poultry products group.

What will it cost? Somewhere around $35 million, industry assumes, with about two-thirds of the assets current, in the form of feed and bird inventory.

Chairman Dean had stated earlier that he hoped Purina would be able to retain some of its Chow (feed) tonnage from the new buyer or buyers. Otherwise, the Chow division will have lost all 700,000 tons of feed in intracompany sales as a result of the divestiture.

It is probable that the possibility of continuing some business, at least, with the Chow division, on the part of the new purchaser(s), will be factored into the bids. This is because it would add income to Purina as a company.

The Chow division, incidentally, in late October laid off about 100 employees, both at headquarters and in the field. One of the casualties is the widely known and liked Dr. Richard Eaton (formerly a public relations representative in Washington for Purina).

Even without the captive tonnage, the Chow division sells about 6.4 million tons of feed a year, about one-third of which is to poultry customers, most of whom are in the table egg business.

To insure that Purina's stockholders get the highest benefit possible from the intended sale, the company already had been taking highly unusual precautions. (The three Danforth directors involved own about 4% of the company's common stock, and the nonprofit Danforth Foundation, another 9%.)

Purina, after the board's decision to sell on October 4, immediately asked for informal offers on its poultry properties. By the time young Danforth had sent his letter to the board on October 28, the company was in the process of supplying additional financial details to all prospects, including some which had not made offers.

Finally, Chairman Dean and a special executive committee employed Lehman Bros., the prestigious New York investment firm, to make a full appraisal of the properties and to analyze final bids.

The internal timetable is to terminate bidding on November 30, and to try to wrap up the sale by January 1, 1972. Meanwhile, like Caesar's wife, the three Danforths are remaining at arm's length with regard to this particular transaction. They want to insure that all stockholders are satisfied that the "color and the count of the green" are all that matters—not where it happens to come from.

Young Danforth's decision apparently is based on a long-felt desire to do something on his own, away from the stifling restric-

tions of a big business. Undoubtedly, he could have climbed to the 15th floor and the president's chair, given a little time. Why, then, is he possibly turning his back on this opportunity?

He will tell one that he had to make his disclosure for legal reasons, and that he is merely "considering" making a bid. He says he has a lot of fine-comb analyzing to do on what the size of the bid might be, or even if, indeed, he will bid. Still, to have made that disclosure of intention, was like crossing the Rubicon.

His emotions at even Stage One, of course, were very mixed. The idea is intriguing, challenging and exciting to him—the possibility of creating a new business, running one's own show. On the other side, how much deeper can one's roots go in such an organization, spanning three generations of Danforths?

Part of the answer must lie in a very deep mutual respect running between young Danforth and Tom Reese, the "can do" 42-year-old director of Checkerboard Farms. And both, in turn, have much regard for the back-up managerial capabilities of Max Bradshaw.

Then there is the warm support of a family who desires, above all, to give a cherished member a chance to do what he really most wants to do. After the sale, the Danforths' position will return to status quo, except that if the Danforth bid is successful, Don will leave Purina.

Finally, there is the very great challenge to Don, Reese *et als.* of turning a cyclical poultry business into a high profit winner—the goal they had within Purina, but which, by their own considered judgment, needed to be divorced from the "new" kind of company Purina had begun to establish for itself.

Wall Street applauds the divestiture, which should be assurance enough that the rate of return on assets, and the wobbly nature of contributions to dividends from non-frozen, nonbrand poultry, simply no longer suited the giant consumer market-oriented food company's future objectives.

As Chairman Dean noted last month to BROILER INDUSTRY, it was a very difficult decision, but October 4 the board backed up his recommendation to sell (earlier sustained by Reese, Danforth and others in the executive group).

At that time, the board said it expected to incur an after-tax loss on the sale of about 15 cents a share. Based on some 31 million shares, this would amount to about $4,675,000; pre-tax, about twice that. At that time, the Danforths had no intention of making a private bid for the poultry division.

Ralston's sales for the fiscal year ending September 30 were about $1.8 billion, and poultry sales were about 10%, or $180 million. However, the division represents only about 5% of total assets of $775 million, or about $40 million.

What kind of competition will the "Danforth Gorup" face in the bidding process? National and regional firms are interested in at least parts of everything that Purina is offering for sale. Among the spirited bidders will be regional managers themselves—who all along have had faith in their operations.

Should Danforth's bid win, one might speculate that the new company would retain most of the current cadre of key managers and able employees, and would provide for participation in ownership. Suppliers see every indication that the current sale is one of a going business. "Business as usual" orders are rolling in to insure continuity and integrity of the regional operations.

Should young Danforth be the purchaser, he'll be burning all bridges behind him so far as Purina is concerned. If he comes back into that company at all—which perhaps is too far away to speculate upon now—it certainly would be only as an individual who had proven—mostly to himself—that he could make it on the outside.

If this analysis of the reasons for his decision is correct, then the poultry division divestiture was merely a triggering device.

Mr. HUGHES. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DOLE. Mr. President, I yield myself 3 minutes.

Mr. President, in connection with the discussion by the distinguished Senator from Iowa, I ask unanimous consent also to have printed in the RECORD at this point a letter from Dr. Butz to the chairman of the Committee on Agriculture and Forestry, the distinguished Senator from Georgia (Mr. TALMADGE), with reference to the Purdue Research Foundation.

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

DEPARTMENT OF AGRICULTURE,
Washington, D.C., November 23, 1971.

Hon. HERMAN E. TALMADGE,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: At the confirmation hearings last week, Senator McGovern raised a question relative to the Purdue Research Foundation in acceptance of grants for support of research.

The Purdue Research Foundation, a non profit corporation was established in 1930 to assist in the development of the University and its facilities. The foundation may accept gifts, administer trusts, acquire property, negotiate research contracts, and perform other services helpful to Purdue University. Practically the only restriction in the corporate charter is that no individual may profit from its operation.

The president of the University is presently the president of the foundation. Though the operation of the foundation is conducted by the board of directors, the day-by-day activities of the foundation are centered in the offices of the vice-president and general manager, the director of the division of sponsored programs, the treasurer, and the secretary.

Staff members will find a variety of ways in which the Purdue Research Foundation may be helpful. Some specific ways are:

1. Assistance in obtaining support for research programs.

2. Conducting contract negotiations in connection with research programs.

3. Through a special restricted fund, known as the XR Fund, providing support for a wide variety of research projects for graduate students and staff.

4. Through a second restricted fund, known as the XL Fund, helping carry out individual scholarly programs by staff members themselves, particularly during the summer months.

5. Providing funds for travel for scholarly purposes.

6. Providing special grants for research and other scholarly pursuits when funds cannot be obtained from other sources.

7. Conducting negotiations over patents resulting from research or investigations performed by staff members or students of the University on University time or with its facilities.

During the past three years, I have served as Vice President of the Purdue Research Foundation for special projects. One of my prime responsibilities was to direct a Centennial capital fund campaign to raise money for the University from alumni, faculty and friends of the University.

Much of this money was or will be channeled through the Purdue Research Foundation. Purdue Research Foundation, like all foundations of this character, accepts research grants from industrial companies only on the condition that the research be completely under the control of the University, that it be research of a character that the University does for its own benefit or the public good and that the results of the research be a part of the public domain and not accrue to the benefit of the organization that made the research grant in the first instance.

In some cases, the University does contract work with the U.S. Government or agencies of the U.S. Government on specific projects which are sometimes classified where national defense is involved. This is, of course, different from research from an industrial grant. In no case has the University taken money from an industrial company that has been done for the benefit of the grantor.

Sincerely,

EARL L. BUTZ.

Mr. DOLE. Mr. President, there has been some talk about Dr. Butz' attitude on food stamps. From what I can understand, he merely made a realistic statement that in some cases, the program has been so generous that there have been abuses, and I think that is true. We have seen a major expansion of the food stamp program in the past 2½ years, and now we are expending for food stamps more than $2 billion annually, with the total value of food stamps being used about $4 billion.

So that is a very generous program. It is a very large program. It will be expanded. It will be extended. But it is a program that has grown very quickly, and no doubt there are always those around who take advantage of any program, and there are those who are undeserving as well as those who are actually willing to violate the laws and regulations; and that is a fact of life, which Dr. Butz has recognized as a fact of life. The undeserving should not participate, nor should those who violate the law participate.

The U.S. Department of Agriculture is well aware of the large number of abuses of this program and has been vigorously taking steps to eliminate all of these. A few examples: The food stamp program is administered by local county welfare agencies. In many instances there has been considerable carelessness in certification of eligible and ineligible people. Last year the Department of Agriculture billed the District of Columbia for over $60,000 as a claim for improper certification and in a similar situation billed the State of Illinois for over $200,000 for improper certification procedures in Chicago.

Throughout the country there have been instances of theft of stamps from local offices. Responsibility for losses of this kind have been placed in the States and the States are held responsible for these losses. As a result much greater security measures have been taken and the volume of theft has gone down very sharply.

Of real concern to the Department is the illegal abuses of stamps. That is cashing of stamps for products for which they are not intended. Recently a grocer in the District of Columbia was indicted

on the basis of illegal conversion of stamps. This has happened in many other areas of the country and a number of retail establishments have been denied the right to redeem stamps, because of improper procedures.

Last year the Congress passed amendments to the food stamp law which are now being implemented in new regulations by the Department of Agriculture. These go a long way toward eliminating abuses. Households of unrelated persons, "so-called hippie communes," are not eligible under the law and regulations for food stamps. There is a work registration requirement whereby recipients of food stamps who are physically able to work must register for work. It is now illegal for unauthorized persons to possess authority to purchase cards. This brings up a serious abuse. The new regulations call for quality control viewing procedures to make it possible to be sure that only legal people are receiving food stamps.

Mr. President, many people have expressed concern about strikers being eligible for food stamps. The Congress of the United States debated and voted on this issue and in every instance the vote has maintained in the law the right to strikers to receive food stamps. This is not a matter of discretion with the Department of Agriculture.

Mr. President, Dr. Butz has in many public statements made it absolutely clear that he will give every support to the President's pledge to eliminate poverty-caused hunger and malnutrition in this country and will enthusiastically administer these dynamic programs of the U.S. Department of Agriculture which are making such great progress in that direction.

Finally, Mr. President, there have been references made last evening, and again today, about Secretary Butz' philosophy, about his concern for the American farmer.

I served on the Agriculture Committee in the other body for 8 years and recognize the difficulties that Secretary Freeman had. I did not always agree with Secretary Freeman, but sometimes did.

The Under Secretary of Agriculture during most of that time was a fellow Kansan, John Schnittker. He was popular in some areas and unpopular in other areas, as most of us are who are engaged in politics or have some administrative job.

There has been a lot of concern expressed about the number of farmers, and now we are down to 3 million and are going lower and lower. I thought it might be well to quote the former Under Secretary of Agriculture, John Schnittker, who appeared before the Subcommittee on Feed Grains in the House of Representatives on December 3, 1969.

In his statement, he said in part:

> The principal objectives of agricultural price and income support and production adjustment policies and programs are to stabilize the agricultural economy, to benefit those who produce and market agricultural products, and to help insure an adequate and reasonably priced food supply. In the early years of modern farm policy, there was an element of truth to the rhetoric which said that farm programs were needed to help or even to save the small family farmer. This meant most farmers in the 1930's. It is different today. The United States counts 3 million farms in the census but only 1 million of them are serious producers and major beneficiaries of farm programs.
>
> This is increasingly obvious, but still not fully acceptable politically. Conventional farm programs can seldom help persons on small farms get the better life they want.

That was the former Under Secretary of Agriculture appointed by President Kennedy.

Then we had Secretary Freeman, under whose 8 years as Secretary we saw the disappearance of 30 percent of the American farmers from the scene, and I have not noticed that that has been discussed much in this debate.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOLE. I yield myself 1 additional minute.

In a speech by Secretary Freeman called "Drawing Nations to New Markets," in June 1967, Secretary Freeman was looking ahead toward the 21st century when he said:

> In the 21st century we may find that no more than 2 million of the 300 million people in America are farmers. Computer-controlled machines plant the crops, fertilize by prescription, determine when produce is ready for market, harvest on order, and grade and package the commodities for delivery by supersonic cargo planes to fully automated warehouses.

I think again that was a recognition of a fact of life, and I share the view expressed by the Senator from Iowa and the Senator from Oklahoma that we have got to turn it around. That is why, in our Committee on Agriculture and Forestry, we have been discussing rural development. That is why we have been looking for ways to keep people on the farm and in the country, to provide additional employment through rural development, and I see some success for that program, if not this year next year, and perhaps some hope, in a bipartisan way or a nonpartisan way.

I know of no one in this body who wants to see the American family farmer vanish from the scene, whether he is a Democrat or a Republican.

Farmers are very independent. Farmers vote their pocketbooks. I was not consulted about the appointment of Dr. Butz. Perhaps I should not have been but I am a Senator from a farm State, and also the chairman of the party. That obviously is not always the criterion for consultation in any administration.

But I would guess that all the controversy and all the heat generated over this appointment may be good for agriculture. I see some benefits coming from what may be a very close vote at 1 o'clock.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOLE. Two additional minutes.

I think Dr. Butz has gotten the message. I think those in the White House and those in the USDA have gotten the mesage. I think they know agriculture is important, not just politically important, but important to our economy. So I should hope that my friends on the other side are sincere—and I assume most of them are—in their opposition to Dr. Butz, but I see that there are some benefits coming from this debate. For once the Senate has focused national attention on the American farmer, and for once, for 1 day, for 2 days, or perhaps 3 days, the American people—consumers and farmers alike—will know that the U.S. Senate is concerned about agriculture. I think that is important, as does the Senator from Oklahoma and the Senator from Iowa and the Senator from Vermont, not as partisans, but as those representing rural States. If Dr. Butz has not gotten the message, and if the message has not permeated the White House and those in the USDA, and some career employees—I do not know their politics—then perhaps at a later time the Senator from Kansas will join some of the opponents. However, if these segments have gotten the message, and if there are increases in prices, and if there are successes, then I would hope, in the same spirit, that some of the opponents would join some of us who now support Dr. Butz as a man of honesty, a man of integrity, and an articulate spokesman for American agriculture.

Mr. President, I yield 25 minutes to the distinguished Senator from South Carolina.

Mr. HARRIS. Mr. President, will the Senator first permit me to yield to the Senator from Virginia?

Mr. THURMOND. I am happy to permit the Senator from Oklahoma to speak on his own time.

Mr. HARRIS. Yes. Mr. President, first, on my time, may I say that the distinguished Senator from Virginia (Mr. SPONG) is not going to vote with us, but he dislikes this nomination as much as we do, so I am pleased to yield him 5 minutes.

Mr. SPONG. I thank the Senator from Oklahoma, and I thank the Senator from South Carolina for allowing me to make this brief statement.

Mr. President, along with many Virginians, I am concerned by statements made by Dr. Earl L. Butz prior to his nomination by the President to be Secretary of Agriculture. I have serious misgivings over the attitude of the nominee toward the family farm. His comments reflect a lack of sensitivity to the immense contribution made by family farmers to the Nation's well-being—farmers like those in Virginia's Southside and on our Eastern Shore.

At a time when farm prices are seriously depressed, one might question why the President has selected a person who does not have more support within the agricultural community. It would seem that a special effort would have been exerted to find someone whose background is more compatible with the views of the family farmer.

Nevertheless, while I am concerned over some of Dr. Butz' statements, and his background, I also am mindful of the established tradition that the Senate will accord the President great leeway in the selection of members of his Cabinet unless they are demonstrably unfit on grounds of personal character. To my knowledge, no one has challenged the integrity of the nominee. He is a man of character and ability.

The President is responsible for the official acts of his principal advisers, and he should be given wide latitude in their

selection. The Senate and the American public cannot hold the President responsible for the administration of the executive branch of Government if we frustrate him in the selection of advisers to serve on his Cabinet. Only eight Cabinet nominees have been rejected by the Senate in our Nation's history.

There is a distinction between nominees for the judiciary and nominees for Cabinet positions. Federal judges, for all practical purposes, enjoy lifetime tenure. Members of the Cabinet are subject to the political process through our quadrennial presidential elections. Moreover, a member serves at the pleasure of the President.

Mr. President the Senate Agriculture Committee has chosen to report the nomination of Dr. Butz favorably to the Senate. A majority of the Committee concluded that Dr. Butz responded adequately to the questions raised about his nomination. I am prepared to concur with the Committee, although I do so with reservations.

The debate over the pending nomination involves some of the issues that arose during the controversy over the nomination of Walter J. Hickel to be Secretary of the Interior nearly 3 years ago. Mr. Hickel's business associations were questioned and he was criticized for comments that indicated he was not in sympathy with conservation efforts he would have the responsibility to lead. I supported with reluctance the nomination of Mr. Hickel. During his period of service as Secretary of the Interior I found nothing to justify the reservations I had expressed. The former Secretary demonstrated a concern for the public interest that belied the misgivings I had at the time of his nomination.

It is essential in my judgment that the Secretary of Agriculture be sensitive to the plight of our family farmers, and that he have some understanding of the potential environmental problems posed by some agricultural practices. He also should demonstrate concern that less fortunate citizens of a nation producing large agricultural surpluses should have an adequate supply of food.

The great opposition expressed to Dr. Butz' nomination should make him more mindful of these matters. I hope so. I shall, with reservations, vote for confirmation.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized for not to exceed 25 minutes.

Mr. THURMOND. Mr. President, I shall vote to confirm Dr. Earl L. Butz as Secretary of Agriculture.

Due to the propaganda of those who have opposed Dr. Butz, I asked him to come to my office Monday afternoon, November 29, 1971. Since my first obligation is to my constituents, I desired to know where he stood with regard to our tobacco, cotton, soybean, and peanut programs, as well as his interest in dairying and livestock.

After conferring with Dr. Butz in detail, he assured me of his deep interest in the crop and livestock programs of our South Carolina and Southern farmers and that he stood solidly behind them. Dr. Butz stressed his interest in preserving the family farms and in programs to help the family-sized farms.

Mr. President, I talked with Mr. J. Phil Campbell, Under Secretary of Agriculture, who formerly served 14 years as Commissioner of Agriculture in the State of Georgia, and he assured me of Dr. Butz' genuine interest in the welfare of our Southern farmers and of his support of their crop and livestock programs and recommended him highly.

I also talked with Dr. R. C. Edwards, president of Clemson University, our State agricultural university, and he said that he had known Dr. Butz for a long number of years and was deeply impressed with his dedication and ability as an agriculture leader and he felt that a finer appointment could not have been made.

The Farm Bureau and the Grange have endorsed him, as well as many individual farmers.

At this point, I would like to read Dr. Butz' letter to me:

I appreciate the opportunity of personally giving you my views regarding U.S. Department of Agriculture programs important to the farmers of your State and the southeastern United States.

As I stated in my testimony before the Senate Committee on Agriculture and Forestry, I have a deep and abiding interest in the welfare of the peanut, cotton, tobacco, and soybean growers as well as the livestock and dairy farmers. I wholeheartedly endorse the one price system for cotton. I am especially pleased that farm prices for cotton are substantially above the loan levels and that farmers are getting these higher prices. Farmers' income for cotton is more than $200 a bale for cotton for only the third time in this century. I support the present program which permits U.S. mills to buy their cotton at the same price here as foreign mills. This is sound economics. The present tobacco, soybeans, cotton, and peanut programs are working well and if confirmed as Secretary of Agriculture I shall work to continue these programs in a manner which continues to be beneficial to producers.

Having been reared on a family farm, I am earnestly interested in preserving these farms. Their preservation is absolutely essential to our economy and I shall do all within my power as Secretary to keep as many family farms in operation as possible. As an economist, I know the importance of continuing to expand exports of farm produce and livestock products so that the family farmer as well as others will benefit economically from expanded overseas markets.

I believe my overall background and experience will enable me to assure that all segments of our agricultural economy work together for the benefit of every element of that economy rather than having any segment pitted against the other.

Mr. President, Dr. Butz has an outstanding background in agriculture, a personal background of having been born and brought up on a family farm, and a career as an able administrator and academic expert in agricultural matters.

He is dean of continuing education and vice president, Purdue Research Foundation, Purdue University, Lafayette, Ind. He served from 1937 to 1954 as a professor of agricultural economics at Purdue University. After 3 years as Assistant Secretary of Agriculture, from 1954 to 1957, he returned to serve for 10 years as dean of agriculture at Purdue.

Mr. President, I should also like to point out that it would be unfair to prevent confirmation of the nomination of this able man by holding him responsible for policies which were controversial in a previous administration in which he served, particularly when Dr. Butz was not head of the Department.

In view of the assurances which Dr. Butz gave to me orally and in writing, his strong backing by the Farm Bureau, the Grange, and many prominent farm leaders, and the fact that not one of his opponents has questioned his character, integrity, and ability, I shall support his nomination and urge my colleagues to do likewise.

Mr. AIKEN. Mr. President, I would now like to yield 3 minutes to the senior Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 minutes.

Mr. EASTLAND. Mr. President, the nomination of Earl L. Butz as Secretary of Agriculture has proven very controversial. I am sorry that this situation has developed, because it will discourage men of competence and performance from considering such appointments offered to them in the future. We need men of proven ability to fill leadership posts in our Government.

Any man who has risen above the crowd in his profession, who has had to make decisions, to take a stand, has necessarily touched tender spots with those who have conflicting philosophies. Earl Butz is such a man. He has abilities beyond those required as a dean at Purdue University. This was stated clearly by its president in a letter to our committee chairman and his activities outside of the university were approved by the university. Had he not used these opportunities he would have denied and left unused his talents. They would have been wasted.

Earl Butz was head of the Agricultural Economics Department at Purdue for 8 years. He knows the economics of agriculture, and his record was such that he was promoted to dean of agriculture at Purdue. He has had a long and progressive tenure of service at this great institution where he was serving as dean of continuing education, which deals not only with agriculture but the total of our economy.

I was a Member of the Senate when Earl Butz served as Assistant Secretary of Agriculture from 1954 to 1957. I worked with him closely and personally throughout that period. We did not always agree, but I found him intelligent, dedicated, open-minded, and fair. He had to carry out administration policy, and I represented my constituents.

When he was forbidden to bend within administration policy, we tried and sometimes succeeded in amending the law. When this was done, he was equally diligent in carrying out the provisions.

Mr. President, Earl Butz is fully capable of being Secretary of Agriculture. He has all of the essential qualities. He is a man of unimpeachable integrity and great ability. He is tall in stature, broad in knowledge, dedicated and determined in the performance of his duty. He will make a great record for the farmers of

America. I hope the Senate will confirm his nomination.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. Mr. President, I yield 15 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 15 minutes.

Mr. McGOVERN. Mr. President, I thank the Senator from Oklahoma.

The nomination of Dr. Butz to be Secretary of Agriculture has met with unprecedented grassroots opposition.

I cannot recall any time in the years that I have been in public life, going back to 1953, when any Cabinet nomination has met with such instant and vigorous opposition from the constituency that that officer was especially appointed to serve, in this case the farmers of the United States. I regard this appointment as bad news for every farmer in America.

There is no question in my mind that Secretary-designate Butz is a man whose heart beats primarily for corporate agriculture, for the enormous concentrations of corporate power, many of them owned by absentee interests, and that there is where the interest of Earl Butz lies, rather than with the well-being of our traditional family-type farming operations.

There are ample reasons for the opposition that has been raised to Dr. Butz. Farmers I have talked to in a number of States, including my own, are convinced they will not have a sympathetic voice or sympathetic ear in the Department of Agriculture if this man's nomination is confirmed. They are alarmed that the nominee, the man who is supposed to be their advocate, has spent much of his career, especially in recent years, in close association with agribusiness concerns and large corporations that are now seeking to dominate the rural areas of our Nation.

Dr. Butz has also questioned the wisdom of food assistance programs, programs I regard as absolutely essential to the health and well-being of the American people; namely, the school feeding programs, the food stamp programs, and other forms of food assistance designed to eliminate hunger in the United States.

It seems to me to be a moral outrage that in this country over the last 15 years, at a time when we have been worried on the one hand about agricultural surpluses, we have moved so slowly to deal with another surplus, which is the surplus of hunger and underfed human beings.

They are also concerned about the philosophy of Dr. Butz as it relates to the total economy. This may be the most important consideration for us as we vote on the nomination because this gentleman has in no uncertain terms preached a survival-of-the-fittest doctrine for agriculture. In the late 1950's, he told American farmers it was time to "resist or die, adapt or perish."

The Government of the United States did not tell the Lockheed Corp. to resist or die when it got into trouble, in spite of the fact it has been treated lavishly by Federal contracts over a good many years.

Yet farmers, confronted with rising costs of operations and unfair low prices, are being offered a Secretary of Agriculture who tells them to "resist or die, adapt or perish."

Many of our farmers are perishing, not because they are inefficient. We have the most efficient food producers in the world in this country. They produce more food at less cost for this country than farmers anywhere else on the face of the earth. But they are in trouble. They are perishing because their prices are low; and the costs of operation are so high, including interest rates and operating costs, that many farmers, especially the younger ones, have been forced to leave the land.

It is a matter of some note that the average age of farmers in the United States is now 58. The one positive note about that advanced age for the average farmer is that they remember the philosophy of Ezra Taft Benson in the 1950's; they know that Dr. Butz was his closest associate; and they have alerted many of us in Congress that the confirmation of the appointment of Dr. Butz as Secretary of Agriculture will mean once again that the Department of Agriculture will be headed by a long-time advocate of the Benson philosophy, which came close to destroying our Federal farm programs 20 years ago.

No single segment of our economy receives a lower return for labor and investment than the American farmer. When I see how hard these farm families work, the risks they take with weather, pests, falling markets, the international situation that they cannot control or predict—when I see all that and the faithfulness they bring to their labor and investment, it almost breaks my heart to see the returns they receive. This is what the next Secretary of Agriculture should be concerned about, rather than giving lectures to farmers on how they should "adapt or perish."

The farmers who are protesting are the farmers we depend on for the bulk of our food and fiber. They are the farmers who provide us with the best food supply offered any country in the world. These farmers have not resisted change. They have modernized their farms. They have purchased equipment, they have taken advantage of technical assistance and changes in agriculture, and their efficiency is the marvel of the world.

But that very efficiency has created the kind of production that has sometimes driven down farm prices at a time when costs of operation were increasing. That is not my view alone. It is not the view alone of those who oppose the nomination of Dr. Butz.

On that score, let me say that I do not raise any questions about the character or personality of Dr. Butz. I have had congenial relations with him. But I think it would be a disaster to name this man as Secretary of the Department of Agriculture at this time, when farmers across the country are in trouble.

There is no question that Dr. Butz is entirely honest, but he is wrong in his economic philosophy and his view on what is needed to be done in rural America to save the family farm operation.

Last summer, Dr. Carroll G. Brunthaver, associate administrator of the U.S. Department of Agriculture's Agricultural Stabilization and Conservation Service said:

> Our most productive and efficient farms are extremely vulnerable to continued inflation or any significant downward adjustment in net income . . . Highly capitalized, many of these farms must carry a heavy debt load. Anything which cuts into their net returns threatens their economic survival. "If our commercial farmers are going to make the needed investments in our farming industry, if they are going to continue feeding the nation efficiently and continue to risk hail, drought, plant diseases and all of the other uncertainties in farming; if they are to continue feeding the nation efficiently and continue winning export market—they must have adequate returns."

Dr. Brunthaver's statement was made before this year's record yield and plummeting prices materialized. Our action today comes at a time of falling farm income, and, in too many instances below cost of production prices for basic farm products. Under the administration's set-aside program, a program strongly applauded by Dr. Butz during the Agriculture Committee hearings on his nomination, the carryover for wheat this year will approach nearly 2 billion bushels, with the selling price of wheat down roughly 10 percent from a year ago. The on-the-farm price for corn is at about 90 cents a bushel, and is below the actual cost of production to say nothing of a return to the farmer for his labor and his investment.

The blunt fact is that no farmer can survive 90 cent corn prices and comparable prices for wheat and other prices. Those prices are at just slightly above two-thirds of the parity level, which is another way of saying they are only two-thirds of the level at which they ought to be if they were in relation with other prices elsewhere in our economy.

So what it seems we need now desperately in the Department of Agriculture is a man who will fight to lift the level of farm price supports and farm prices rather than tell farmers who are trying to survive at 68 percent of parity that they ought to adapt or perish.

These surpluses were basically caused by additional crops planted as a hedge against the corn blight, excellent weather conditions as well as administration of the set-aside program which encouraged even more feed grain production on non-set-aside acres.

In my view, it was reasonable to increase corn production this year because there was a distinct possibility of the blight returning. Farmers cooperated and planted more corn. But it is the American farmer who is paying for this food supply insurance. The Administration has refused to accept any meaningful responsibility to assist our Nation's farmers if the blight failed to occur and consequent low prices followed, which many of us saw as a possibility.

Adoption of a measure I introduced last spring would have increased the price

support level by 25 percent on wheat, corn, and other feed grains in the event of such an oversupply. It would have increased farm income by this year $1.75 billion at an additional cost of $39 million in cash and $241 million in loans. The administration opposed this measure. For 1972, the administration proposes to spend an extra $600 million to $800 million to reduce corn acreage to about 4.6 million bushels. This money would come, incidentally, just before the election. There is no commitment for a better program now or one after.

There are ample grounds for belief that the program announced October 18 by former Secretary Hardin may provide little, if any, real help for the farmer. While the administration hopes for a total set-aside of 38 million acres for 1972, if there is a normal feed grain crop production in 1972, the best the Department can hope for is total year stocks that would add only slightly to reserves. Corn stocks in particular would continue to be in surplus, possibly as high as 800 million bushels.

Aside from saying the price of corn was too low, Dr. Butz in appearing before the Senate Agriculture Committee, was disturbingly vague about what he would do to improve farm income. In general, he said he was satisfied with the present farm law and the program for 1972. In view of the fact that he did not announce that he would use his authority under the Farm Act of 1970 to put positive acreage limitations on next year's wheat and feed grain crops for 1972, there is little hope to improve farm income next year despite the expensive program. But his longstanding opposition to sound Federal farm programs are reason enough to oppose his opposition.

Dr. Butz assured us during the hearings on his confirmation that he would be an articulate spokesman on behalf of the family farmer in the Nixon administration. In response to questions about serving on the boards of agribusiness giants, he told us he served on these boards only to give agriculture a voice in these large firms. But the efforts Dr. Butz made on behalf of those firms were diametrically opposed to our family farm system of agriculture. He was not speaking on behalf of the family farmer when he gave a recent speech entitled, "Opportunities Unlimited" at a seminar on vertical integration of the pork industry held at Purdue University last April. Farmers are genuinely concerned about this attempted corporate takeover of American agriculture. Dr. Butz said in his testimony he was glad to see some of the corporations getting out of agriculture. But there is no evidence that as a director of Ralston-Purina, he did anything to reverse the growth of corporate agriculture.

A newspaper account of a speech Dr. Butz made in 1958 said:

> Butz sees the possibility that ownership of some family farms will pass into the form of family shares of ownership, with professional farm-management outfits moving in between the owners and operators of a farm.
>
> Commercial farms will come to look more and more like manufacturing establishments, with farm managers giving more attention to assembling custom-built packages of technology in the farming operation, with a bigger share of receipts going back to production costs, gross margins shrinking, and profits depending increasingly on growing sales volumes.
>
> Farmers ultimately will lose their vocational identity as members of the community. At this point farming no longer will be a way of life, but will be a way of making a living, just the same as other business enterprises.

This statement and others Dr. Butz has made clearly indicates that he sees no social or humane value in preserving our family farm system of agriculture as both a way of life and a way of making a living. I also challenge his economic rationale, since the agricultural segment of our economy is twice as productive as the nonfarm sector. We have paid a tremendous price for this high degree of efficiency. Millions of persons have been forced to leave our farms and rural areas in a mass migration to our cities and we all know the result. The time has come to do what we can to reverse the flow of people from rural America to overcrowded cities. Dr. Butz is not the man to do it.

The family farm is vital to American society. If we fail to protect it now, farming will become the province of large corporations. Food prices will no longer be dictated by market considerations, but will be administered by those large corporations which have made clear their desire to control our food supply from the seedling to the supermarket. As a result, prices the consumer pays for food will rise rapidly. The consumer clearly has a vital stake in this nomination.

Mr. President, there is further cause for consumer concern.

Back at the time he was an Assistant Secretary of Agriculture, Dr. Butz testified on the bill offered by Senator James E. Murray of Montana to establish compulsory poultry inspection. He agreed that it was needed, but would not agree that inspection should be placed either in the Food and Drug Administration, or in the meat inspection division of the USDA.

There was fear that it would wind up in the marketing service, which is oriented toward getting things sold for agribusiness concerns rather than toward consumer protection. And, with Mr. Butz serving as Assistant Secretary, that is exactly where it did wind up, in the marketing agency.

What is the result?

Last week the GAO issued a report on its review of 68 poultry processing plants which recites the continued existence of "unacceptable conditions" in most of the plants they inspected including 17 that the GAO had previously reviewed and criticized.

I have just been given a copy of an article from the Des Moines Register of November 28, by James Risser, which tells of conditions in one of these plants that would turn the stomach of any normal person; absolute filth existing in spite of the fact that the plant is supposed to be under Federal inspection. The story reveals that the owner of the plant—who was associated with Mr. Butz' Ralston-Purina Co. a year or so ago in an injunction suit against growers—is also the vice president of the great National Poultry Council and that it was at his plant that a manager twice threatened the life of a poultry inspector. Yet this man still gets inspection so he can market his dirty birds to unsuspecting consumers.

Dr. Earl Butz is not directly responsible for the condition of this plant at the time of the recent report on it, except as he had responsibility 15 years ago for locating poultry inspection in the Department's Marketing Service where the trade wanted it, instead of in an agency that would have been entirely free of pressure from such big poultry integrating firms as Dr. Butz later joined when he became a director of the Ralston-Purina Co.

I think Senators should be fully aware of today's results of a bias in favor of agribusiness at the Department of Agriculture 15 years ago before it votes to put a man out of the agribusiness establishments which USDA regulates in complete charge of that Department.

Since the RECORD will not be printed before we vote on Dr. Butz' nomination, I shall read portions of the Des Moines Register article.

The headline says "Cite 'Filth' at Poultry Plant," by James Risser of the Register's Washington Bureau.

Mr. Risser's almost unbelievable report reads:

> The GAO investigators found that in portions of the Jasper, Alabama, plant operated by Marshall Durbin Co., sanitation was "nonexistent."
>
> Floors were described as "filthy," equipment was covered with feathers, dirt and fecal material, and birds being processed were contaminated by rusty drippings from pipes and machinery, the investigator's report said.
>
> The GAO said "general housekeeping" at the plant was "poor." A scalder was "unacceptable due to dirty water covered with bloody foam."
>
> Picking machines had been "improperly cleaned" and had "dirt, feathers, and old fat" on them. Coolers had "green algae" on their walls, an icemaking machine and a freezer were "totally unacceptable," the report said.
>
> "Giblet preparation was unacceptable due to contamination and improper preparation," (improper drainage from the building created "a swampy area" of "foul greenish, brackish material,") and restrooms were "unfit for use" and had no soap for employees to wash their hands, the GAO said.
>
> Plant management "objected strongly" to corrections required by inspectors, the GAO found.

There is one other area of concern which I have regarding Mr. Butz' record. That is the question I have about his commitment to the fight we have been waging in the past several years to put an end to hunger in all its forms in America.

What particularly concerns me is the timing of the nomination of this man. He has been nominated at a time when legitimate questions are being raised by our fellow citizens about the Federal commitment to end hunger and malnutrition, of following through on the President's pledge and the clearly expressed intent of Congress to finish our job of feeding the hungry.

As so many of my colleagues know, this past year has been as much a fight to keep from falling backward as it has been to move forward in the fight against

hunger. Although the President and the Congress pledged to put an end to hunger several years ago, that pledge has not been fulfilled. In May of 1969, the President said:

The moment is at hand to put an end to hunger in America itself for all time.

Soon thereafter, the Congress passed a new food stamp law which was designed to provide a legislative seconding of that pledge. Yet, today, at least 11 million Americans still go hungry at home. And, again, just 6 months later in 1969 the President pledged that by Thanksgiving Day of 1970 every needy child in America's schools would be fed a daily free or reduced-price lunch. Again, Congress passed a law to back up this pledge. But as many as 4 million children go hungry in school.

There is just one reason for this failure to end hunger in America: Leadership. It has been lacking in the past year. Instead of the determined leadership which President Nixon demonstrated in 1969 on this issue, he has slipped into a leadership determined to end inflation by budget cutting in those programs most vital to America's health and well-being within, rather than in those programs which offer only superfluous health and safety against the "enemy" without. Chief among the victims of this misdirected economy drive have been the food programs which could end hunger in America—most notably, the food stamp and the school lunch and breakfast programs.

When we passed the new food stamp law, we fully expected it to reach more of the Nation's 25 million hungry, even though it had some serious defects in it. Soon, however, came the new regulations from the Department of Agriculture. As originally proposed these regulations would have summarily eliminated at least 350,000 aged, blind, and disabled citizens from the food stamp program simply because their public assistance benefits would have exceeded $160 per month for one person or $220 per month for two persons. In addition, another 1.75 million of the poor would have had their program benefits reduced for virtually the same reason. And, because the regulations were poorly written, about 1 million migrant workers would also have been eliminated from the program. Public and congressional opposition to the proposed regulations was minimally successful in preventing this money-saving elimination of participants from the program. The 350,000 aged, blind, and disabled were brought back into the program, though with very small benefits; the other 1.75 million poor were still cut back in their benefits, and the migrants were still cut out altogether.

The effect of this has been to level off the participation in the program, which had been expanding, to about 10.5 million for the past 5 months. There is only one explanation for this policy: To save money.

The second indication of our loss of leadership on the hunger issue came last June, on a different front in the hunger battle; namely, the small, but growing and vital, summer feeding program. All through the winter months the USDA had been encouraging the States and cities to plan bigger programs than they had in the previous year. Fully $32 million in requests came to the Department in response to their encouragement. Then, just days before the program was to begin operations in many cities, the Department announced that money for expanded programs was unavailable.

Again, the only explanation for this could be heartless, callous and misguided effort to save money. I, along with the other members of the Select Committee on Nutrition and Human Needs, introduced legislation which quickly passed the Congress, giving the Department special funds to spend for the summer program. It finally took not only this legislation, but a letter written by 46 Senators, to have the authorized funds spent to feed hungry children this summer.

Finally, and this matter comes last only chronologically, for it may be the most important battle to date, in August the Department of Agriculture issued proposed school lunch regulations for the present school year.

In response to the President's pledge to feed all of America's hungry children with this program and guided by the unequivocal language of Public Law 91–248, that every needy child shall be fed, school lunch administrators all over the country were gearing up to reach all of the Nation's 10 million needy children.

But, once again, the administration attempted to reduce costs by cutting participation. In August, the Department announced a new regulation which would reduce the amount of Federal reimbursement from a possible 60 cents per lunch to a mandatory statewide average of 35 cents per lunch. More emergency congressional hearings were held and more legislation was passed. When this effort to cut participation was defeated, the administration then attempted to ignore the clearly expressed congressional intent of Public Law 91–248, by declaring that henceforth the national eligibility level set by Congress would be a maximum level rather than a minimum. The effect of this move would have been to eliminate some 1.5 million poor children from the school lunch program. Fortunately, legislation which had passed the Senate was amended in the House to prohibit this final money-saving action.

These are the absurd lengths which the administration will go to under the use of fiscal responsibility. This is a bitter lesson in the fumbling processes of American Government for millions of our Nation's schoolchildren.

It is against this background that I must judge the appropriateness of the nomination of Earl Butz. This nomination comes at a time when there is clearly a vacuum of leadership in the administration on the hunger issue. A new Secretary of Agriculture should provide that leadership, particularly in light of the fact that nearly one-fourth of USDA's total budget involves these programs.

It is for this reason that I become concerned when Mr. Butz gives a speech which contains the following remarks:

Then, the big clamour was hunger and malnutrition. And we in Agriculture, were, of course, intensely interested in that, too. And we were quite concerned about hunger and malnutrition. You remember Senator McGovern had his televised hearings down in Florida to portray the bad plight of the migratory workers in Florida. Ted Kennedy, not to be outdone, took a planeload of cameramen to Alaska to see the starving Eskimoes, you know.

And that was portrayed in several TV features back here. And what came out of that? Out of that came a food stamp plan—so generous, so extensive—that it's just short of ridiculous in some parts in this country. Out of it came a welfare program that President Nixon is recommending to the Congress that's so far out that even the Democrats in Congress won't buy it [Laughter].

Then the secretary who took down the speech has, in parentheses, laughter, which this was designed to do. It was an effort on the part of Dr. Butz to ridicule the efforts of the Senate Select Committee on Hunger and Human Needs, to ridicule the efforts of the Senator from Massachusetts (Mr. KENNEDY) and others, to turn the spotlight of this Nation on hunger and malnutrition.

Dr. Butz went on to say:

My point is, we always overreact to crisis.

Mr. President, I do not think we overreacted at all to the fact that some 15 to 20 million Americans were suffering from hunger and malnutrition, and when we responded with the kind of school lunch program that we did. The truth of the matter is that we did not react strongly enough. We did not act with enough force and with enough generosity, and the fact is that, as we consider this nomination, there are still 11 million adult Americans suffering from hunger in their homes and another 4 million children suffering from malnutrition because of inadequate school lunch programs in various parts of the Nation. Yet Dr. Butz tells us we overreacted to the problems of hunger in America.

Mr. Butz seems to think that the existence of hunger in America did not demand a strong reaction. He feels we overreacted to hunger. Does this record demonstrate that Mr. Butz can provide the leadership so lacking in this area? I think not.

In response to the public disclosure of these remarks I just naturally had to overreact. So, I sent Mr. Butz a letter requesting all of his public speeches in the past year. Mr. Butz has responded to my letter in an envelope from the Secretary of Agriculture's office.

The inconsistency of his letter, in which he expressed full "support (of) President Nixon's pledge to eliminate poverty related hunger and malnutrition in this Nation" and the speech text which I have read baffles me.

Yesterday it became apparent that there would be very little time to look over these speeches before the crucial vote which we will be facing in several hours. So I instructed a member of my staff to pursue the matter further and request that the speeches be delivered by this morning. I offered to fly someone out to Indiana last night to pick up the speeches if necessary. However, Mr. Butz' secretary informed my staff member that she did not know anything about the speeches and would be unable to put

them together in his office. Finally after a futile attempt at seeking out Mr. Butz personally yesterday afternoon the present Secretary's office called my staff member last evening and told him that the speeches would be delivered early this morning to his office. After several phone calls this morning several disturbing things became apparent.

My staff member was told that the only speeches available were those sent to the Department by Mr. Butz' secretary. It greatly disturbs me that Mr. Butz' office in Indiana was able to send his speeches to the Department and not to my office.

It has also become apparent to me that these speeches were in the hands of the Department of Agriculture in Washington, D.C. while I and my staff were sent on a wild goose chase by stories that the speeches were unavailable.

Finally at 10 this morning we received two articles and three speeches from the Department. We had expressed particular concern about receiving a speech by Mr. Butz on hunger given in 1965. This speech although specifically requested was not included in the material sent to us by the Department. After another angry phone call this speech was finally delivered at 10:40. I certainly hope that should Mr. Butz become the new Secretary of Agriculture we will see somewhat better form in the areas of congressional relations, cooperation, and courtesy.

Mr. President, because of this and other considerations, I urge that the nomination be rejected. I ask unanimous consent that a number of supporting documents, including correspondence I have had with Dr. Butz, be printed to the RECORD.

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

U.S. SENATE,
Washington, D.C., November 23, 1971.

Dr. EARL L. BUTZ,
Dean of Continuing Education,
Purdue University, Lafayette, Ind.

DEAR DR. BUTZ: As you know, during the past several years, I have been actively involved as Chairman of the Senate Select Committee on Nutrition and Human Needs in seeking to improve the nutritional status of the American people, particularly millions of poor Americans. During this time, the Select Committee has held numerous hearings and heard hundreds of witnesses documenting the widespread existence of malnutrition in America. The existence of malnutrition has been further verified by a National Nutrition Survey conducted by the Department of Health, Education, and Welfare. In response to these investigations of hunger in America, the President and the Congress have moved to expand and strengthen major Federal feeding programs under the jurisdiction of the Department of Agriculture. These programs include food stamps, surplus foods, school lunches, school breakfasts, out of school feeding programs and programs for the elderly.

I was, therefore, extremely distressed to read an account in a newspaper article recently that you had criticized in a speech the expansion of the food stamp program and proposals for a strengthened and expanded welfare program. I believe it is of the utmost importance that I and other members of the Senate have as full an account as possible of your opinions regarding the efforts to end hunger in America. For that reason, I respectfully request that you transmit to me as quickly as possible all public speeches that you have given within the last year. I believe that this would be of great assistance to myself and my colleagues in the Senate in passing on your fitness to become the next Secretary of the Department of Agriculture.

Sincerely yours,

GEORGE MCGOVERN.

NOVEMBER 30, 1971.

Hon. GEORGE MCGOVERN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCGOVERN: Thank you for your recent letter requesting a copy of all public speeches that I have made within the past year.

I do not have these readily at hand here in Washington, however, I am assembling them and will forward them to you as soon as possible.

I know of the efforts that this Administration and the Senate Select Committee on Nutrition and Human Needs have made in combating hunger and malnutrition and I fully support President Nixon's pledge to eliminate poverty related hunger and malnutrition in this Nation.

Since the President's historic "Hunger Message" on May 6, 1969, the accomplishments comprise the largest and most successful nutritional undertaking in all history.

I will give high priority, as Secretary of Agriculture, to continued USDA efforts to reach the President's goal. I will energetically work toward improvements in the programs to feed needy families and to improve the nutritional health of this Nation's children.

Sincerely,

EARL L. BUTZ.

[From the Des Moines Register, Nov. 28, 1971]

CITE "FILTH" AT POULTRY PLANT

(By James Risser)

WASHINGTON, D.C.—An Alabama poultry plant, cited by the General Accounting Office (GAO) as a prime example of continuing unsanitary conditions in the poultry business, is the same firm whose plant manager twice threatened the life of a federal poultry inspector earlier this year.

Marshall Durbin, jr., who heads the firm, is vice-president of the National Broiler Council, the trade and lobbying organization of the poultry industry.

The GAO investigators found that in portions of the Jasper, Ala., plant operated by Marshall Durbin Co., sanitation was "nonexistent."

Floors were described as "filthy," equipment was covered with feathers, dirt and fecal material, and birds being processed were contaminated by rusty drippings from pipes and machinery, the investigators' report said.

A federal supervisory inspector who accompanied the GAO personnel reported that "the over-all picture of the plant and premises is certainly not one of a food processing establishment."

CLOSED, REOPENED

The GAO report also said that the plant was shut down briefly last January by federal inspectors of the U.S. Department of Agriculture but was reopened a few days later on advice of a USDA official in Washington.

Dr. Clayton Yeutter, administrator of USDA's Consumer and Marketing Service, said Friday that the Washington official involved did not intend to have the plant reopened if conditions were bad, and that the regional official at Atlanta, Ga., who ordered the reopening has been "thoroughly reprimanded."

The inspection personnel involved may have felt that the Durbin plant situation "was a particularly sensitive one because Marshall Durbin has been a big name in the poultry field for years and years," said Yeutter.

Yeutter, who has ben in charge of federal meat and poultry inspection for about a year, said he is working hard to eliminate past favoritism that may have existed toward certain plants and is trying to see that federal inspectors receive strong Washington backing when they move against violators.

The Register disclosed in September that the Durbin firm got off with only a warning letter from USDA after its plant manager threatened on two different occasions to kill a federal inspector. Such actions involve a potential federal criminal violation, with a fine of $5,000 and three years in prison.

TOUGH ENFORCEMENT

Yeutter said then that he was investigating the incident to determine whether USDA had backed up its inspector strongly enough. If not, "Some heads will roll," he said.

Yeutter said last week he has completed his investigation of the threats and of the incident involving the reopening of the plant. In addition to reprimanding one official, he said he has made it clear to all involved that he wants tough enforcement of the poultry inspection laws.

Marshall Durbin, jr., said in September that he had fired the plant manager who allegedly issued the threats, but he complained that the incident "may have been exaggerated" and contended that some federal inspectors "would like to have life and death economic control over plants."

The GAO report, released Nov. 16, says that the Durbin operation was one of 68 poultry plants studied because "it had been identified by inspectors for repeated violations of sanitation standards."

The report did not name the Durbin firm. Of the 68 plants studied, the conditions at four were described in detail in the report. They were identified as plants A, B, C and D.

RELEASED NAMES

However, Senator Abraham Ribicoff (Dem., Conn.), whose subcommittee on executive reorganization has been probing various government consumer protection programs, including meat and poultry inspection, released the names of the plants a few days later. "Plant A" was the Durbin plant.

The GAO said "general housekeeping" at the plant was "poor." A scalder was "unacceptable due to dirty water covered with bloody foam."

Picking machines had been "improperly cleaned" and had "dirt, feathers and old fat" on them. Coolers had "green algae" on their walls, an ice-making machine and a freezer were "totally unacceptable," the report said.

"Giblet preparation was unacceptable due to contamination and improper preparation," (improper drainage from the building created "a swampy area" of "foul greenish, brackish material,") and restrooms were "unfit for use" and had no soap for employes to wash their hands, the GAO said.

Plant management "objected strongly" to corrections required by inspectors, the GAO found.

"UNSATISFACTORY APPEARANCE"

A follow-up survey, made this month by USDA personnel, says that "the over-all condition of this plant has improved since the GAO visit. However crowded conditions result in maintenance problems and present an unsatisfactory appearance."

Corrections are underway, but if they are not carried out "failure to maintain acceptable standards will result in withdrawal of federal inspection," the USDA survey said.

The conclusion of the GAO report was that there still appear to be "widespread weaknesses" in the enforcement of the poultry inspection laws. "Unacceptable conditions" existed at most of the 68 plants, 17 of which

were studied because of past problems and the other 51 chosen at random.

The GAO called for tougher action by the Consumer and Marketing Service, and also suggested that Congress consider transferring meat and poultry inspection out of the USDA because of a possible conflict may exist between the department's regulatory duties and its marketing promotion activities.

INDIANA FARMERS UNION,
Indianapolis, Ind., November 29, 1971.

HON. GEORGE MCGOVERN,
Senator of South Dakota,
Washington, D.C.

DEAR SENATOR: Since I have known Mr. Earl L. Butz personally for over 35 years a number of my Indiana friends called recently and inquired if I would recommend Mr. Butz for our next Secretary of Agriculture.

Thirty years ago or prior thereto no doubt my answer would have been favorable. A few years later he signed in with various Manufactures of Agricultural Products and became a stockholder and in certain cases a member of the Board of Directors of several such organizations. I believe at that time Mr. Butz' attitude definitely changed in regard to our agricultural producers' interests.

He evidently at this time layed aside his interest in our farmer's income and devoted much of his efforts to solving the manufacturer's problems. He hoped that with increased returns to the manufacturers and handlers of such products no doubt a certain portion of such income would trickle down in our economy to the producers of our farm products.

Labor forces united, fought and retained their place and financial returns in our National Economy. During recent years our agricultural producers have not received their proportionate share of our National Income due largely to lack of ability to produce a united front in presenting their problems.

Mr. Butz as an Ass't. Secy. of Agriculture in 1953 joined with Ezra Taft Benson, Secy. of Agriculture in rewriting our Farmer's Parity Price Formula. This resulted in a reduction of our Price Support level on our basic farm crops approximately 7%.

The overall policy of the Administration at this time was to reduce the Price Support on feed grains so they could be shipped from the production points South and West for livestock feeding in range areas or areas adjacent thereto.

Legislation also was introduced at this time to provide authority for the Secy. of Agriculture to reduce price supports on the basic grain crops from the 90% Parity Price Level to somewhere within the 60% to 90% level of the Parity Price if it was determined that conditions justified the same. This reduction in price would permit a step up in our grain exports with the products taking care of much of the expense incident to the grains shipments.

This Bill was passed by the Republican House of Representatives majority in record time. However, when the same Bill was presented in the Senate it resulted in a tied vote. A Conference between Vice-President Nixon and Secy. Benson plus his helpers produced their desired vote and the Bill when duly signed became law. The provisions of this bill were carried out during next few years and materially reduced the price of feed grains and our Farmer's income.

The result was that Farmer's grain prices were all reduced to approximately the Price Support level which was established at about 53% of the original Parity Price Support levels that had been established for our major grain crops. This was the Legislation that started thousands of our farmers down the road to bankruptcy and Mr. Butz deserves credit along with other Administration leaders at that time of setting up this situation on our Farmer's prices that has had a serious affect on our Farmer's buying power and helped to drag down the entire National Economy since much of our Farmer's buying power was eliminated at this time. This condition has recently resulted in forcing over 50% of our farmers in the grain belt to file bankruptcy cases.

A number of Corporations who in recent years devoted some of their funds to Agricultural production have sold out or took similar steps to our Farmers after a couple years experience under the present level of Agricultural Prices.

The action taken by the Administration at that time was largely due to Campaign Time criticism of the estimated cost of our Farmers Price Support Programs which had been in effect for over 17 years under U.S.D.A. and C.C.C management The new Administration called for a detailed investigation and a cost report on all the Grain Price Support Program. This investigation was authorized in 1953 but no action was taken in the next two years.

After the 1954 election there was a Democratic majority in the House of Representatives. Representative John F. Kennedy who was elected as a Representative from Mass. was named as chairman of the Sub-Comm. that was to investigate the Record of C.C.C. in regard to Grain Handling as indicated above. In March 1955 a meeting of the Sub. Comm. was called by Rep. Kennedy with the U.S.D.A Grain Branch Director, Mr. McClain and myself who was the Deputy Director in Charge of Price Support Operations. The investigation then got underway and not only was the material, records and instructions issued by our Washington, D.C. Office reviewed but representatives of this committee rechecked the records of expenses, sales and disbursements in the C.C.C. Area Offices located at Chicago, Kansas City, Minneapolis and Portland, Oregon.

A Thirty-six page report then was completed and was filed by this committee showing a full and complete record of price support operations, expenses and transactions, during the 17½ years these Price Support operations had been in effect. The Committee's Report indicated that transactions had been handled in a business like manner. The report also indicated that during this period under the Original Grain Price Support Programs the grain received in liquidation of the loans had been disposed of and the expenses including Storage, Handling, Shipping plus Office Expenses incident thereto had resulted in an overall profit to C.C.C. during that period of $13,000,000. which had been returned to the U.S. Treasury. The final report may be reviewed by anyone interested and is filed under the following identification Report #1635 House of Representative's Comm. on Agriculture, 2nd session 86th Congress filed May 20th 1960.

Our Economic drag today is largely due to our farmers lack of buying power. Increased operational costs of production along with high taxes and high interest rates results in many of our farmers donate their time, labor plus financial support to carry on their operation at a loss in a few such years and they are forced out of operation.

In 1933 Farmers overall indebtness is shown as 8.2 billion dollars but it passed the 50 billion dollar mark in 1968 and in Sept. 1970 the records show over 60 billion dollars of Farmers indebtness outstanding. In regard to the farmer's indebtness the average interest during 1971 is indicated at approximately 8%. The above amount at this rate would require $480,000,000 of Farmer's income to pay interest charges alone. To this amount an amount at approximately the same level is required to meet the Farmer's Federal, State and Local Taxes along with their operational costs. I doubt very much if our Farmer's buying power can be restored by a Secy. of Agriculture who has catered to our food processors and manufactures during the last 30 years.

Isn't it about time for our Congressmen to do something about the economic mess our Politicians have developed for our agricultural producers and those who are dependent upon them as well as our rural areas in general?

Enough for the past and present let us look ahead in regard to the effect such conditions may have on our country's future. A couple of months ago we were told while our present United States' population was 205 million that by the year 2000 the U.S. population would equal or pass the 400 million population mark. With our population practically doubled in a 30 year period what about food and clothing needs for such a population?

Present conditions and lack of income has eliminated many of our skilled Farmers. Present farmers are required to operate power machinery for long hours, work out their crop rotations, handle and feed livestock, determine seed and fertilizer requirements as well as to fight their financial problems. I have been told that it requires today 10 times as much brains, knowledge, training and experience to successfully operate the average farm today as it does to drive a truck or operate a power machine in our modern factories. If we plan to adequately feed our future generations it will be necesary to establish and support fair values and adequate income for all agriculture products at an early date or our nation may be forced to suffer as many of the Nations in Africa and Asia are suffering today.

Respectfully Submitted for Your Consideration.

ALVAH F. TROYER,
Vice President, Indiana Farmers Union,
(also) President of the Soybean Growers of American Inc.

THE DEVELOPING WORLD CRISIS IN THE POPULATION-FOOD RATIO

My name is Earl L. Butz. For the past eight years I have been Dean of Agriculture at Purdue University. For three years prior to that, from 1954 to 1957, I served as Assistant Secretary of Agriculture in charge of Marketing and Foreign Agriculture. During this time, on two occasions I served as chairman of the U.S. Delegation to the Food and Agriculture Organization Conference in Rome. Among other things, I was in charge of the Foreign Agricultural Service, and traveled extensively in many parts of the world studying food and agriculture conditions. Prior to going to Washington as Assistant Secretary of Agriculture, I was eight years head of the Department of Agricultural Economics and Professor of Agricultural Economics at Purdue University. My entire professional life has placed me in close proximity with food-population problems, both in this country and abroad.

The North American food industry is now relaxed in the calm which precedes the greatest challenge it has ever faced. We must exercise every opportunity to keep our entire food machine in a healthy state of preparedness, if we expect to meet this challenge successfully.

The world is on a collision course. When the massive force of an exploding world population meets the much more stable trend line of world food production, something must give. Unless we give increased attention now to the softening of the impending collision, many parts of the world, within a decade, will be skirting a disaster of such proportion as to threaten the peace and stability of the Western World itself.

The long-run outlook for international agriculture is essentially one of a race against time and capital in an effort to meet the onslaught of a tremendous upsurge in world population.

The man-food ratio around the world, never high enough to be very exciting to two-thirds of the world's population, has actually been in a decline the last half dozen

years. Total food output has increased during those years, to be sure, but at a slower rate than population increase. In many of the world's underdeveloped areas, the man-food ratio is in a serious decline.

Those of us in North America who wrestle with perennial surpluses of both food and feed grains too frequently view our problem in the short run. We are export conscious, particularly in relation to the current situation. While this may be important in a particular year, it is high time that we begin to fashion our domestic programs and policies with a view toward the political and economic realities of the developing world food crisis. It is high time that all of us begin to view the developing crisis in the world population-food ratio in its proper perspective.

Although I use the word "crisis," it need not develop in our lifetime if we can apply the intelligence we possess to the twin areas of food production and international trade.

FOOD IS THE FIRST LAW OF LIFE

The first claim of any society on its total production resources is to produce enough food to keep the population alive and reproducing itself. This is true in primitive societies as well as our own advanced American economy. Some Far Eastern nations require 80 to 90 per cent of their population on the land to get the job done. In the United States we do it with less than 6 per cent of our working population on our farms, and could do our commercial agriculture with about 3 per cent of our working population on our farms. There is room for substantial expansion of food production, both in the undeveloped and in the developed areas of the world, through continued application of science, infusion of capital, and nonrestrictive governmental programs.

When many of us in this room were students, perhaps a third of a century ago, we were concerned about the foreseeable leveling off and eventual decline of population, especially in the non-Asiatic world. It was popular then to explain why Malthus had been so wrong with his forecasts about the population-food ratio. It is now rather fashionable to dust off Malthus' volume and to quote from him occasionally.

THE POPULATION EXPLOSION

At the beginning of the Christian Era, world population was estimated to have numbered around 250 million. In the next 15 centuries it doubled, reaching 500 million by 1600. Three centuries later, by 1900, world population had tripled, and stood at about 1.5 billion. In the less than two-thirds of a century since 1900, world population has approximately doubled again, and now exceeds 3.0 billion. Reliable estimates indicate that in the little over one-third of a century remaining until the year 2000, it will double again, and will stand at about 6.3 billion people.

During the first 15 centuries after Christ, the rate of increase in world population ranged between 2.5 and 5 per cent *per century*. By 1900 the *annual* rate of increase was approximately 1 per cent, or 100 per cent per century. As of 1960, the *annual rate* was about 2 per cent, and it is expected to rise even above this figure for the remainder of this century. The astonishing fact is that the human race is currently doubling in numbers every 35 years, and in some areas, notably Central and South America, the doubling time is currently approaching 25 years. If a population were to grow 3 per cent annually, it would multiply 18 times in a single century. Looking at these facts another way, if we had multiplied at the present rate from the beginning of the Christian Era, there would now be over one million people per square foot of earth surface. Obviously, the rate of growth cannot persist indefinitely, because of the sheer limitation of space and food. However, such a rate is within the realm of possibility within our lifetime. Therefore, face it we must!

While it is true that projected rates of population increase are greater in the underdeveloped nations than in North America, yet we too shall experience a substantial increase in Canada and the United States. A United Nations projection has forecasted that the combined population of our two countries will move from 197 million in 1960 to 312 million in the year 2000. This is an increase of 60 per cent just within our own boundaries. Projected rates of increase are approximately the same for Western Europe and Russia. However, population in Latin America is projected to increase 188 per cent, from 206 million to 592 million. Likewise, the African population increase is projected at 120 per cent, and Asia at 139 per cent. In the latter case, population is expected to increase from 1.6 billion in 1960 to 3.9 billion in the year 2000.

We are experiencing substantial population increases during the decade of the 1960's. A United Nations projection has predicted an increase during this decade of 35 million for the States, 61 million for Latin America, 72 million for Africa, 266 million for Asia excluding China, and about 750 million for Asia including China. This means an increase during the present decade of over 800 million. We are already halfway through this decade, and nearly halfway toward the projected increase.

The United States now has approximately 6 per cent of the world's population. It is projected that by 1975 the U.S. will have approximately 5 per cent of the world's population, and by 1985 only 4 per cent. These figures underscore the fact that the world areas of dense population and of bountiful food supplies do not coincide.

FOOD PRODUCTION TRENDS

From the beginning of history, man has always been in a struggle to feed himself, with the possible exception of the Western World in the last two or three decades. From the beginning of the human race until now, man gradually developed the food production capacity required to sustain 3 billion people on the earth, although many many persons have a very meager available food supply per capita. If the 6 billion plus people predicted by the year 2000 are to be sustained, with no improvement in diet whatever, man will need to develop the capacity to feed another 3 billion people—and this must be done in the short term of one-third of a century. This means that we must duplicate in the next generation the production record that man has achieved since the dawn of history. And we must do this at a time when nearly all of the virgin islands of the world have been brought into production and when we face increasing inroads on arable land by the urban sprawl, developing highways, parks, recreation sites, and the like.

The challenge is great, but the situation is far from hopeless. The world's land surface is currently estimated at 32.9 billion acres. Of this, 3.5 billion acres, or just under 11 per cent, is classified as arable land and land in three crops. We actually plant to crops considerably less in a given year, usually under 2.4 billion acres, or only about 7.6 per cent of the earth's land surface. We have another 6.4 billion acres, or 19 per cent of the earth's surface, in permanent meadows and pastures. Thus, if we include this with crop land and tree land, we account for about 30 per cent of the earth's land surface. It is possible that some of the remaining 70 per cent may someday be brought into agricultural production, as capital becomes more plentiful, as cheaper sources of energy are developed, and as more efficient means of converting sea water to usable water become available. It should be noted that until a generation ago, most of the increase in the world's food production came from opening up virgin lands. In the immediate future, however, we cannot count on a substantial addition to arable land from this source.

There are only two possible answers to the problem posed above: (1) increased agricultural production worldwide, with sufficient trade flexibility to permit effective geographical distribution, and (2) a widespread and rapid increase in birth control practices. In the long run, say by the close of this century, birth control is the only solution. But this is developing extremely slowly in the population pressure areas of the world, and probably will continue to develop slowly because of the low levels of education and living standards. In the heavy population areas of the world, the girl babies are here. They can be mounted. When they mature, just a few years hence, it is inevitable that births will increase markedly. The only thing that can alter this will be a marked increase in education, in economic levels, or a substantial change in religious attitudes and social mores. These factors have not changed markedly in the last decade. There is little reason to believe that there will be sufficient improvement in the next decade to provide the kind of environment in which birth control can become rapidly effective on a broad scale. Hence the immediate need before us is to increase agricultural production and to work out more effective means for distribution of our foodstuffs—just the converse of some of the agricultural and trade policies currently popular in the United States.

Individual countries vary markedly in the share of land suitable for cultivation. Moreover, population and arable land are not at all evenly distributed. This accentuates the need for realistic trade policies. Asia, for example, has about 56 per cent of the world's people but only 31 per cent of the arable land. Western Europe, likewise, runs behind in arable land. In most of the rest of the world the inverse is true.

Perhaps the greatest variation among the nations in agricultural productivity lies in capital inputs, particularly in the form of fertilizer, drainage, irrigation, and technology. In this respect North America leads the world. The record of increased efficiency of production by North American farmers since the decade of the 1930's is nothing short of phenomenal. It is meaningful to use the trend in per capita grain production as an indicator of both agricultural progress and the quality of diet. A majority of all calories consumed comes from grains, either directly or indirectly, after conversion into meat, milk or eggs. Thus a rising per capita output of grains in any population makes possible either a rise in calorie intake or the production of additional animal protein if this is needed or desired.

World grain output increased 47 per cent during the 25 years from 1934–38 to 1960–61. During this time total harvested area increased by 15 per cent, and average yield by 28 per cent. However, there was tremendous regional variation. During that quarter century, both North America and Oceania more than doubled total grain production. Eastern Europe and the USSR gained only 24 per cent, Western Europe 31 per cent, Asia 41 per cent, Latin America 42 per cent, and Africa, undisturbed by the war, 54 per cent. The latter increases did not keep up with population growth. North America expanded its share of world grain output from 16.7 per cent in the years 1934–38 to 22.8 per cent in 1961. During this same period the Soviet Bloc share of world output was steadily shrinking from 23.5 to 19.8 per cent. Or if we divide the world into the two dominant economic regions—developed and undeveloped—we discover that output in the developed regions increased 51 per cent during this period, while that in the underdeveloped regions in-

creased only 42 per cent. This is significant when it is remembered that the rapid population growth is in the undeveloped region.

A generation ago the underdeveloped areas of the world (Asia, Africa, and Latin America) were food surplus regions. Before World War II, the underdeveloped areas were exporting annually about 11 million tons of grain to the developed countries, notably Europe. During the early post-war years this flow of net exports was reversed, with a modest 4 million tons going annually from the developed to the underdeveloped countries. The population explosion in the underdeveloped world in the last couple of decades, coupled with a much, much slower increase in food production, has pushed food needs so high that the estimated movement into those areas in 1964 was 25 million tons of grain.

The underdeveloped areas of the world, once able to feed themselves, now clearly are dependent for their very existence on sustained food shipments from the developed nations, largely from North America, with the U.S. Food For Peace program figuring prominently.

The output of grain per capita of farm population has shown a striking increase in North America, more than trebling in the 25 years from 1934–39 to 1961. During the same interval, grain output per capita of farm population actually declined in Latin America and increased only modestly in Africa and Asia.

The supply of new land that could be brought under cultivation has been negligible during the past quarter century. Rising yields per acre have been the source of increased food production during that period, just as they constitute the only real hope for the next quarter century. Here again, unfortunately, the evidence is that the advanced nations can generate a sustained trend of rising yields much better than can the underdeveloped areas. Over the past quarter century, per acre yield in North America increased 109 per cent, as contrasted with only 7 percent in Asia and only 8 per cent for the entire underdeveloped world.

The major factors associated with rising per acre yields (yield take-offs) are effectively outlined by Lester R. Brown in an excellent USDA publication, "Increasing World Food Output," published in April 1965. These factors, briefly stated, are:

1. Reasonably high level of literacy. A yield take-off calls for the effective movement of new ideas and techniques from the research plot to the farmer. This is difficult in an illiterate society.

2. Per capita income above mere subsistence. There must be sufficient income to permit the manufacture and purchase of yield-raising inputs, such as fertilizer, drainage, etc.

3. Development of a market oriented agriculture. A sufficient share of individual farm output must enter the market to provide cash for the purchase of commercial yield-raising inputs. This is particularly necessary in a country with no unexploited land in which to expand, and this includes all the underdeveloped regions.

4. "Favorable prices" for farm products. Food prices at the farm must be sufficiently high relative to the cost of purchased production inputs to induce the use of the added input. For example, a pound of rice in Japan buys roughly three times as much commercial fertilizer as a pound of rice in India. Japanese farmers are among the world's heaviest users of commercial fertilizers, while only a very small share of India's 60 million farmers have ever used commercial fertilizer, insecticides, or fungicides. It pays to use these inputs in Japan but not in India. Yields are high and rising in Japan, but low and relatively stable in India.

Brown concludes: "To describe what it takes to generate a yield-per-acre take-off is, in a sense, to describe the process of modernization and development. Stated otherwise, the more advanced an economy is, the easier it is to generate a yield take-off. The densely populated, less developed countries, which have virtually exhausted the supply of new land that can readily be brought under cultivation, must compress a lot of progress into a very short period of time if they are to generate the yield take-off needed to feed their rapidly growing populations."

The transposition of the advanced mid-20th century agricultural technology of North America into the underdeveloped areas of the world will be, at the best, a very slow and arduous process. Yet, we must not despair in our efforts to build up the agricultural economies of the underdeveloped nations. To the extent that this can be done it will both promote economic and political stability within those nations, and will in part alleviate the burden that must inevitably fall on North American agriculture in the latter part of this century to prevent mass starvation in large areas of the underdeveloped world.

HIGHER PRODUCTION NEEDED

We thus face the prospect a decade hence that the great bread baskets of North America will be called upon to supply food for large areas of the world until the population-food ratio can again be brought into approximate equilibrium. The latter cannot be accomplished quickly or painlessly. We therefore face the challenge, in North America, to keep our food machine in a healthy state, fueled for a massive effort in the years ahead. We can add only a limited supply of additional arable land. We can get some additional food from the sea—but here again we face practical limits.

The only practical alternative available to us is the accelerated application of capital and technology to our own agricultural and food systems in an effort substantially to increase output per acre and per man. This means accelerated application and use of fertilizers, irrigation, better seed varieties, more pesticides, and extensive research inputs. We must not be lulled into a position of retreat on the North American agricultural front, because of current selective surpluses within our boundaries, because of uncertainties over the agricultural policies of the European Common Market, because of our declining number of farms and farmers, or because of the temporary rise of agricultural nationalism in many of the newer and undeveloped nations of the world.

The public conscience of the United States has moved toward a commitment, neither written nor enacted into legislation, but nonetheless real, that we will not permit mass starvation any place in the world. The two decades since the close of World War II have been the longest famine-free period in the history of the world. This has been possible largely because of the strategic deployment of American surplus foodstuffs under the Food For Peace Program. Many of these have been given away. It is true that substantial quantities have been exchanged for foreign currency under PL–480, but many of these transactions really represent ultimate gifts. We just haven't completed the bookkeeping transaction.

Since the start of this year, both President Johnson and Vice President Humphrey, the latter more specifically than the former, have indicated that we should give consideration in our agricultural policy to producing specifically to meet the food needs of the underdeveloped nations. Increasing numbers of congressmen also speak along this vein. When the time comes that food needs abroad are more apparent than now, it is my prediction that the U.S. Congress will find some way to meet them, perhaps under some kind of arrangement that resembles a sale, just like many people in this country think that our massive "sales for foreign currency" of surplus commodities over the last decade represent a genuine sale, when many of these transfers really were in the nature of a gift.

We must, therefore, view the tremendously efficient food industry of North America as one of the most powerful tools in our kit of international diplomacy. And then, having viewed it this way, we must pursue more sensible internal price support and production control programs than have persisted in recent decades. We must build strength under our great food processing and distribution system. Likewise, we must follow trade policies which are fitted more nearly to the economic realities of our times.

If we can catch the vision in North America of the central role our enormous food machine can and must play in the total world scene in the decade ahead, then we can only be optimistic concerning the position of our agriculture in the international scene.

The opportunity for increased food production on the North American continent is tremendous. Agriculture is essentially a process of converting radiant solar energy into a form usable by humans. We use the plant as a vehicle to accomplish this energy transformation. Sometimes we use the animal as a further vehicle.

We are extremely inefficient in making this energy conversion. In the temperate zone, on a warm summer day, the solar energy that hits an acre of land is roughly equivalent to the energy in 5 tons of coal. If this is averaged through the calendar year, to include the winter season, the daily solar energy impact per acre is equivalent to approximately 3 to 4 tons of coal. If we assume that, through our best agricultural techniques, we can produce 120 bushels of corn per acre per year, year in and year out, this has an energy equivalent to about 3 to 4 tons of coal. This means, therefore, that we have now learned in our advanced agriculture how to capture as much energy in our year as God pours on our acres every day.

We think we are pretty efficient, when as a matter of fact, we are extremely inefficient. We get only about 1/360 part of the energy available. If we should somehow learn how to double production per acre, we would still be getting only about 1/180 part of the energy available. This means, therefore, that the potential area for the application of science in our agriculture is almost without limit. It staggers the imagination. The energy is here, the opportunity is here, the need is here. All we need is a complete national dedication to be on with the job.

Our danger today is that too many Americans are "At Ease" in a world still struggling Two-thirds of the world's people live in chronic poverty, illness, malnutrition, disease, and general wretchedness. Ghandi once remarked "Even God dare not approach a hungry man except in the form of bread."

It is futile to preach to hungry people about individual freedom, democracy, and the dignity of man. Their compelling desire is bread.

This is the first time in the history of the world that hungry peoples have been clothed with political power. The number of nations in the world has more than doubled in the last two decades. These people are aware, through modern communication, that not everybody in the world accepts starvation, privation, and premature death as his inevitable partner. It will be impossible, in the generation ahead, for the Western World to live as an island of affluence in a sea of misery.

The North American continent, and primarily the United States, will be called upon within the decade for a massive effort to meet the impending crisis in the world population-food ratio.

It must be a major responsibility of all of us to keep our national food producing ma-

chine healthy and efficient. We must catch the vision in North America of the central role our enormous food machine can and must play in the total world scene in the decade ahead. We must strengthen public confidence in the capacity of our food industry to meet the great challenge ahead of it.

To prepare for less than this will be to condemn a large part of the world to widespread famine and political instability on a wide scale unprecedented in history. In modern times, our own nation cannot remain insulated from such a catastrophe on the other side of the globe, either east or south.

Hence there is no realistic alternative except for us to gear up to meet this challenge.

THE PENALTY OF LEADERSHIP

SUMMARY OF REMARKS BY EARL L. BUTZ, PURDUE UNIVERSITY, BEFORE THE ANNUAL MEETING, PARKE COUNTY REMC, ROCKVILLE, IND., SEPTEMBER 9, 1971

Tonight we pay tribute to leadership—the leadership of a great man whom we know as Reuben Dooley, and the leadership of a great organization we know as the REMC.

The Parke County REMC is thirty-five years old. No one knows for sure how old Reuben is! But we do know for sure that for over one-third of a century this man and this organization have teamed up with this community and this state and nation to provide the inspired and imaginative leadership so essential for a progressive and a prosperous community.

Leadership has its own inherent rewards, but it also has its penalties. The leader can't pause to look back, lest he finds himself in second or third place. If he chooses to rest on his laurels, someone surpasses him with a newer and more attractive set of laurels. If he slips, there is only one way to go.

As the leader presses on toward his dreams, he cannot be dissuaded by the criticisms and small remarks of doubting people. The standard of leadership is never held in trembling hands.

Let's take a quick look at some of the things that have happened in Parke County over the last third of a century.

Some skeptics said that the fledgling REMC in little old rural Parke County would not become one of the nation's greatest and strongest—but it is.

Many people doubted that electricity would be brought to every nook and cranny of Parke County—but it was.

There were doubts about making Parke County one of the state's leading recreational centers—but it is.

Skeptics said that you couldn't capitalize on the beautiful and historic covered bridges in your county—but you did.

There were those who doubted that a wide variety of industrial enterprises would locate in Parke County—but they did.

Skeptics scoffed at the idea of a public golf course, county park, swimming pool, and this very Community Center where we meet tonight—but here they are, enjoyed by thousands of people. County planning and area planning were bad words for some people two or three decades ago—but just look at what they have produced in Parke County.

Obviously, no one man or any one organization can lay claim to being *the* prime mover in community affairs, but when a dedicated community builder like Reuben Dooley teamed up with a great service organization like REMC, and enlisted the volunteer help of literally thousands of good citizens of your county, Parke County simply had to become one of the best places to live in Indiana.

LEADERS, LABORERS, AND LOAFERS

At any moment of time our population can be divided into three categories: Leaders, Laborers, and Loafers. At some time each of you has found yourself in all three of these classifications. A much larger than typical share of this audience will usually be found in the leadership category.

The critical elements of leadership are brainpower and heartpower. These two items represent the most powerful resources at our disposal in America. Yet we seldom regard these items as one of our main resources.

The resource of trained leadership and intelligent minds is not exhaustible. Indeed, it increases with use. It wastes from nonuse. The more you use it, the more you have of it. The more you share it, the more there is to share. In this respect it is truly a unique resource.

In this scientific and technological age in which we live, with far-reaching economic and sociological adjustments taxing our very imagination, brainpower and heartpower are the critical factors undergirding further growth of our economy. Indeed, strength in this department is essential for our national security and for our very existence as the *Land of the Free.*

Our challenge is to produce leaders among our people, who can grow with the changing times.

There are today two great areas of leadership need. The first one is professional leadership. This is in the vocation where you work. The second need is leadership in living together. This is in the field of government.

LEADERSHIP IN YOUR PROFESSION

The need for professional leadership is obvious to all of us. Modern America is growing and dynamic, undergirded with large amounts of research, science, technology, and managerial capacity. It constantly calls for more capable leadership and trained minds in every sector.

America is still a young, vigorous, and growing nation. By the year 2000—and that's just a generation away—we're going to have 100 million more people—a 50 per cent increase in 30 years. Real income per person will rise at least 50 per cent, which will result in a more than doubling of our real total economy in the next generation (constant prices). On top of this, the world population will probably double in the next 30 years, with a lot of hungry people on this old earth.

The U.S. farmer will do more than his share. But he has quite a challenge right at home. If we increase our population by another 100 million in those 30 years, at current consumption and production rates, we must add each year about 325,000 beef cattle, 50,000 dairy cows, 800,000 hogs, and 2,600,000 hens just to keep even. It will take top-flight management to do the job, plus full application of all of the "better way" ideas research and skilled management can develop.

We have a great building job to do in America. We must rebuild *Old* America as well as build a *New* America by the year 2000. New construction, in the aggregate, will be at least as great as total construction, of all kinds, now existent. This will result from natural growth in the economy, obsolescence of existing facilities, demolitions, condemnations, and withdrawals.

America Doubled in Your Generation! Think of what that means in terms of the need for skilled workers, service trades, recreation, and opportunities in a wide variety of fields of activity.

In the decade of the 1970's, 50 per cent more people will reach age 21 than in the decade of the 1960's. We're going to have at least 40 per cent more net new households next decade than last.

Downtown is being rebuilt in every major city across the land—and the process is only nicely begun.

The volume of new factory construction can scarcely keep up with building demands generated by new markets, new products, new production techniques, obsolete work and product flow arrangements, and new customer services.

Changing styles of distribution demand new facilities as the price of survival.

Today's transportation facilities are often inadequate and obsolete the day of their dedication.

All of this means that a country growing this rapidly will need a lot of people who understand that, like Alice in Wonderland, they'll have to run like the dickens just to stay where they are. If they want to advance, they'll have to run faster.

A program of continuous education throughout life will be necessary for leaders in every profession to keep up with the rapid advances we face.

Science and innovation are constantly inducing obsolescence all through our industries and our professions. This underscores the fact that education is your responsibility and mine. An obsolete machine can be melted down and recast into a modern, efficient machine. However, an obsolete person, whose skills are no longer needed, cannot be cast on the "scrap pile". He must be retooled for a useful place in modern society.

It has been estimated that today's graduate will change vocations two or three times before he retires. This means he must be trained for a constant program of re-education. This is equally true for workers in the skilled trades and professions.

Half of the technical information possessed by today's specialist will be obsolete in 10 years. Half of what you must know to be successful 10 years from now has yet been discovered.

The very process of education in our generation has accelerated the rate of obsolescence as it applies to techniques, to communities, and to people.

Let us teach our young people in the professions and in business to be proud of their profession. Let us look with confidence and optimism to the challenging opportunities that face us. Let us catch a vision of the great task that is right now upon us.

LEADERSHIP IN GOVERNMENT

The second area where we need to develop leadership—and this is just as important if not more so than the first—is in the field of living together. This we call government. It may be at the community level, at the county level, city level, state, national, or international level.

Let us make government an honorable profession. Democracy needs intelligent leadership. Let us stop cursing the darkness and light a candle.

One of the challenges we face is to interest capable young brains and competent young leadership with vision in the challenging job of governing ourselves. It matters not what political party you affiliate with. Get into one of the parties. We're never going to have good government until we do interest the young men and young women of our country in assuming responsible leadership in the field of government.

Plato once said, "The price that men pay for not being interested in politics is to be governed by men worse than themselves." So it is today.

We are engaged in a global struggle for power today, with one center in Washington and one in Moscow. These are days when foreign idealogies wash our shores, and alien philosophies circulate in our midst—sometimes on the very campus here our children go to school. This is more than a material struggle. This is a battle for the hearts and minds of men.

Those of us who call ourselves leaders and who have the opportunity to fashion others into positions of leadership have on our shoulders the mantle for the kind of America we want to develop.

One of the most critical things we face in America today is the growing disrespect among millions of our people for law and order. This situation must be corrected.

A generation ago, both Indiana and the nation were predominantly rural. Family life was home-centered, and communities were viable organizations. Our citizens, in the main, placed a pretty high value on such traits as work, production, integrity, dependability, self-reliance, self-help, and old-fashioned patriotism.

Living close to the soil as our people did, or being only one generation removed from those who did live close to the soil, they understood production. They knew that if they would have more, they must produce more. They didn't subscribe to the philosophy of slowdown and strife that characterizes some groups in America today. Being small entrepreneurs themselves, or being closely associated with someone who was, they believed in the free enterpirse and profit system. They understood the incentives for excellence inherent in this system.

Today we are predominantly an urban nation, and members of many farm families are essentially urban oriented in activity and in thought. Family life as we knew it a generation ago is under stress. Communities are difficult to identify.

In this new environment some of the values to which we subscribed a generation ago are threatened. We have among us too many apologists for America. There are too many of us who are at ease; too many who seek the soft comforts of affluence; too many who seek leisure—not production; extravagance—not thrift; personal indulgence—not personal sacrifice; personal license—not economic discipline. There are too many of us who regard old-fashioned patriotism as out of date and "for the birds."

There are growing numbers of us who feel that the only Commandment which really should not be violated is the Eleventh Commandment, "Thou shalt not get caught". The others may be violated with impunity.

We need to spend less time selling America to people overseas, and spend more time selling America to Americans. We need to spend more time talking about the many good things that are right with us, and less time crying about the little things that are wrong with us. The things that are right about America so far outstrip the things that are wrong with her that any honest comparison is ridiculous.

We must make our people proud of the institutions which have served our democracy so well in decades past. We must convince the young men and women in our schools and in our colleges that the American system works. Then we must somehow instill in them the idea that they must become a leader in government, a leader in politics, and a tireless booster for perpetuation of the American philosophy of freedom and opportunity.

We need to instill in our youngsters some of the old-fashioned patriotism that you and I got in the little one-room country schools we used to attend. Nobody then thought it was sissy to really thrill deep down in your heart when you studied about George Washington, Nathan Hale, Thomas Jefferson, and Abraham Lincoln. These men believed in a great idea and were willing to put their lives on the line to achieve it.

It's not enough for our people nowadays to stand up and sing America the Beautiful or The Land of The Free. They must sing the whole song. When they sing The Land of The Free, they must also sing The Home of The Brave. The two go together. If we ever lose the spirit of the latter, the substance of the former will disappear.

The Future Belongs To Those Who Prepare For It!

WHEN WILL OUR PROFITS RETURN?

REMARKS BY EARL L. BUTZ, PURDUE UNIVERSITY, BEFORE SOUTHEASTERN POULTRY AND EGG ASSOCIATION, ATLANTA, JANUARY 26, 1971

Some years back when I taught a course in agricultural prices, my students used to ask, "What is a fair price for eggs?" The only quick answer I could give was, "Ten per cent more."

The next question was, "What is a fair cost for feed?" Again, the only quick answer I could give was "Ten per cent less."

The answers I gave are always correct, especially from an individual point of view. The entrepreneur, whether private or corporate, always tries to maximize price and to minimize cost—in the hope of increasing his profit.

Profit is a perfectly legitimate goal in our society. The desire for profit in a free enterprise society is one of the most powerful incentives in the mind of men ever devised to make men dream, work, risk, venture, invest, and grow. It's a principal reason why the free world continues so far to outstrip the Iron Curtain world in terms of the everyday goods and services that make life so pleasant for so many million Americans.

However, sometimes our price-cost structure gets out of kilter. Profit opportunities become uncomfortably adverse. That's where poultrymen find themselves today. If my students of 20 years ago were to ask me today about prices and costs. I would have to answer, "Prices are 10 per cent too low" and "costs are 10 per cent too high." That puts profits well below the equilibrium line—and in many cases below the zero line.

WHY DID OUR PROFITS VANISH?

As nearly always happens when prices maintain above the "equilibrium level" for any sustained period of time, resources are attracted into the industry, production expands, and prices suffer. The poultry industry is no exception. That's just the way producers respond to price incentive, in nearly any industry which has a large number of independent producers. Eggs enjoyed pretty good prices for some 18 months prior to the second quarter of 1970. During that same period feed costs were relatively low, making for comfortable profit margins. This was also a period of relatively high prices for red meats. It was a time when the economy was generally expanding, at least at a more rapid rate than it has in the past several months.

A year ago this month, fancy large shell eggs topped 62 cents on the New York wholesale market. That was nearly twice the 33 cents on the same market just two years earlier. It was too good to last—and it didn't.

Egg production in late 1970 averaged moderately above a year earlier. The laying flock, last October 1, was 2 per cent above a year earlier, and there were nearly 5 per cent (4 million) more pullets three months or older not yet laying. Although the egg-type replacement chick hatch last August was down nearly a fourth, September hatchings held their own, and increased 4 per cent in both October and November. The turnaround occurred in December, with hatchings down 10 per cent from a year earlier. In January, eggs in incubators were down 12 per cent from a year earlier. Hatchings will likely continue below year earlier levels until late summer, perhaps September or October, when they may start up again.

The rate of lay per hen in the months ahead will probably be above a year ago because of the larger number of pullets entering the laying flock and increased culling of old flocks. This means that the laying flock likely will increase still further, and average moderately above a year earlier, at least through mid-1971. If rate of lay increases slightly, eggs available will increase even more than the laying flock.

This expansion in production comes at a time when the general economy is soft, when unemployment is up, when overtime pay has been substantially reduced, when consumer spending is down and saving is up.

At the same time, pork prices are markedly lower than a year ago, reflecting increased supplies and heavy promotional programs in the meat counters. Chicken meat prices are down, and beef prices are off from a year ago.

This all adds up to lower egg prices. While it may be difficult to demonstrate a statistically significant relationship between high red meat supply, low pork prices, and lower egg prices, logic dictates that any effect, even though moderate, must be on the adverse side.

Couple this with the fact that the demand for eggs has apparently become less responsive to price than formerly, and you get aggravated price declines in the present situation. Economists used to figure that a 4 per cent change in price of eggs would call forth a 1 per cent change in quantity taken. Recently the swings have sometimes been as much as a 10 per cent change in price for a 1 per cent change in quantity. As a consequence, the difference between shortage and extreme oversupply really has a knife-edge impact on price.

THERE ARE HIGHER PRICES AHEAD

The egg price situation really isn't as bad at this point as it might be. Prices are holding fairly well (at 37–40 cents New York wholesale) compared with the disastrously low levels of three years ago that in some months broke through 30 cents. In recent months movement into processed egg products has been good. This does represent in part response to a relatively low stock build-up during the flush season last summer. People expected lower prices last fall and did not build the usual amount of stocks.

Further price declines are in prospect during the first quarter and into the second quarter of this year.

Egg prices this spring likely will show about the usual seasonal decline, which fortunately is much less than the sharp decline that occurred in the spring months of 1970. In addition to the larger expected production in the six months ahead, egg prices will be under pressure from larger supplies of other high protein foods. However, the demand for shell eggs for breakers will be higher than usual during the first half of 1971, and will tend to lessen the pressure on prices.

Prices may swing near the 30 cent wholesale New York level in May 1971. Following that they should increase, and should be back up slightly above the 40 cent level by fall of 1971.

While this isn't a too happy prospect, indications by the fall of 1971 are that supplies will be coming under control and that prices during the 1971–72 season will again be trending upward.

FEED WON'T ALWAYS BE THIS EXPENSIVE

The other side of the profit equation is feed costs. Laying ration ingredients will continue high priced at least through the first half of 1971. What happens after that depends on crop conditions in the summer of 1971. While it is impossible at this juncture to forecast the effect of the southern leaf blight on corn production in 1971, we always have a tendency to overestimate the long-range impact of any unusual situation, like the leaf blight in 1970.

While blight did seriously impair the 1970 corn crop, this writer stakes his reputation on the prediction that the Corn Belt is going to stay in the corn business—in a big way—and in the soybean business too. It may well be that 1971 production will be down moderately until we can shift more fully to blight-resistant varieties. However, at this juncture, knowing as we do the ability of both scientists and farmers to re-

spond to a threat to a major crop, a reasonable prediction is that total feed production in 1971 will be up, and by the end of the year ingredient prices may be somewhat lower, perhaps even more than the futures markets currently indicate.

The poultry industry is now sufficiently mature that it should be able to iron out violent fluctuations in supply, and consequent inverse fluctuations in price. Sixty-cent eggs (New York Wholesale prices) are pleasant while they last, but I don't know of anyone who believes them to be in the long-time interest of the poultry industry. They are always followed by disaster. A basis for rational decision making exists in the marketing guides issued by USDA. However, these guides have been something less than effective. Recent action of United Egg Producers and the National Broiler Marketing Association are steps in the right direction, and evidently claim some measure of success. A continuing educational program may keep rational producers from going overboard when prices are abnormally high. The resulting crash just isn't worth it!

LONGER RANGE PROSPECTS LOOK UPWARD

Total U.S. demand for food has been increasing about 2 per cent annually, based on a population increase of about 1½ per cent and an upgrading of our per capita eating by about ½ per cent. This trend will likely continue.

It appears that the government clearly got the message in last fall's election. Our people are more interested in an expanding economy, full employment, and rising wages, than they are in rigid inflation control. This means that by the latter part of 1971, and especially by the middle of 1972, the economy should be moving upward vigorously. This probably means increased consumer spending—perhaps at the expense of the rate of saving.

But be these short-time economic and political fluctuations as they may, the long-time trend is vigorously upward. America is still a young, vigorous, and growing nation. By the year 2000—and that's just a generation away—we're going to have 100 million more people—a 50 per cent increase in 30 years. Real income per person will rise at least 50 per cent, which will result in a more than doubling of our real total economy in the next generation (constant prices). On top of this, the world population will probably double in the next 30 years, with a lot of hungry people on this old earth.

The U.S. farmer will do more than his share. But he has quite a challenge right at home. If we increase our population by another 100 million in those 30 years, at current consumption and production rates, we must add each year about 325,000 beef cattle, 50,000 dairy cows, 800,000 hogs, and 2,600,000 hens just to keep even. It will take top-flight management to do the job, plus full application of all of the "better way" ideas research and skilled management can develop.

We have a great building job to do in America. We must rebuild *Old* America as well as build a *New* America by the year 2000. New construction in the aggregate, will be at least as great as total construction, of all kinds, now existent. This will result from natural growth in the economy, obsolescence of existing facilities, demolitions, condemnations, and withdrawals.

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The volume of new factory construction can scarcely keep up with building demands generated by new markets, new products, new production techniques, obsolete work and product flow arrangements, and new customer services.

Changing styles of distribution demand new facilities as the price of survival.

Today's transportation facilities are often inadequate and obsolete the day of their dedication.

All of this means that a country growing this rapidly will need to be provided with a growing supply of adequate, healthful, and nutritious food.

COWS AND CATALYSTS

SUMMARY OF REMARKS BY EARL L. BUTZ, PURDUE UNIVERSITY, BEFORE TEXAS AND SOUTHWESTERN CATTLE RAISERS ASSOCIATION, FORT WORTH, TEX., MARCH 16, 1971

A catalyst is defined as a substance which accelerates a reaction, but is itself unaffected by the reaction. Many kinds of catalysts are used in manufacturing processes to speed up desirable reactions.

If some catalyst could be compounded which would markedly increase the total effective demand for beef, and at the same time reduce production costs, the cattle industry would be in the "Promised Land."

Fortunately, some such catalysts are available, and are working in the interest of the beef industry. They're not spectacular, but they're nonetheless real. Two of these catalysts operate largely independent of beef producers, and two others are at least partly under the direction of beef producers.

TOTAL DEMAND FOR BEEF WILL RISE

The total effective demand for beef in the years ahead will depend on two factors: (1) Size of the population, and (2) changes in the amount of beef consumed per capita.

The latter factor in turn is dependent upon three things: (1) The amount of increase which may be expected in per capita real income (taking into account the relatively low income elasticity for food); (2) the impact on per capita consumption of an aggressive promotional and merchandising campaign; and (3) the impact on per capita consumption from lower relative selling prices and improved quality in the retail counter as a result of a stepped-up research program in the whole beef industry.

The first two "catalysts" listed above operate largely independent of anything the beef industry can do. The second two are largely under control of the leaders in the beef industry.

Each of these items will be discussed briefly.

Our exploding population means a substantial increase in our consumption potential, even assuming for the moment a static per capita consumption. Our population now surpasses 205 million. It's growing by about 3 million per year. It has been estimated that by 1980 our population will be around 235 million. By the year 2000, it will be skirting around the 300 million mark. That's an increase of some 95 million in less than three decades. That's nearly equal to our population growth over the past five decades—from 1920 to 1970. It's a fourth greater than our population growth during the entire nineteenth century—when Texas ranches were being developed to feed our "growing nation." A 95 million increase in population represents a 46 per cent increase from the present base. Therefore, assuming no change in per capita consumption of beef, we could expect a 46 per cent increase in total domestic outlet for beef in the next 29 years.

Let's look now at the second "catalyst"—the rising purchasing power of our people. In the last 25 years the per capita real income of our people (after taxes and inflation) has increased by some 50 per cent. Reliable predictions are that it will increase by another 50 per cent in the next 25 to 30 years. Many economists think it won't take that long to go up 50 per cent.

While we don't increase our food consumption proportionately as income increases, we do eat some better. We improve the quality of our diet.

We do this by shifting to a protein diet, and other more expensive protective foods.

It is common knowledge that beef is a relatively desirable item in our national diet. It has sometimes been called a "luxury meat."

If our per capita real incomes go up by 50 per cent in the next two or three decades, we can be almost certain that the demand for meats, including beef, will rise some, although not by a like amount. And it's probable that the effective demand for beef, as a result of this income rise, will go up a little more than that for other competing meats.

If we can assume that the income elasticity for beef is 0.20, and it's my feeling that this assumption is on the conservative side, then we conclude that a 50 per cent increase in per capita income would result in a 10 per cent increase in the relative amount that would be spent for beef and beef products. This of course is at the retail level. It is likely, however, that as incomes rise, consumers will purchase more services with their food. Therefore, not all of this increase in expenditures for beef would be reflected back to producers. Hence, just to be conservative, if we cut the estimated income elasticity from 0.20 back to 0.10, this would then give us an estimated 5 per cent increase in the amount of money spent for beef and beef products (at the farm level) resulting from a 50 per cent increase in real income per capita. Multiply this by a projected 146 per cent people base (46 per cent more by the year 2000) and you get an increased demand of 8 per cent. When you add this to the 46 per cent increase in people, you get a projected effective increase in demand of 53 per cent. Give or take 10 per cent one way or the other, that's a pretty sizable job ahead of us.

PROMOTIONAL POSSIBILITIES ARE OFTEN OVERRATED

We turn now to the third "catalyst"—promotion. Some enthusiastic supporters of a greatly stepped-up promotional campaign for beef expect results which it probably will be difficult to attain. We should be relentless in our efforts to acquaint the consuming public with the advantages of a high protein diet based upon a growing animal agriculture. Our efforts should be to expand the consumption of all meats. If we dissipate our resources in attempting to persuade consumers that they should eat more beef—perhaps at the expense of pork or lamb or poultry, about all we accomplish is to induce the pork, lamb, and poultry industries to spend an equivalent amount of money in "offset promotion," and the whole industry ends up about where it started except with a big promotional bill on its hands.

This is clearly an area that calls for a well-coordinated effort by all of animal agriculture.

THERE'S GREAT PROMISE IN RESEARCH

Research—the fourth "catalyst"—is under our control. It offers real promise on both the production and the marketing side. Research on the production side can be cost-reducing, and research on the marketing side can be consumption-expanding. Indeed, reduction in production costs themselves can be consumption-expanding, if such cost reductions are at least partly translated into relatively lower selling prices at retail.

We have stepped up our efficiency of beef production in recent years, but not enough. Over the past 30 years, cattle numbers in this country have grown only a little faster than

our population. Cattle numbers increased about 64 per cent and population about 54 per cent from 1940 to 1970.

Thus, if beef marketings were geared to cattle numbers alone, consumers would be getting only 20 per cent more beef per capita now than they did 30 years ago. But the production of beef per head has also increased by some two-thirds, so that consumers now eat substantially more beef per capita than three decades ago. Our people in 1970 ate a record-shattering 113 pounds of beef per capita, contrasted with 55 pounds per capita in 1940. This is an increase of 106 per cent from 1940, and an increase of 38 per cent just from 1957–59.

This remarkable increase in beef output per animal results from (1) a change in the product mix including a relative decline in dairy cow numbers, (2) sharply increased supplies of fed beef, and (3) a substantial input of research in the beef industry.

However, before we rest on our research laurels in the beef industry, we must take a look at our cousins in the poultry industry. Per capita consumption of poultry meat in this country has nearly tripled since 1940, being 290 per cent of the earlier figure in 1970.

American consumers have not flocked to increased poultry and turkey consumption in such record proportions because they suddenly preferred drumsticks over T-bones. They did it because poultry and turkey meat have been placed in the retail counters of America at such attractive prices that Mrs. Housewife just couldn't resist picking up an extra package or two. And these attractive prices were made possible because the modern poultry industry is based almost entirely on research. Today's poultry industry would have been impossible 30 years ago, without the research applications that have gone into it since World War II. Research in the poultry industry has advanced on the multiple fronts of genetics, physiology, nutrition, and management. No sector of the industry has been left unexamined, from the feed bag to the retail counter. Costs have been cut everywhere. Efficiency has been stepped up wherever possible. Even the time-honored breeds yielded before the more efficient production records of hybrid strains. An aggressive program of research enabled the poultry industry to build a great new market in this country where only a small one existed before.

We need to step up our total research program in the U.S. beef industry. If we are going to meet the anticipated more than 50 per cent increase in effective demand for beef in the next 30 years, we'll probably do about half of this with increased cattle numbers and about half with increased production per animal. The cattle cycle will continue in the foreseeable future, with ups and downs in numbers about as in the past. However, each peak will be higher than the previous peak, and each trough higher than the previous trough. In 30 years we'll need at least 140 million head of cattle in this country to feed our growing population. assuming that we can in the same time increase our beef output per animal by one-fourth.

A one-fourth increase in beef output per animal won't be easy. We can't reduce dairy numbers much more. Cattle feeding will grow some more, but it can't continue to increase at the same rate as in the last decade. By the late 1970's, growth in cattle slaughter will be closely tied to calf crop increases, because by that time cattle feeders will be feeding nearly every suitable animal.

This is the job cut out for research.

Research is the expandable term in the beef equation for tomorrow.

The people will be here by the millions, their incomes will be high, and their appetite for beef will be whetted.

What a fertile reactor into which to pour a generous quantity of our most effective catalyst—Research.

THE GROWTH FACTOR IN AMERICA WAS NEVER GREATER

An important catalyst affecting all of us is the rate of growth in the U.S. economy. It is headed sharply upward.

The government clearly got the message in last fall's election. Our people are more interested in an expanding economy, full employment, and rising wages, than they are in absolute inflation control. This means that by the latter part of 1971, and especially by the middle of 1972, the economy should be moving upward vigorously. This probably means increased consumer spending—perhaps at the expense of the rate of saving.

But be these short-time economic and political fluctuations as they may, the long-time trend is vogorously upward. America is still a young, vigorous, and growing nation. By the year 2000—and that's just a generation away—we're going to have 100 million more people—nearly a 50 percent increase in 30 years. Real income per person will rise at least 50 per cent, which will result in a more than doubling of our real total economy in the next generation (constant prices). On top of this, the world population will probably double in the next 30 years, with a lot of hungry people on this old earth.

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Today's transportation facilities are often inadequate and obsolete the day of their dedication.

All of this means that a country growing this rapidly will need to be provided with a growing supply of adequate, healthful, and nutritious food.

MAN AND HIS ENVIRONMENT—CRISIS OR CHALLENGE?

(By Earl L. Butz, Ph. D.)

Man is the most versatile and adaptable of all the animals. He has learned, in varying degree, to tame the natural elements and to modify the physical environment in which he lives.

In the last 30 minutes on the 24-hour time clock of recorded human history, man has extended his habitat from the tropic (and friendly) Garden of Eden to the frigid (and hostile) tundra of the Arctic; from the high Alps of Switzerland to the below-sea levels of Death Valley, from the parched plains of the Gobi Desert to the rain-drenched isles of the South Pacific; from the 24-hour cycle of day and night where you and I live to the six-month-long days and nights of the sub-Arctic. In this short time, enlighted humans have found it possible to survive in habitats that formerly were marginal or even impossible.

In short, man has disturbed the balance of nature. He has altered his ecosystem. This has brought great rewards to him, but not without peril and cost. It is to a consideration of both the rewards and the costs that this paper is primarily addressed.

POLLUTION IS NOT NEW—JUST MORE INTENSE

Man has been a polluter, of sorts, ever since he discovered fire. Indeed, he wasn't nearly as clean in his living patterns and as sanitary in his personal habits centuries ago as are his modern descendants. We know something about the way the caveman lived by examining his rubbish pile. He polluted the air, the water, and the soil. But he didn't live in dense urban concentrations, and he had such a vast array of space and natural resources available to him that any pollution was so diluted that it was inconsequential, if it was even noticeable. Indeed, his animal and human wastes were recycled into the soil and became an asset in his plant culture.

From that early day until now, our population-resource ratio has narrowed markedly, our per capita demand for resources has risen sharply, our population curve has accelerated upward at an alarming rate, and the opportunity to move on to virgin and unspoiled areas is virtually nonexistent.

Small wonder, then, that we are all concerned about environment, resource use, pollution, and quality of life. In the last half dozen years interest in these areas has built up to near fever pitch. We are probably right now at a peak in our national clamor to "do something" about pollution.

We have a certain amount of faddism in our support for public causes. Think back over the last half dozen years or so. A couple of years ago our great national concern dealt with malnutrition and hunger. A greatly expanded federal food stamp program resulted. A revolutionary new concept in welfare was placed before the Congress by this administration. Before that we were all steamed up over racial and ethnic discrimination, with a wide variety of organizations carrying that flag.

Today I think it can be said that 1970 will go down in history as *the year of the environment*. In another year or two the very same organizations and media that wave the environment flag so vigorously today will have still another torch in their hands—and wave it just as enthusiastically. It is difficult to keep public interest at fever pitch in any movement more than a year or two.

Perhaps it's better this way. It is a well demonstrated American trait to over-react to crisis. When any issue is at the crest of its "agitation curve," exaggerated statements are made, perils are overemphasized, emotions are stirred up, and some unwise things are done. But on the other hand, governments are moved to act, corporate managers are made aware of their public responsibilities, and Mr. John Q. Citizen also decides that he too may be called upon to share in the cost of improving the situation. When public clamor subsides a bit and we enter the subcrisis stage of public discussion and concern, it is always possible to make sounder decisions, to formulate better programs, and to move forward on a rational basis. There is

evidence that our nation is just now entering that phase of environmental awareness.

THE POPULATION EXPLOSION

The current furor over environmental pollution is, in fact, merely an expression of *people-lution*. The classical "solution to pollution is dilution" is completely inadequate as the concentrating population generates pollutants faster than the available diluents of air, water, and space can absorb them.

At the beginning of the Christian Era, world population was estimated to have numbered around 250 million. In the next 15 centuries it doubled, reaching 500 million by the year 1600. Three centuries later, by 1900, world population had tripled, and stood at 1.5 billion. In a little more than two-thirds of a century since 1900, world population has doubled again, and now stands at about 3.5 billion. Reliable estimates indicate that in the little less than one-third of a century remaining until the year 2000, it will double again, and will stand somewhere between 6.5 and 7.0 billion people.

Let's put the same growth curve another way. The human population in the world reached its first billion about 1850, the second billion by 1930, and the third in 1961. The fourth billion is due in 1975, and the seventh is due by 2000. At that point the doubling time is likely to be about 23 years.

This means the population of the earth will increase within 30 years by as much as it has increased over the last 30,000 years.

The astonishing fact is that the human race as a whole is currently doubling every 30 to 35 years, and in some areas, notably Central and South America, the doubling time is currently approaching 25 years. If the population were to grow 3 per cent annually, it would multiply 18 times in a single century. Looking at these facts another way, if we had multiplied at the present rate from the beginning of the Christian Era, there would now be over one million people per square foot of earth surface. Obviously, that rate of growth cannot persist indefinitely because of the sheer limitation of space and food. However, such a rate is within the realm of possibility within our lifetime. Therefore, face it we must!

Or to put it in still different terms, within 100 years from now at present rates of increase, the world population will aggregate nearly 50 billion humans, equivalent to 1,000 people per square mile, or more than the density of people in New Jersey, over the entire land mass of the planet, including all the mountains, all the deserts, and both polar icecaps.

We haven't been doing quite that well in the United States, but we have been growing pretty rapidly. We reached 50 million by about 1880, 100 million by 1917, and 200 million in 1968. It looks like we'll hit 300 million by 2000.

Obviously, this is a geometric increase. But alarming as it is, it falls short of describing our trouble in true proportion, for certain social and environmental conditions are changing even more rapidly than the population.

In the first place, we don't know a great deal about the effects of high density population on human beings. It is clear that concentrations of people commonly produce high rates of abnormal social and psychological behavior. We know that disease potential increases with high density population. We don't know enough about the relationship between high density population and the rapidly accelerating increase in competition and the complexity of relationships among individuals. The resulting higher sociological and psychological stress no doubt is a contributing factor to high drug usage, breakdown of law and order, and a threat to organized society itself.

In the United States in 1970, only about 25 per cent of the population lives in rural areas. Or putting it another way, three-fourths of all the people live on one per cent of all the land.

HUMAN DEMANDS ALSO SKYROCKET

Another aspect of the environmental problem, in the western world anyway, involves the skyrocketing curve of human wants and needs. The production of electric power is doubling every decade, and with it the thermal pollution of water, increased pressure on clean air, and marked invasion into our limited supply of fossil fuels. In North America, automobiles are increasing twice as fast as people; draw your own conclusions relative to the impact on atmospheric pollution and the growth of unsightly junkyards. As per capita income levels have risen and dietary patterns have grown more sophisticated, our food supply is possible only through increased use of chemicals and pesticides with their attendant regulatory and residue problems, animal feeding in large concentrated units with concomitant waste disposal problems, and a higher solid waste production associated with modern food merchandising and processing. These simple illustrations are indicative of the manner in which a geometric growth curve of human desires imposed upon a geometric growth curve of population can, in time, stretch the population-resource ratio to the breaking point. We are not there yet, but we are on the way.

Solid waste production is also growing. Even this is on a geometric curve. The per capita production of solid waste in this country is now about five pounds per person per day. This has doubled in the last couple of decades. The figure is increasing at about 3 per cent each year, which when added to an increase of 2 per cent in population each year, means about a 5 per cent increase annually. If we were to include all industrial and agricultural wastes, the figure would rise to 8 pounds per person per day, or nearly 1½ tons per person annually. This aggregates to almost 300 million tons annually for the entire nation. What a load for incinerators, dumps, land-fills, garbage disposals, and sewage treatment plants!

Attempts to categorize and measure the various kinds of pollution have met with only limited success. We can pretty well quantify our solid wastes that move out of home, factory, and feedlot. Likewise, there are reasonable estimates about the quantity of emission of solids into the atmosphere, particularly from the automobile. The measurement of water pollution is difficult, as it occurs both from run-off from our farms and industrial discharge into our waters, and also thermal pollution, particularly from electrical generating plants. And in recent years we have heard a lot about noise pollution, especially near airports and busy highways.

We all point to the automobile as the major air pollutant. While one should not minimize the contribution automobiles make to air pollution, their share of the total pollution is often exaggerated.

The internal combustion engine that propels our automobiles emits 3 common pollutants:

1. Carbon monoxide (CO)
2. Hydrocarbons (HC)
3. Oxides of nitrogen (NOx)

Just a word about them and what is being done is in order.

It is estimated that motor vehicles produce 66 million tons per year of carbon monoxide—about 55 per cent of the total which is being emitted to the atmosphere. Other kinds of combustion produce about 23 per cent. The remaining 22 per cent comes from natural sources.

Automotive controls have removed about two-thirds of the carbon monoxide emissions from new cars with control systems which were installed on California cars starting with 1966 models, and nationwide on 1968 models. The greatest effect of this reduction probably is being felt in congested urban areas, where the number of vehicles during traffic peaks is increasing only slightly, if at all.

With respect to hydrocarbons, it is estimated that motor vehicles emit approximately 12 million tons per year—about 6 per cent of the total in the atmosphere. An estimated 85 percent of air-borne hydrocarbons are produced by natural biological processes.

Engineers in the automotive industry and in college laboratories have given high priority to control of hydrocarbons, largely because of the role which they play in the formation of photochemical smog. They have met with considerable success. Control mechanisms were placed on all cars in the California area in 1968, and in 1970 all new models were equipped with the latest control systems. Car manufacturers claims that it would take five 1970 models with the latest control systems to equal the hydrocarbon output of one uncontrolled car. As a consequence, the total emission of hydrocarbons from automobiles reached a peak in 1966 of about 16 million tons per year. Even with the increased number of automobiles in 1970, total hydrocarbon emission was estimated at 13 million tons, down nearly 20 per cent. As the older uncontrolled cars are retired from use, and replaced with newer cars equipped with full control systems, it is estimated that by 1975 total hydrocarbon emission from automobiles will be to 8 million tons, and by 1980 to 6 million tons. These estimates make allowance for the increased number of automobiles which will be in use by 1980.

It is estimated that motor vehicles emit 6 million tons of oxides of nitrogen (NOx)—only a small fraction (0.7%) of the total in the atmosphere. An estimated 95.3 per cent comes from natural sources. These oxides take part in the formation of photochemical smog, sometimes encouraging it and sometimes inhibiting it, depending upon atmospheric conditions. Automobile manufacturers claim substantial progress in reduction of this emission.

This is clearly a case where public concern over air pollution resulted in effective action, both on the part of governments and of the manufacturers themselves.

In spite of all the talk about electric automobiles, steam-powered cars, and the like, it is reasonably clear that the internal combustion engine is here to stay as an essential part of surface transportation. We have taken the sensible approach as we make modifications, even though they cost a little money, that reduce the emission problem to acceptable levels. It has been estimated by the automotive industry that auto emissions climbed to their peak a couple of years ago and have been going down since then. They will continue to go down each year, even though car population and vehicle miles driven will go up, so that by the early 1980's total vehicle emissions will be nearly comparable to what we had in 1940. And no one worried much about them.

We should not let our daily awareness of the automobile obscure other important sources of air pollution, such as industrial plants and municipal and private burning. Most industries, whether they contribute by smokestacks or through exhaust systems, add several types of air pollution to the atmosphere. Open burning on municipal dumps adds smoke and particulate waste in addition to deadly fumes.

Municipal and private utility companies are also examples of secondary sources of pollution. Electrical companies, while producing a non-pollutant source of energy and heating, use coal as a source of power. This coal consumption adds significantly to the smoke, particulate, and sulphur dioxide con-

tent in the atmosphere. Finally, the individual, farmer and city slicker alike, pollutes when he burns off his fields or burns his trash in the back yard.

We are making substantial progress in reduction of water pollution. It is estimated that in 1970 total expenditures in this country by government (federal, state, and municipal) will be $3,680,000,000 for water and sewage treatment facilities of one kind or another. In the federal budget that President Nixon recommended to Congress last January, he included $800 million for 1970 for water pollution control. This compares with only $214 million the year previously. He estimated that over the next five years, a total of $10 billion of federal funds should be appropriated for this purpose. However, we should recognize that solid waste disposal problems are compounded by the abatement of water and air pollution. Chemicals and sludge collected in waste water treatment plants and particulates washed from industrial smoke must be collected and disposed of in some manner.

Agriculture is one of our big solid waste producers. On top of that, agriculture contributes its share of water pollution in the nature of nitrates and nitrites, ammonia, and persistent pesticides such as DDT, Dieldrin, Endrin, and Toxaphene. Yet we must hasten to point out that it would be impossible to produce our modern food supply without the use of such pesticides.

One of agriculture's "messiest" problems is manure disposal. And it is going to get worse in the future.

Farmers are caught right in the middle of consumers' demand for more red meat—with less pollution from its production. But we have not yet found a way to produce a tasty sirloin without some cow manure as a byproduct.

Historically, manure disposal on the American farm was relatively simple, when most farms were diversified with both livestock and crops. Manure that fell in the pasture was automatically recycled back into the land. Manure that fell in the barnyard or barn was spread on adjoining cropland where the nutrients were re-used by next year's crops.

Today much of the two billion tons of manure produced by farm animals each year is dropped by animals concentrated in large units. Since we have developed methods to produce inorganic fertilizers cheaply, the value of manure as fertilizer today is often less than the cost of storing and spreading it. Thus, it is regarded as a costly disposal problem.

Animal wastes thus accumulated must be disposed of somehow. However, animal wastes pollute the environment in a number of ways. Odor is an obvious pollutant; it is one that livestock producers have learned to tolerate or even appreciate, depending on the price of livestock. But neighbors—especially if they are not farmers—don't have the same economic interest in that smell.

The run-off from barnyard manure, entering streams, ponds, or lakes, can pollute those waters in several ways.

It is little wonder that cities show increasing interest in concentrated livestock operations anywhere within or even near the watershed from which they draw their water supply.

Fortunately, there are safe and sanitary ways of disposing of barnyard manure besides spreading it back on the land, but try to convince an urban politician that his water supply is safe so long as one of those fully modern feeding installations is located anywhere within his watershed!

CAN POLLUTION BE CONTROLLED?

We now come to the $64 question. Can pollution be controlled? Can it be slowed down? Can it hopefully be reversed?

The answer to all of these questions is a resounding YES—if we want to pay the cost. We have already reduced substantially the pollution from the internal combustion engine. Industrial plants have spent and are spending tremendous sums to reduce both air and water pollution. Agriculture has made great strides in the safe use of chemicals, biologicals, and herbicides, and is making real progress in the disposal of animal wastes.

While of course we always need added research on any problem, and there are additional refinements that can be made in practically any process, we do know how to reverse our headlong plunge toward a complete fouling of the nest in which we live. We are making progress. While much remains yet to be done, let's not discount for a moment the advances we have made.

HOW MUCH WILL IT COST?

A study made earlier this year and reported in *U.S. News and World Report* indicated that it would take $71 billion to clean up polluted air, land, and water in this country in the next five years. The study estimates that $54 billion is required to clean up the waterways, $13 billion to combat dirty air, and $4 billion to improve methods for disposing of solid wastes.

Give or take $20 billion one way or the other, and you still have a pretty sizable price tag on our cleanup job. It is very likely more than the body politic will appropriate for that purpose. But all of it won't have to be appropriated. Part of it will come out of your pocket and mine in a higher cost for the automobile we buy, the electricity that lights our house, or the food that comes to our kitchen.

It is important that we as a nation recognize that solutions to these and similar problems rest not with some distant entities such as corporations or the government, but with each of us as individual citizens.

Some while back the comic strip character Pogo said about pollution, "We have met the enemy . . . and they are us!"

The emission control systems on the automobile don't come for free—the purchaser pays for them. If ultimately we get lower compression engines, unleaded gasoline, with perhaps lower energy conversion ratios, we'll have to pay for it. There is no short cut.

If power generating plants install emission controlled devices and minimize thermal pollution, those of us who buy electric power will pay for it.

If the disposable soft drink can, the no-return beverage bottle, and the plastic detergent container gave way to some other—and perhaps more costly—method of distribution, we'll pay for it. There is no short cut.

DON'T OVERLOOK THE BENEFITS

On the other hand, we should recognize that economic benefits also * * * the total cost of cleaning up our environment, estimated earlier at $71 billion over five years, is gross cost and not net.

Cleansing the environment actually will save vast sums, in addition to enhancing the quality of day-to-day living. It has been estimated that polluted air costs some $13 billion a year in property damage from soiling, corrosion, and abrasion of materials. It is difficult to estimate how many more billions should be added for health care bills and the loss of farm crops.

Similarly, polluted water costs the nation perhaps $12 billion a year. The five-year economic loss of $60 billion is more than the estimated tab for making waterways cleaner. Improving the disposal of solid wastes, authorities say, would contribute to better public health, save money on trash collection, incineration, and dumping.

Government and industry together are spending only millions annually to fight air pollution. The study cited above indicated the five-year bill for air pollution would be about $13 billion over five years, or about $2.6 billion annually. It has been estimated that damage caused by air pollution probably exceeds $13 billion a year.

John T. Middleton, Commissioner of the National Air Pollution Control Administration, recently said, "When we consider the priceless benefits of clean air to our health, adequate control of pollution is a bargain."

Air pollution corrodes steel 2 to 4 times faster in urban industrial areas than in the countryside. Farm losses caused directly by air pollution are estimated at over $500 million annually. Property values are depressed in residential areas where air is dirty.

Costs of this magnitude are easily within the range of reason. Our society will ultimately come to the conclusion that it can afford to spend whatever sums will be necessary to halt the degradation of our natural resources. In addition, it may decide one day to find substantial additional funds for restoration and enhancement of environmental quality. Increasingly we will come to regard the *quality of life* in this country worth putting real money into.

The gross national product in the U.S. in 1970 will be approximately $970 billion. The National Planning Association has projected that it will grow about $45 to $50 billion annually at constant 1970 prices. Only a modest fraction of this annual increment will be required to conserve our resources and enhance our environment one billion dollars per year or more put into environmental improvement would be less than one per cent of our G.N.P. We can and will do at least that much. While this may mean a slight reduction in the growth rate of real personal disposable income, Americans have always made greater sacrifices in income in order to improve the quality of living. Look for example at the reduction in the workweek from the 60 or 70 hours of a century ago to some 35 hours today. It is clear, in this instance, that our society has elected to trade off several hundred billion dollars per year in personal income in order to work fewer hours and increase the quality of living through expanded leisure time. However, we are now at the point where the enjoyment of leisure time has been seriously impaired by the limitations on recreational opportunities through environmental pollution.

We'll decide one of these days, as a body politic, to put more of our total resources into pollution control and environmental improvement to restore an ecosystem in which opportunities for meaningful living will be enhanced, with something like optimal balance that a rational ecological system would suggest.

RISK-BENEFIT RATIOS

Caution must be exercised that we don't go overboard in our hysteria to clean up the environment and make everything *absolutely* safe.

This is a world in which we constantly offset risk against benefit. We never completely insure our car against all hazards, our dwelling against total loss, our life for what it is *really* worth, or our health against every hazard. In practically every phase of our activity we take some chance. We are constantly trying to evolve a risk-benefit ratio which satisfies each of us, and which each of us can afford. If we completely insure against every risk, we may end up with nothing left to enjoy our new-found safe position.

A few illustrations will suffice. We must shortly decide whether we want to build additional power generating plants, with perhaps a tolerable amount of thermal pollution and atmospheric pollution, or whether we want to experience electrical brownouts on mid-summer afternoons when everybody turns on his air conditioner. We must decide how much additional cost we want to add to our total transportation bill to re-

duce pollutants from that source to or even below tolerable levels. We must decide if we want to completely eliminate risk in using chemicals, pesticides, and antibiotics in food production, or whether we want to have an adequate, nutritious, and economical food supply for our growing millions. Modern agriculture cannot continue to produce adequate amounts of safe and wholesome food without chemicals or antibiotics. If we were seriously to curtail their use on farms and in the food industry, we would immediately experience a decline in the quantity and overall quality of our food supply. Consumers would quickly experience a rapid rise in food prices, and consequently would have much less to spend for all the other things that go into the fabulous American standard of living.

We can go back to organic agriculture in this country if we must—we once farmed that way—75 years ago. We know how to do it. However, before we move in that direction, someone must decide which 50 millions of our people will starve. We simply cannot feed, even at subsistence levels, our 205 million Americans without a large production input of chemicals and antibiotics.

THE WORLD IS ON A COLLISION COURSE

By all odds the most serious pollution threat facing the world is the *people-lution* discussed earlier in this manuscript. This is the real source of the other pollutions. We simply are getting too many people relative to the resource base to support them. Population is increasing on a geometric curve, while food production is increasing on an arithmetic curve. When the massive force of an exploding world population meets the much more stable trend line of world food production, something must give. Unless we give increased attention now to the softening of the impending collision, many parts of the world, within a decade, will be skirting a disaster of such proportion as to threaten the peace and stability of the western world itself.

If our world population doubles in the next three decades, as it very likely will, this means that we must learn somehow in the next generation how to feed as many more people as we have learned to feed since the dawn of history. And we must do this on even less arable land resources than we now use in agricultural production.

About a billion people live in the industrialized western nations of the world. They have about 10 percent of the available arable land, and are using much more than half of the earth's yield of material products. About 2.5 billion people live in the largely agrarian, underdeveloped nations, and more than half of them are undernourished and otherwise underprivileged.

It has been estimated that a child born in the United States requires in its lifetime at least 20 times the resources that will be used by a child born in India. This is a difference in living standards, and it measures the rate at which our natural assets are used up by an industralized society. It implies that a great deal of the world is not likely to be industrialized if anything near the present population level is maintained.

The U. S. has spent tremendous sums since the inauguration of the Marshall Plan in 1947 for rehabilitation of developing nations around the world. However, our outlook for the have-not nations should keep in sight some basic trends. This year the gain in world population will be 72 million. Next year it will be more, and the year after that still higher. If today half the world is underfed, underclothed, and undersheltered, what chance is there of catching up with that kind of population growth?

If we find it difficult to feed these pepole, what hope is there for the more costly aspects of our culture like education, medical care, recreation, and the like?

THE PROBLEM IS OURS

In closing, we come back to Pogo's observation about pollution, "We have met the enemy . . . and they are us!"

Therefore it is we, as individual citizens, who will have to decide how much we are willing to pay for a better quality of life beyond that which is truly necessary. And that includes population control. When we quit thinking of these problems as the concern of *others* and face the fact that they are ours—this nation can move forward with greater effectiveness toward the achievement of a better quality of life for all.

It is completely unacceptable to believe that there is no way out of the problems we have created. Unquestionably, there are risks involved, but none so great as the risk that we may quit risking, try vainly to set the clock back, abjectly surrender the goal of a better world in the mistaken belief that this one is as good as can be.

AMERICAN FREEDOM FROM HUNGER FOUNDATION, INC.,
Washington, D.C., November 18, 1971.

Dr. EARL BUTZ,
Secretary-Designate, Department of Agriculture, Mayflower Hotel, Washington, D.C.

DEAR DR. BUTZ: The enclosed resolution was unanimously passed at the annual meeting of the American Freedom from Hunger Foundation.

Not only was this an expression of the good will of the group in your new and difficult assignment, but it also was a warm word of gratitude for the many tangible contributions you have made as a member of the board. Though we understand you had to tender your resignation from our board, it is our hope that we may continue in a supportive relationship.

Sincerely,

L. DAVID BROWN,
Executive Director.

RESOLUTION

Motion made by Mr. Herbert Waters, seconded by Mr. Aled Davies:

Resolved, by the Board of Trustees of the American Freedom from Hunger Foundation, assembled in its annual meeting November 15, 1971, that we extend our congratulations and good wishes to the Honorable Earl Butz upon his selection by President Nixon to be Secretary of Agriculture; and

Express our sincere appreciation for his effective support of the work and objectives of our Foundation during his years of service as a member of our board; and

Look forward to continuing cooperation with Secretary-designate Butz in his new role, knowing his dedication to combatting hunger, poverty, and malnutrition at home and abroad.

Minutes, AFFHF Annual Meeting, Nov. 15, 1971.

Mr. HARRIS. Mr. President, I yield myself 2 minutes.

The distinguished Senator from South Dakota has called attention to a statement by Dr. Butz about the small farmer having to adapt or perish. I want to say just two things about that. First of all, Mr. President, the farmer did not perish. He left the farm. I can say, as one who served on the National Advisory Commission on Civil Disorders that many of them went into the cities.

Mr. President, where do you think all those people came from who are poor, who occupy most of the central cities of America? They are people who did not perish and did not adapt, but were forced off the farms into the big cities, where their problems are infinitely greater and America's problems are infinitely greater. They did not perish. They continue to be with us, and they continue to have lives which are not the kind of decent lives Americans are entitled to.

The other thing I wanted to say about it is this: Dr. Butz would have us believe that corporate agriculture and big agriculture are with us and are going to increase because they are more efficient. I say, hogwash. If big agriculture and agribusiness and corporate agriculture are so efficient, why do they have to get so many billions of dollars out of the American taxpayers' pockets in subsidies?

The truth is that, under Democrats and under Republicans, we have subsidized the corporate and bigness takeover of American agriculture, first of all with big subsidies, half of which go to the big, rich farmers and corporations.

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

Mr. HARRIS. I yield myself 1 additional minute.

We ought to say, "You cannot get more than $20,000 a year in farm subsidies," and then we would quit subsidizing bigness in agriculture with American taxpayers' dollars.

Second, with respect to land-grant colleges, as we have seen in Dr. Butz' background. While earning fees from large agribusiness corporations with which he was identified, he was also dean of a land-grant college which did research and had programs that directly served, not the small farmer, for which the land-grant colleges were established, but those huge agribusiness with which he was himself financially connected, I say that is a serious conflict of interest, as I said before the Committee on Agriculture and Forestry.

Third, we have subsidized bigness in agriculture by not enforcing the laws with regard to irrigation water. The taxpayers paid for the irrigation water projects and now we see huge conglomerates and huge corporations, particularly in California and other parts of the West, coming in and taking the taxpayers' irrigation project waters and violating the law which provides that a person receiving the benefits of those waters cannot have more than 160 acres. We ought to stop that. We are subsidizing bigness.

Fourth, we are subsidizing bigness by the tax laws that allow hobby farmers, doctors and lawyers and big corporations, like Tenneco, to get into farming, using losses under the tax laws so that they can compete unfairly with independent farmers like my father, who has no other way to make a living other than by farming.

Fifth, we subsidize bigness by not making Tenneco, Standard Oil, and other corporations like that subject to the same labor laws in farming that they must adhere to in their nonfarming operations. They are not subject to unemployment compensation and workmen's compensation and National Labor Relations laws in their farm operations, as they are in their nonfarm operations, and that gives them a special incentive to get into agriculture and into com-

petition with those who make their living in agriculture.

Bigness is not natural. It is unnatural in agriculture, but we subsidize it. We have to stop it. We are not going to do so if when we put in as Secretary of Agriculture a man who has been in favor of it all along and who is still in favor of it.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. Mr. President, I yield 3 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I thank the Senator from Vermont for yielding a few moments to me to comment on this nomination, and on the prospects that it holds for the country.

Whatever may be said of Dr. Butz, I think we all have to agree that he has made himself entirely available, in recent weeks, to discuss the national agricultural problems and his views on them, and I have taken advantage of that availability. Let me say I hope that he is as available in the future as he has been in the past to Members of the Senate to discuss these problems, and I think he will be. But I have taken advantage of that availability to discuss with him such questions as school lunches and food stamps, and I am satisfied that he does have an understanding of the necessity for these programs to the Nation, to the people of the country, and that his influence will not be cast in the direction of diminishing the beneficial effects of programs of this sort, but, on the other hand, will be toward promoting the useful progress and growth of the programs where they are necessary.

But more than that, I discussed with Dr. Butz what, I think, has been an outstanding failure of most Secretaries of Agriculture during my term of service in Congress. Since I first came here in 1960, I have seen a good many Secretaries of Agriculture come and go, and I must say, Mr. President, I have not found one of them who was aware that any farming at all was carried on between the eastern slope of the Appalachian Mountains and the Atlantic beaches. As far as I can see, the whole Agriculture Department has been conducting its operations with a view to what happens west of the Appalachians.

So I asked him the question. I said, "Dr. Butz, do you know that there are some farmers east of the Appalachian Mountains, and do you know that they have got other and different problems than farmers in other parts of the country, and do you know that they are a significant part, not only of the economy and of the society of the States where they live and work, but a significant part of the whole national agricultural economy and the entire national economy?"

I am sick and tired of having to witness the construction of farm programs that really aggravate the problems of east coast farming, rather than mitigating them—aggravate them in the most injurious possible way, when the east coast farmers have to contribute to the taxes to support programs that are actually damaging their own interests. I think it has been an inexcusable part of the national agricultural tragedy.

I am glad to say that I think Dr. Butz does have some understanding of this particular part of the problem, and I am going to vote for him. I am going to vote for him on the basis of these conversations. They are conversations that I am not going to forget, and conversations that I am expecting him not to forget.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. HARRIS. Mr. President, I yield 5 minutes to the distinguished Senator from Alabama.

Mr. SPARKMAN. Mr. President, during the 25 years that I have been in the Senate there have been very few instances in which I have opposed a person nominated by the President to serve as a member of his official family. I have given much thought to the present nominee, Dr. Earl L. Butz. I have adhered in my reasoning to my long time philosophy that doubts should be resolved insofar as reasonable in behalf of the nominee. I have studied the present situation as best I can and I have come to the conclusion that I cannot support the nomination of Dr. Butz. I regard him as a man of ability, good character, and unimpeachable integrity. From the hearings, however, and from discussions with people whom I regard as among the best agricultural experts in this country, Senators and others, in whom I have great confidence, I have been driven to the conclusion that Dr. Butz is not the man who should head the Department that is supposed to have at heart, the interests of the farmers of this country. The farm situation is not good. It needs someone who will actively lead the country back to a degree of prosperity for the farmers that can compare favorably with others in our economy.

Like others of my colleagues who have already spoken, I am greatly concerned about the future of the small farmer, the independent farmer, and indeed the so-called marginal farmer. I do not believe that we should tolerate a system of agriculture that allows them to be pushed off the farms and, yet, I feel that the background of Dr. Butz is not such as to make one confident that these small, independent, family farmers will be protected.

Back in the days that Ezra Taft Benson was the Secretary of Agriculture, when Dr. Butz served with him, there seemed to develop a rather strong feeling, in official circles, that the small farmer was headed for elimination and particularly was this to be the case with the so-called marginal farms.

I know something about marginal farming and about the small family farms. My State is essentially a small farm area. There are many families whose farm operations could be called marginal, but who actually enjoy perhaps a better living than many of their higher paid urban neighbors working in manufacturing.

I grew up on a farm which I suppose would be termed by Dr. Butz as a marginal farm. Certainly, in that day when we had no farm programs it was difficult to make a living out of such a farming operation. However, in thinking back, I remember that we always had plenty of food, practically all of which we produced ourselves, and actually we had a good living.

I own a small farm today, a family-sized farm of 160 acres. I do not try to run it myself, but I rent it to a tenant. I am sure that his operation would be called marginal. However, I know that he and his family, a rather large family, by the way, have a good living. They grow practically all of the food that they require, they own an automobile, a truck, a tractor, good farm machinery, radio, TV, telephone—just about everything that any family could expect or want to have in order to enjoy a good life, even with a modest cash income.

I believe there is a place in agriculture and in our economy for the so-called marginal farms and for the small, independent family farms. I want them preserved. I want them protected.

I recall that when I first came to Congress, in the House of Representatives, lacking exactly 1 month of being 35 years ago, the first speech I made was in behalf of the Bankhead-Jones Farm Tenant Purchase Act. I had grown up on a tenant farm, and I knew what it was for a tenant farmer to desire, to have a craving, to be a farmowner himself.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARRIS. I yield the Senator 1 additional minute.

Mr. SPARKMAN. I was proud to be able to make that first speech in Congress on that program, and I am glad to know of the great success that it has been throughout the years.

At the present time the Senate Agriculture Committee is working on legislation for rural community development in the hope that the rural areas will be made a better place for people to live and that farming conditions may be such that the small farmer can make a living. The philosophy of fewer farm families runs contrary to this proposal and could spell, I believe, the doom of rural America and could mean a further glutting of our cities with frustrated men, women, and children of all ages.

I close simply with a quotation from Goldsmith:

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates, and men decay.

I cannot feel that Dr. Butz has the feeling or the philosophy to provide protection and to assist in the preservation of the small, independent, marginal farms.

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. Mr. President, I yield myself 2 minutes.

Mr. President, President Nixon's nomination of Earl Butz for Secretary of Agriculture is a blow to our farmers not only because of Mr. Butz' devotion to agribusiness, but also because of his obsession with agribusiness.

Mr. Butz' record on this is clear and consistent: the steady decline in the number of farms in America is inevitable, it will continue, it is not bad, there is nothing government can do about it.

Mr. Butz predicts that we will lose another 1 million farms in this country by

1980. And he predicts that of the Nation's 1 million "commercial" farms, 400,000 will be out of business by the end of this decade.

Who are those 400,000 commercial farms over whose economic demise Mr. Butz will willingly preside? The top 1 million farms in this country, according to the last reported U.S. Census of Agriculture, sold nearly $10,000 a year of farm products or more. These are not inefficient operators, tilling the soil with horse-drawn plows. These are highly capitalized, large-scale operations with over 200 acres of farmland each. And yet Mr. Butz predicts that 40 percent of these farmers will be out of business by the end of the decade.

The psychology of bigness, of which Mr. Butz is a leading apostle, is largely responsible for the mess that farmers are already in. Over the past 20 years, the land-grant colleges, the Extension Service, and some farm organizations have been preaching bigness and growth for growth's sake. But lack of efficiency is no longer the crucial farm problem. Most agricultural economists agree that operations the size of those for which Mr. Butz predicts failure are efficient production units. The basic agricultural problem is not insufficient production, but surplus production.

The record of the past two decades is clear: the decline in the number of farms has not meant a decline in total farm production. In fact, farm production has steadily increased each year while 70,000 farmers annually were driven from their farms. For as the number of farms has decreased sharply, the average size of each farm has grown dramatically.

The overrriding trend in agriculture over the past two decades has been the concentration of farm production into fewer and fewer hands. Today, less than 1 percent of the Nation's farms generate about one-third of all farm sales. The smallest 56 percent of our farms produce only about 8 percent of all farm sales.

Those of us who deplore this creeping concentration are not simply romantics who long for a return to the 18th century. We are pragmatists who realize that the backbone of a rural economy must be in its agriculture, and that unless we can preserve the small, independent, and already efficient farm operations, we cannot reverse the flow of population to our already overcrowded cities.

Too many farmers have already been trapped by the growth syndrome. They are told to get bigger so they buy more acreage. In order to work the increased acres, they are forced to buy more farm machinery and go more deeply in debt to pay for it. To amortize their debt they are pressured to produce even more, to expand even further, to go more deeply in debt.

It is like running on a treadmill where the treadmill is moving faster than the runner.

The farmers who are being squeezed out of business by the larger operators do not want to leave farming. I have never seen a smiling farmer boarding up his barns. This is an essential fact that Mr. Butz does not seem to recognize. The drive of the Department of Agriculture, Mr. Butz told his confirmation hearings in the Senate Agriculture Committee, must be to find rural alternatives to farming for farmers forced to leave. "The trends are going to continue."

He told the Washington Post in a recent interview:

> No matter what government does . . . This trend toward less farms is not bad . . . (it) releases people to do something else useful in our society.

With about 5 million Americans presently unemployed, and welfare rolls bulging in our cities, where does Mr. Butz suggest these "released" farmers go?

Bigness and concentration in farming are neither accidental nor inevitable. They are in large part the product of farm policies, tax laws, and Department of Agriculture practices over many years. The farm subsidy program, as it is presently designed, disproportionately favors the large operator. The bulk of farm-price-support payments go to the largest farm operators. Our tax laws encourage bigness. The Federal Extension Service, part of the Department of Agriculture, has from its beginnings had a strong bias toward the larger farmers in the Nation. The research policies of the Department of Agriculture and the land-grant colleges have shortchanged the problems of the small operators in their rush to serve agribusiness and large farm operations.

There is much that a willing Secretary of Agriculture could do to reverse the trend toward concentration and bigness. But Earl Butz shows no disposition to marshal the resources of that Department to save the small operator.

"Adapt or die, resist and perish," summarizes Mr. Butz' agricultural philosophy. It is not a conclusion he has recently arrived at, but an essential tenet of his agricultural thinking.

On March 10, 1955, he told the Record-Stockman:

> Too many people are trying to stay in agriculture that would do better some place else.

On November 29, 1957, he told the U.S. News & World Report that what is wrong with the Nation's farm economy is "too many farms." "There are some people who just weren't cut out to be farmers," he went on, explaining that many of these will leave the farms for other jobs "if the politicians will stay out of their hair."

Perhaps the most comprehensive statement of Mr. Butz' vision, at least at the time, was a statement he made to the Cincinnati Post on May 6, 1958.

> This is not a new trend toward larger and fewer commercial farms. It has been going on for decades. It has only been accelerated in the present decade. It will accelerate still more in the decade ahead. All the power of government can't stop it. Nor should it. It can only confuse the issue. The big growth will be in enterprise managers. After all, integration generally involves single enterprises, not whole farms.
>
> These changes may alter the traditional entrepreneurial, risk-taking function of the individual farmer. It may even move him in the direction of a quasi-riskless, semi-guaranteed wage earner. But this is not necessarily bad, per se. He may be, and frequently is, better off this way than he was before.
>
> The commercial farm will increasingly assume the characteristics of a manufacturing establishment. The gross margin per dollar of receipts will become narrower, and profits will depend increasingly on growing volume. This will place still more pressure on the smaller and less productive farm units.
>
> Our country-side will become "rurbanized." Our modern science and technology have made it possible for farm and city folk to live alongside each other in our newly "rurbanized" communities. The effect of the resulting intermingling has been that there is no longer a clearly defined farm population and industrial population, especially within forty or fifty miles driving distance of our big industrial centers.
>
> Ultimately farmers will lose their vocational identity. At this point farming will no longer be a "way of life," but will be a "way of making a living," just the same as other business enterprises.
>
> Political leaders will resist the trend toward large, well-capitalized units in agriculture, in their oratory, in their congressional hearings, and in their legislation. The philosophy of the small-owner-operated family farm is deeply ingrained in our social and political pores. The controversy over this issue is often more emotional than economic.
>
> Political pressure will continue to be on the side of maintaining small, family farms, even though modern technology dictates strongly that family farms become larger.
>
> There is no prospect that ambitious politicians in Congress will stop demagoging the emotionally explosive family farm issue, any time in the foreseeable future.

I do not share Mr. Butz' vision. The efficient, but small independent operator who has spent his life building his farm business should have a right to stay in farming. We must break our obsession with business and growth for its own sake. As Edward Albee once wrote:

> Growth for the sake of growth is the ideology of the cancer cell.

Mr. HUGHES. Mr. President, I ask unanimous consent to have printed in the RECORD various excerpts from a speech of Dr. Butz.

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

> Dr. Butz attitude and views regarding food and hunger programs, as well as his opinions on environment and consumer matters, must be judged on the basis of his public statements. As you know, there were no real food programs for the needy administered at the federal level during the period he served as Assistant Secretary of Agriculture (1954–1957). In fact, the Department of Agriculture under Ezra Taft Bensen consistently opposed proposals for a federally financed food lunch program.
>
> Mr. Butz delivers a fairly standard speech around the country, under the sponsorship of the General Motors Company.
>
> The following are quotes from that speech, in this case delivered on April 26, 1971:
>
> "But I'm going to talk about something this morning that I think is a real threat to American agriculture. It involves our future and something that you can help with. And that's the threat that comes from the environmentalists, or from the do-gooders, or from consumerism, or from whatever you want to call it. . . ."
>
> "You know, we follow fadism in America in the public causes we espouse. In recent times, I guess the last fifteen or twenty years, we're always marching for something and we have a great tendency to follow

fadism in the causes we espouse. I suppose in history we'll look back five or six years from now, we'll look back on 1970–1971 and we'll call this the year of the environment, I suppose, if we have to characterize it for anything. But look back three or four years before this. What were we marching for then. Then, the big clamour was hunger and malnutrition. And we in Agriculture, were, of course, intensely interested in that, too. And we were quite concerned about hunger and malnutrition. You remember Senator McGovern had his televised hearings down in Florida to portray the bad plight of the migratory workers in Florida. Ted Kennedy, not to be outdone, took a planeload of cameramen to Alaska to see the starving Eskimoes, you know. And that was portrayed in several TV features back here. And what come out of that? Out of that came a food stamp plan—so generous, so extensive—that it's just short of ridiculous in some parts of this country. Out of it came a welfare program that President Nixon is recommending to the Congress that's so far out that even the Democrats in Congress won't buy it (laughter).

But my point is that we always over-react to crisis. It's a typical American characteristic to over-react to crisis. Before the hunger and malnutrition binge we were on, it was integration and segregation and we were all hepped up about that, you recall. And the people who are really suffering from this environmental binge we are on now are the integrationists. Their money's dried up, the support is dried up. These fellows are really hurting because we've forgotten about that. Well right now, I think that we're at the crest of what I would call the agitation curve in this environmental binge we're on. I think that there is some evidence that we may be headed downward in this agitation curve a little bit.

Last week, we had Earth Week. And I am informed that attendance at the various meetings and seminars we had at Earth Week was down substantially from what it was a year ago. You can only run this stuff through the press and through the news media once and the edge is off of it, you know. So our real problem then is to get through this next year—1971—without doing some very, very silly things—in legislatures, in the Federal Congress, the regulatory bureaus of the government, in the Environmental Protection Agency, which is now headed by a very capable fellow-Hoosier of mine, Bill Ruckelshaus. But he's got a whole battery of bureaucrats there that have been put together various sources and it's in their very nature to regulate, you know. That's the way they survive . . ."

"And when I figure the large amount of scientific and technological inputs that will have to be put into agriculture to get that job done, then I see these environmentalists on the other side trying to hold us back and trying to impede—not trying, but the net effect is to impede—the progress we're making in scientific agriculture . . ."

". . . we're going to have to have twice as much electric power production capacity ten years from now as we have today. And we're talking now about thermal pollution of water, and pollution of our air and so forth . . ."

"We don't hear much about the benefits of DDT. You don't hear much about malaria having been wiped from the face of the earth. You don't hear much about human health having been improved. You hear about DDT being found in the fish taken out of Lake Michigan over here running off the Wisconsin hillsides and the like of that to which I argue that, something like this: That Lake Michigan has DDT in it. The Cohoe salmon thrives in Lake Michigan. Lake Superior has no DDT. There are no Cohoe salmon in Lake Superior. Moral: Let's put DDT in Lake Superior so Cohoe salmon can grow there (laughter). Absurd! Of course, it's absurb. But no more so than the argument on the other side. Lake Erie—how many of you have heard that Lake Erie is a dead Lake and the other Lakes dying? Last year the commercial fish take in Lake Erie was a record. It can't be very dead. Now the character of the fish change some I know. But they were commercially important fish. And it was a record that came out of Lake Erie. My only point is, let's come down to earth on this propaganda and agitation that we're getting about environment and be sensible about it . . ."

"Well—absurd, but not so absurd. That's the direction in which we push ourselves in this country with all these big scares, these agitations, the height of the agitation curve I'm talking about, the fadism that we follow as a nation and currently it's ecology and pollution that hits us in agriculture right in the solar plexis because we are now completely dependent on, a scientific agriculture, upon the use of these things that are dangerous. And I don't want to underemphasize that. Our chemicals, our pesticides, our herbicides, our anti-biotics are dangerous—they're poison. But so is aspirin dangerous if you take enough. The doctor prescribes poisons to you when you go to him . . ."

"We've got to decide shortly, for example—I said a while ago electric power production demands are doubling every ten years in this country—we've got to decide shortly whether we're going to have a little thermal pollution in our waters or have brownouts in our cities at 3 o'clock in the afternoon when you turn the air conditioners on. You take one or the other . . ."

"Consumers would quickly experience a rise in the food cost, a deterioration in the quality of food, in the variety of food, and they'd have much less to spend for everything else that goes into this fabulous American standard of living, if somehow we curtail the use of these things in American agriculture. And they won't necessarily be curtailed or the use be impaired by legislation. That can be by regulation too. Because as you well know, the most powerful branches of government often are those who interpret the laws and who put words around the laws of Congress and write the regulations . . ."

"And yet now comes this new movement, this environmentalist movement, to move us backward—to stop risking—giving up the idea of balancing risks against benefits. And that can be done I'm quite sure . . ."

It seems to me, that these statements reflect a clear insensitivity on the part of Mr. Butz, not only toward the food stamp program that he would be charged with administering as Secretary of Agriculture, but also toward the legitimate objectives of the environmental and consumer movement.

The Secretary of Agriculture has tremendous power in this area: administration of food stamp programs, administration of food distribution programs to the needy, pesticide control, meat inspection programs, among others. If Mr. Butz is now expressing his unqualified endorsement of all these programs then that is in conflict with his statements as recently as a few months ago.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. I yield 7 minutes to the distinguished Senator from Wisconsin.

Mr. NELSON. Mr. President, this debate over whether the Senate should consent to the appointment of Dr. Earl Butz as Secretary of Agriculture has, I think, provided a valuable forum for the dramatization of a national issue related to agriculture.

This is the methodical destruction of rural America—the uprooting of millions of farm families and decimination of thousands of small-town businesses to be replaced by giant corporations and conglomerates.

The debate has been valuable. But if we are to learn anything from all the discussion that has followed the nomination of Dr. Butz it is that America can ill-afford an Agriculture Secretary who is insensitive to the plight of rural America and who is a strong proponent of the domination of crop production by agribusiness corporations.

At this point in time, an advocate for corporation farming is the last person we should place in the high position of Agriculture Secretary. What is needed is a person who will meet head on the challenge of preserving the family farmer, of preserving the small towns—a person who is willing to face up to the need for revitalizing rural America.

The family farm is today, and always has been, the most productive agricultural unit in the world. In addition to being the most efficient producer of food and fiber, the family farmer has provided the basis for a viable rural economy that today is being destroyed by the corporations and conglomerates who are gaining control of land production and in the process displacing the independent farmer and contributing to the decline of the smalltown businessman.

Agriculture is America's basic industry. What happens to it is felt in every social and economic sector in the country. The expansion of corporation farming has become a paramount national issue, but all we hear from Dr. Butz is that this insidious trend toward bigness in agriculture neither can be stopped nor should it be stopped.

Mr. President, Dr. Butz and others would have us believe that there is something holistic in the dictum of free enterprise that big business has the right to get bigger. But lest the corporate giants dominate every economic and social aspect of this country, we must recognize, too, that free enterprise implies the right to begin and the right to compete fairly.

Dr. Butz accepts as inevitable the continued decline of farm populations. Rural America has lost 1 million people per year for the last 40 years, and every time six farm families have left the land one smalltown business has had to close its doors. Today, there are 2.9 million independent farmers in rural America with predictions that there will be 1 million less by 1980 unless the current trend is reversed.

Dr. Butz offers little solace for this modern tragedy. He was quoted recently in the Washington Post as saying:

> This trend toward less farms is not bad. From a national point of view it is good that we have been able to produce an increasing amount of food with the work of a smaller percentage of our population. This releases people to do something else useful in our society.

There is no doubt in my mind that the total demise of the family farmer will finally come if the corporate giants of agribusiness are permitted to continue to expand their land holdings, control production and ultimately control the agricultural market.

There is little encouragement from Dr. Butz. His remark, "adapt or die: resist and perish," is ringing through rural America today, not as a warning but as a death knell.

A family farmer does not adapt to corporations—he dies in their wake.

A family farmer cannot resist the dominance of corporations. He simply perishes without a choice.

Dr. Butz offers the integration of agricultural production into the corporate scheme as an event that is inevitable, no matter what the Government does about it. And that I disagree with entirely.

Let me quote from an article by Dr. Butz published by the Farmer's Digest in 1959:

> Agriculture is changing from a way of living to a way of making a living. . . From a business of arts and crafts to a business of science and technology.

In the same article:

> There is much good in integration. With proper direction, it will result in increased production and distribution efficiency, added control of quality, a more even flow of products seasonally and geographically, less risk of price and income variation to the producer, more rapid adaptation to scientific and technological innovations, and increased incomes to many producers.

In other words, what we need in agriculture today is a giant factory that grows the crops and moves the produce from field to supermarket with all the click, click rythym of an assembly line.

If there is much good in integration of agriculture, we should ask for whom?

Certainly not for the family farmer who either is forced off the land or who becomes a peon in the corporate factory. Certainly not for the small town businessman who is bypassed by the corporate managers who prefer to buy wholesale or directly from the manufacturer. Certainly not for the consumer whose influence on prices is severely diminished as the market system is controlled by fewer and fewer corporate entities. Certainly not for the public treasury which receives all the loss statements from farm production subsidiaries of corporate giants who use the losses as tax writeoffs against nonfarm gains.

If there are efficiencies in corporate farming, then we should ask what they are.

The evidence suggests that the large corporation farm is not the panacea for efficiency that the corporate managers, and Dr. Butz, claim it is. In fact, the U.S. Department of Agriculture has said—in Economic Research and Survey Report No. 107—that the one- and two-man crop farms are just as efficient as any other farming operation. And Purdue Mimeograph—EC-255—suggests that costs actually increase as the size of the farming operation is increased beyond the optimum family farm size.

There is little to suggest that the quality of crops is increased with corporation farming, as was suggested by Dr. Butz. Indeed, we hear more and more about new, tough strawberries and tomatoes developed to withstand handling by automatic harvesters. Or is quality increased by the use of more pesticides and herbicides on field crops, more growth hormones in livestock, and more antibiotics in poultry? Dr. Butz has said he believes this is true, but the evidence strongly suggests the contrary.

Mr. President, the destruction of rural America is occurring because we have done nothing to stop it. The corporation production factories are expanding in rural America because the Federal Government has made it possible.

The corporations and conglomerates are assisted by the Government through subsidized water, substantial capital gains advantages, favorable rates of depreciation, and the advantage of tax-writeoff losses against nonfarm income. These privileges for the most part are unavailable to independent farmers.

The production of food and fiber is this country's basic industry. What happens to this industry—who controls what, for what purpose, and at what social cost—is the legitimate concern of everyone. The consumer, the small businessman, the managers of our metropolitan areas, the mayors and councilmen of our small communities, the investor, the small farmer, and the environmental advocates all have a stake in the agricultural industry.

Obviously, the area that is hardest hit by the invasion of the corporate giants is the rural area. Probably the best existing study on the social and economic impact of corporation farms was published in 1946 by the Senate Committee on Small Business.

Although 25 years old, this study probably reflects, better than anything published before or since, the kind of problem that is involved.

The study, by Walter Goldschmidt, involved the social organization of two towns in California in land areas of equal productivity. The only difference in the two communities was in the type of agriculture in the areas they served.

Arvin, Calif., served a corporate farming area worked predominately by hired labor. It was a town of honky-tonks, poor housing, a few weak service clubs, shaky businesses, a single elementary school, and one playground loaned by a local industry.

Dinuba, Calif., served an area of family farms. It was a town of attractive residential streets, permanent churches, three parks, three elementary schools, and a high school, strong service clubs, lodges, and veterans organizations, furniture and household furnishings stores, implement dealers, and hardware and clothing stores.

The town serving the family farm area had twice as many business establishments, nearly twice as much annual trade—$4.4 million versus $2.5 million for Arvin—and three times the volume of trade in household supplies and building materials and equipment.

Goldschmidt's summary of findings added:

> The investigation disclosed other vast differences in the economic and social life of the two communities and affords strong support for the belief that small farms provide the basis for a richer community life and greater sum of those values for which America stands, than do industrialized farms of the usual type.

The social and cultural consequences of the trend to big corporate farms is easily recognized. The rural towns suffer a population loss that is an almost direct proportion to the loss of farm families from the community.

Churches, schools, and other social service groups wither and disappear for lack of people to use their services and for inability to hold the type of community leaders needed to make them effective.

The Goldschmidt study of the California towns provides some data in the people-oriented aspect, too, of differences between communities in trade areas with family farms and those with corporate farms.

More than one-half of the breadwinners in the small farm community are independent businessmen, persons in white-collar employment, or farmers: In the corporate farm community the proportion is less than one-fifth.

Less than one-third of the breadwinners in the small farm community are agricultural wage laborers—characteristically landless and with low and insecure income—while the proportion of persons in this position in the corporation farm community is about two-thirds.

Schools are more plentiful and offer broader services in the small farm community.

The small farm community has more than twice the number of organizations for civic improvement and social recreation than its corporation farm counterpart.

Provision for public recreation centers, Boy Scout troops, and similar facilities for enrichment of people is much greater in the small farm community.

The small town community supports two newspapers, each with many times the news space carried in the single paper of the corporate farm community.

Facilities for making decisions on community welfare through local popular elections are available to people in the small farm community while the corporate farm community's decisions are made through a county government setup.

Goldschmidt's study sums up the relationships and what they mean in this way:

> The small farm community is a population of middle-class persons with a high degree of stability in income and tenure, and a strong economic and social interest in their community. Differences in wealth among them are not great and the people generally associate together in those organizations which serve the community.
>
> Where farms are large, on the other hand, the population consists of relatively few persons with economic stability, and of large numbers whose only tie to the community is their uncertain and relatively low-income job. Differences in wealth are great among members of this community and social contacts between them are rare.
>
> Indeed, even the operators of large scale farms are frequently absentees: and if they do live in Arvin, they as often seek their recreation in the nearby city. Their interest in the social life of the community is hardly greater than that of the laborer whose tenure is transitory.
>
> Even the businessmen of the large farm community frequently express their own feelings of impermanence; and their finan-

cial investment in the community, kept usually at a minimum, reflects the same views.

Attitudes such as these are not conductive to stability and the rich kind of rural community life which is properly associated with the traditional family farm.

All that was 25 years ago. Yet the invasion of agriculture by large, absentee corporate interests continues, unabated. All of which is aided by the U.S. Department of Agriculture which often financed research with taxpayer dollars that is aimed at ways to make farms bigger, rather than ways to make small farms sustain families who can compete economically in dignity and reasonable living standards.

So, what are the real economies of the corporation farm? Few, if any. What are the social consequences of corporation farming? Obviously, they are many.

There are two other issues that have been raised in the discussion on this nomination, Mr. President, that I would like to address.

One is the insensitive remarks made by Dr. Butz on the food stamp program, which is administered by the U.S. Department of Agriculture.

In his April 26, 1971, speech before an agricultural advertising and marketing seminar in Minneapolis, Dr. Butz said that a few years ago—

> The big clamour was hunger and malnutrition. And what came out of that? Out of that came a food stamp plan—so generous, so extensive—that it's just short of ridiculous in some parts of this country. Out of it came a welfare program that President Nixon is recommending to the Congress that is so far out that even the Democrats in Congress won't buy it.

These kinds of remarks are directed at such programs as the food stamp plan that feeds more than 10.5 million hungry people, against the school lunch program that feeds millions of needy children throughout the country.

I consider the remarks by Dr. Butz to be inexcusably callous.

The other issue that I would like to address is the insistence by Dr. Butz that agriculture needs pesticides to assure an adequate supply of food and fiber.

Writing in the January 1971 issue of the Communique, published by the Environmental Health Institute at Purdue University, Dr. Butz said:

> We must decide if we want to completely eliminate risk in using chemicals, pesticides, and antibiotics in food production, or whether we want to have an adequate, nutritious and economical good supply for our growing millions. Modern agriculture cannot continue to produce adequate amounts of safe and wholesome food without chemicals, or antibiotics If we were seriously to curtail their use on farms and in the food industry, we would immediately experience a decline in the quantity and over-all quality of our food supply. Consumers would quickly experience a rapid rise in food prices, and consequently would have much less to spend for all the other things that go into the ... American standard of living.
>
> We can go back to organic agriculture in this country if we must—we once farmed that way 75 years ago. We know how to do it. However, before we move in that direction, someone must decide which 50 millions of our people will starve. We simply cannot feed, even at subsistence levels, our 205 million Americans without a large production input of chemicals and antibiotics.

Mr. President, it is a myth that the massive application of pesticides on agricultural crops stand between us and starvation. Dr. Butz is not alone in perpetuating the myth. But, quite frankly, we should expect much more from a man who is nominated to be the top administrator of America's food supply system.

What Dr. Butz, and others, are saying is that the only alternative to the massive use of pesticides is that we use none at all. I have spent a lot of time on the issue of pesticides, and I know of no responsible critic of pesticides who has suggested that we should do away with these chemicals altogether.

The evidence is substantial that the environmental damage and potential human health danger posed by pesticides is very great. It is a fact that our present pesticide laws are not adequate to protect the environment and people from the dangers of pesticides, and it is amply documented that the U.S. Department of Agriculture has been inexcusably lax in enforcing the existing pesticide laws.

There is an urgent need for reform in our thinking that pesticides are a panacea. We must learn that pesticides are of value when, and only when, they are applied in a carefully controlled manner under special circumstances and under the direction of experts who have the special skills to know when those circumstances exist.

Dr. Butz' philosophy on pesticides is precisely what is not needed in the person who heads the U.S. Department of Agriculture. We're having enough trouble getting that Department to recognize that chemical pesticides are failing to control agricultural and forest pests.

This failure is dramatically evident in the high plains of Texas and surrounding States where producers of cotton, grain sorghum, and other crops have become alarmed over the invasion of pests—in this case a new strain of the greenbug — despite massive chemical treatments. In California, many cotton farmers have seen their cost of chemical control double in the last 20 years. In northeastern Mexico, more than 700,000 acres of fields have been abandoned in the face of massive tobacco budworm infestations—a direct result of massive chemical pest control programs. In regions where citrus, soybean, alfalfa, stonefruit, and forest crops are produced pests are increasing in number and pesticides are decreasing in effectiveness.

The fact of the matter is that the single strategy of chemical pest control has been an agricultural, economic, and environmental failure. This is true because the use of broad-spectrum chemicals ignored the phenomenon of genetic diversity—that remarkable ability of insects to continually evolve and develop resistance strains capable of withstanding even heavy dosages of toxic chemicals.

Insect resistance to chemicals is the primary reason why farmers are seeing their cost of chemical control rise to the point where, in the case of some, the break-even threshhold is perilously close.

Still, Dr. Butz and others would have us believe that either we use pesticides or starve. The evidence, however, suggests the contrary: If we continue to rely on broad-spectrum chemicals we may very well imperil our abilities to continue to produce an adequate supply of food and fiber.

Mr. President, there is an alternative to our rigid reliance on pesticides. It is integrated pest control, which utilizes the best-suited combination of alternate pest control methods to suppress pest insects in given crop situation below the economically disruptive threshold. There has been much research in this method, but more is needed. There are underway several field programs in integrated pest control, and they are successful programs. Several farmers in the Coachella Valley of California who have been practicing integrated control for the past 11 years have told me that their crops are of equal or better quantity and of better quality than nearby fields growing the same crops with the aid of massive amounts of pesticides. Moreover, the cost of pest control in an integrated control program is less, the farmers told me, because they escape the exceedingly high price tag attached to chemicals.

I have introduced legislation to accelerate research in this area and to establish several demonstration projects throughout the country to demonstrate this alternative to heavy reliance on pesticides. The legislation was taken up in hearings 2 months ago before the Senate Agriculture Committee's Subcommittee on Agricultural Research and General Legislation.

At that hearing there was unanimous support from every public witness. They included representatives from the National Farmers Union, the National Farm Organization, the Associated Milk Producers, Inc., Mid-America Dairymen, Inc., the National Cotton Council, the Delta Council of Mississippi, the National Council of Farmer Cooperatives, the Garden Club of America, the National Forest Products Association, the Sierra Club, and the environmental defense fund. I might add that the Plains Agricultural Council of Texas and surrounding States have endorsed the legislation.

Also at the hearings, expert witnesses from 11 universities throughout the country were strongly in support of the legislation.

Their messages were the same: we must get on with the job of assuring a stable and productive farm economy by getting off pesticides. The present course, advocated by Dr. Butz, is a course to disaster.

Mr. President, I oppose the nomination of Dr. Butz to serve as Secretary of Agriculture. I do not believe he would represent the best interests of American farmers, nor the best interests of this country.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. I yield 1 minute to the distinguished Senator from California.

Mr. CRANSTON. Mr. President, on November 24, 1971, I announced my opposition to the nomination of Dr. Earl L. Butz as Secretary of Agriculture. I rise

today to reiterate my opposition to this nomination.

The most basic reason for my opposition is that Dr. Butz does not enjoy the confidence of the majority of farmers. Indeed, several major farmer organizations—the National Farmers Organization and the National Farmers Union—are actively opposed to this nomination. It is not hard to understand why. Small farmers have good reason to be concerned about the prospects of a new Secretary who has devoted his entire professional life to serving the very segment of agriculture which is driving them out of business.

As an agricultural economist, department head, Assistant Secretary of Agriculture under Ezra Taft Benson, dean of the School of Agriculture at Purdue University and members of the boards of directors of several major corporations which have moved into the production phases of agriculture, Dr. Butz has clearly alined himself with corporate agriculture.

His longstanding ties with "industro-agriculture," his tendency to equate bigness with efficiency, and his philosophy on farmer bargaining and cooperatives, supply management and price supports, indicate that the rural America favored by Dr. Butz would amount to little more than a giant food factory.

Dr. Butz has extolled the virtues of vertical integration, a phenomenon which brings giant agribusiness corporations into the production phases of agriculture and drives out small farmers.

Dr. Butz believes in a free market agriculture which sees current economic trends in agriculture—such as vertical integration and corporate diversification—as inevitable, and which falsely equates bigness with efficiency. Small farmers are not inefficient. They are being put out of business because they cannot compete with giant conglomerates with multibusiness revenues which can operate on small margins of profit or which can even operate at a loss while relying other their other diverse resources.

Dr. Butz views the environmental issue as too emotional and as a "fad" and suggests that environmentalists and "consumerism" are a threat to agriculture. Yet, if confirmed, he will be heading a department with important environmental and consumer responsibilities—the Forest Service alone administers 187 million acres of public forest land in 42 States.

Dr. Butz has denigrated the value of our Federal food programs, suggesting that the food stamp program, "which is just short of ridiculous in some parts of this country," is the result of an emotional overreaction to a previous fad in America—that of the protests 4 and 5 years ago over the existence of hunger and malnutrition in our affluent Nation. I find this attitude appalling. As Secretary of Agriculture, Dr. Butz would administer all of our Federal food assistance programs. Indeed, 40 percent of the total USDA budget this year is allocated to these food assistance programs.

As the Senator from a State which is both the most populous and the richest agricultural State, I stand in a somewhat unique position on this nomination. My urban constituents have expressed concern about the positions of Dr. Butz on the environment and on welfare and consumer matters. My friends in rural areas are deeply concerned about his agribusiness connections and his agricultural philosophy. I have received more than 300 letters and telegrams over the past week urging me to oppose the nomination of Dr. Butz.

Clearly, the State of California has a tremendous involvement in the programs and policies of the U.S. Department of Agriculture. The philosophy and leadership positions of the next Secretary of Agriculture are thus of critical importance.

But California's specific involvement in USDA programs is not my sole concern in considering the merits of this nomination. Of crucial importance is the health and vitality of rural America.

The single most pervasive phenomenon in rural America today is the corporate invasion of the production phases of agriculture. Giant corporations like Tenneco are buying up acres of prime farmland and producing a tremendous volume and variety of farm products. Tenneco, which is engaged in such diverse industries as shipbuilding, oil and gas production, farm machinery and chemicals, also produces an enormous variety of crops in Kern County, Calif. These include corn, potatoes, barley, sugar beets, cotton, almonds, grapes, oranges, lemons, peaches, pears, and plums. Tenneco officials frankly admit that their aim is "to accomplish integration from the seedling to the supermarket."

If Tenneco and other corporations engaged in farming, achieve their aim of total integration of the food production process, there will be no small family farms in America. At best, small farmers will become little more than serfs in a modern feudal system that demands the production of cheap raw commodities for the benefit of these giant conglomerates.

I believe that this corporate invasion of agriculture must be stopped. But it can be stopped only by specific congressional policy and action—by the development of a farm program that makes some sense and which can provide a measure of security to the small farmer. While these goals are the primary responsibility of the U.S. Congress, they cannot be accomplished without the cooperation and involvement of the administration, and particularly the Secretary of Agriculture. If Dr. Butz is confirmed today, I have serious doubts about whether such essential cooperation will be forthcoming from the Department of Agriculture.

I will vote against the confirmation of Dr. Butz because I do not feel that he is committed to the needed reshaping of rural America.

He does not seem to understand the magnitude and urgency of our environmental and human problems.

He seems willing to allow current economic forces in agriculture to continue, regardless of their impact on human beings.

It is just too easy to speak about a "scientific agriculture"—and all the chemical and industrial inputs it requires—and to forget about all the people who want to stay in their hometowns and on their farms, but who are being forced out by the industro-agricultural giants of America. It is high time we remembered these millions of rural Americans who operate efficient, family-sized farms and who participate in the social life of their communities and who have contributed so much to the well-being of America.

I oppose the nomination of Dr. Butz because he has failed to indicate any real concern about the declining quality of life in rural America which is the direct result of the kind of agriculture he has endorsed and promoted.

I will vote against Dr. Butz for a great many reasons.

I know that many other Senators feel just as strongly on this issue as I do.

But if Dr. Butz is confirmed today, I want the record clear that my opposition to his nomination is not personal, but is based on my convictions about the urgency of reversing what is happening in rural America.

If he is confirmed and if, upon reflection, Dr. Butz decides to support legislation and policies to aid the small farmer, I hope he will not hesitate to call on me for any assistance that I may be able to provide.

But let us today—by our votes on this nomination—indicate that we know what is at stake. Let us indicate that we in the U.S. Senate will do our part to revitalize rural America.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. I yield 15 minutes to the Senator from Oklahoma (Mr. BELLMON).

Mr. BELLMON. Mr. President, I have listened with great interest to the debate and the controversy surrounding the nomination of Dr. Earl Butz to be Secretary of Agriculture. Until he was nominated, I had never heard of Earl Butz. I have listened to these discussions without any preconceived ideas and with a completely open mind.

As Members of the Senate will know, I have spent my life in agriculture and I feel perhaps more than some other Members the great importance of this appointment. I know from firsthand experience the great influence which the Secretary of Agriculture and the USDA have over the agricultural enterprise of this Nation. I know how much effect decisions made by the Secretary of Agriculture have upon the prosperity of a majority of this Nation's farmers and rural people. Therefore, I have taken an intense, personal interest in this appointment.

Mr. President, the charges made against Dr. Butz may be broken down into five categories:

First. His connection with agri-business.

Second. His statements relating to the reduction in the number of farmers, which has been interpreted to mean that he favors corporate farms as compared to family farms.

Third. The fact that he is an educator not an active farmer.

Fourth. His prior service in the Eisenhower administration.

Fifth. The present price of feed grains

and criticism of the farm program created by the Agriculture Act of 1970.

Mr. President, let me take these issues in reverse order. First, prices of farm products. During the hearings on Dr. Butz, the question of present farm prices was brought up repeatedly. As a result the staff of the Agriculture Committee was requested to provide information on seasonal average prices and prices for selected months to farm program participants for corn, grain sorghum, soybeans, barley, and wheat for the years 1968–69–70–71.

Mr. President, I have that information which the Agriculture Committee staff developed and I ask unanimous consent that the tables be printed in the RECORD.

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

TABLE 1.—SEASON AVERAGE PRICES RECEIVED BY FARMERS, UNITED STATES

	Corn (dollars per bushel)	Sorghum grain (dollars per hundredweight)	Barley (dollars per bushel)	Soybeans (dollars per bushel)	Wheat (dollars per bushel)
Crop year:					
1968	1.08	1.70	0.911	2.43	1.24
1969	1.16	1.91	.872	2.35	1.24
1970	1.36	2.04	.956	2.84	1.34
1971 [1]	1.00	1.75	.90	3.00	1.30

[1] Preliminary estimates.

TABLE 2.—SEASON AVERAGE PRICES RECEIVED BY PARTICIPANTS IN THE FEED GRAIN AND WHEAT PROGRAMS, UNITED STATES

	Corn [1] (dollar per bushel)	Sorghum grain [1] (dollar per hundredweight)	Barley [1] (dollar per bushel)	Wheat [2] (dollar per bushel)
Crop year:				
1968	1.32	2.13	[3] 0.911	1.79
1969	1.40	2.36	1.02	1.89
1970	1.62	2.54	1.09	2.09
1971 [4]	1.25	2.20	[3] .90	1.85

[1] The season average price of a feed grain to participants is computed as follows: The total estimated production of participants is divided into the total value of price support payments to obtain an average payment per bushel produced. This payment per bushel is then added to the season average price received by farmers to get the estimated participants price.

[2] The estimated season average price of wheat to participants in 1971, for example, has been calculated as follows:

Total wheat production (million bushels)	1,628
Producer participation in 1971 program (percent)	×95
Production of participating farmers (million bushels)	1,547
Season average price (per bushel)	$1.28
Market value of participants production (million)	$1,980
Market certificates (million)	877
Gross income to participating farmers (million)	$2,857
Production of participants (million bushels)	÷1,549
Average price received by participants (per bushel)	$1.847

[3] No program.

[4] Preliminary estimates.

TABLE 3.—SEASON AVERAGE PRICES RECEIVED BY FARMERS, UNITED STATES, SELECTED MONTHS

Date	Corn (dollars per bushel)	Sorghum grain (dollars per hundredweight)	Barley (dollars per bushel)	Soybeans (dollars per bushel)	wheat (dollars per bushel)
1968:					
August	0.99	1.63	0.99	2.51	1.19
September	1.01	1.62	.98	2.40	1.22
October	.96	1.60	.93	2.32	1.26
November	1.04	1.68	.81	2.40	1.29
1968:					
August	1.18	1.92	.98	2.51	1.19
September	1.15	1.97	1.04	2.28	1.24
October	1.12	1.91	.95	2.23	1.28
November	1.07	1.94	.82	2.30	1.29
1970:					
August	1.27	1.91	0.90	2.65	1.31
September	1.38	2.07	.94	2.66	1.41
October	1.34	2.02	.90	2.77	1.43
November	1.29	2.02	.85	2.86	1.45
1971:					
August	1.19	2.27	.87	3.09	1.28
September	1.11	2.01	.90	2.95	1.26
October	1.00	1.76	.94	2.96	1.30

TABLE 4.—CORN: MONTHLY PRICES RECEIVED BY FARMERS IN SELECTED COUNTIES OF ILLINOIS, IOWA, MINNESOTA

State and county	1968 August	1968 September	1968 October	1968 November	1969 August	1969 September	1969 October	1969 November
Illinois: McDonough	0.96	0.96	0.93	1.05	1.22	1.16	1.08	1.04
Iowa: Pocahontas	.93	1.02	1.07	1.08	1.11	1.03	1.05	1.03
Minnesota: Kandiyohi	.98	1.00	.90	1.04	1.10	1.06	1.04	1.00

State and county	1970 August	1970 September	1970 October	1970 November	1971 August	1971 September	1971 October	1971 November
Illinois: McDonough	1.31	1.29	1.31	1.32	1.16	1.02	0.92	
Iowa: Pocahontas	1.21	1.18	1.21	1.38	1.06	.95	.88	
Minnesota: Kandiyohi	1.15	1.10	1.23	1.19	1.10	1.03	.93	

Mr. BELLMON. Mr. President, I would like to call attention of Members of the Senate to certain of these facts.

In the case of sorghum grain, barley, and wheat, the prices for 1971 are higher in every case than they were in 1968 before the present farm bill was written. The one exception to the rule is in the case of corn, where the average price of $1 is 8 cents per bushel less than the 1968 price of $1.08. When Government payments to participants of the feed grain and other programs are included, we find the average price in 1968 was $1.32. In 1971 the average price figures out to be $1.25 per bushel to program participants.

Mr. President, certainly no one who understands the high costs of farm production will take the position that these prices are high enough to properly compensate farmers. At the same time the charges that the 1970 program has brought about a disastrous decline are certainly not well founded. Therefore, the statements that the confirmation of Dr. Butz who in his testimony has gener-

ally supported the 1970 farm bill will mean lower farm prices are absolutely not true. Dr. Butz has repeatedly stated his conviction that farmers must have a better break in the marketplace and has expressed his determination to work with them to achieve better prices.

To refuse to confirm Dr. Butz because of his prior association would, in my mind, be totally unfair. This would be guilt by association in its very worst form. The fact is that Congress, and not the administration, writes the farm bills. It is true that there is always a degree of Executive influence. Dr. Butz' role was to administer the law that was on the books.

Mr. President, as an active farmer, I must confess disappointment that President Nixon did not nominate a practicing farmer to be Secretary of Agriculture. I feel there are large numbers of practicing farmers in this country who could handle the duties of Secretary of Agriculture. The appointment of an active farmer to the secretaryship would, in my opinion, bring new life to the Department of Agriculture. That agency badly needs an infusion of practical farm knowledge which would be healthy for all concerned.

The fact is that the President in his wisdom has decided otherwise. He chose an educator in Secretary Hardin, and the Senate confirmed that nomination without a single objection being raised. To now oppose the nomination of Dr. Butz because he is an educator seems to me to show a totally unfair and unfounded bias on the part of the Senate. I doubt the objections on this basis to be serious.

I am confident that President Nixon shares the view that a practicing farmer should be Secretary of Agriculture. The problem is that 1972 is a political year. To bring in a practicing farmer who is unacquainted with the world of politics or the way of Washington would likely be like sending a sheep to guard the wolves. I feel that President Nixon felt that to be effective during this period, the new Secretary of Agriculture would need some familiarity with the Washington scene and some prior experience in Government. Dr. Butz qualifies.

The charge that Dr. Butz favors corporate farming over family farming is one that has troubled me considerably. During my service as Governor, I was called upon to defend the Oklahoma law which prohibits the corporate ownership of farm land. I strongly feel that the Oklahoma law is a good law. I will do everything in my power to oppose any changes which will turn American farmers into peasants who owe their livelihood to a cold-blooded corporate entity. To me, farming is and must continue to be a way of life. The individuals who run this Nation's highly efficient farms must always have the opportunity and the hope of becoming the owners of the lands they till. If this Nation ever allows the ownership of the farms and ranches to pass forever into the hands of corporations, we will have set the stage for our own destruction.

Because of my strong belief in the wisdom and efficiency of the farm family approach I have questioned Dr. Butz closely on this question. In his replies Dr. Butz clearly stated his firm belief in family farming as opposed to corporate farming. I am convinced that in spite of the charges made against him Dr. Butz is a strong defender of the family farm as the foundation of American agriculture and that as Secretary of Agriculture he will use the full powers of his office to defend and strengthen the family farm concept. His connection with agribusiness has been with companies that provide a valuable and vital service to agriculture and not with companies that have used their corporate muscle to buy up land and dispossess farm families.

Mr. President, during his appearance before our committee I questioned Dr. Butz on several of the points that have been raised concerning his nomination. I ask unanimous consent that that portion of his testimony be printed in the RECORD. The testimony appears on pages 67 to 70 of the committee report.

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

The CHAIRMAN. Senator Bellmon?

Senator BELLMON. Thank you, Mr. Chairman.

Mr. Butz, in your statement yesterday you made a statement or took a position that as a member of the board of the various corporations that you had been associated with, that in many cases you were the sole spokesman for agriculture. Now, one thing that troubles me as a farmer and a representative of a farm State, is that agriculture has not had a highly visible, articulate, dedicated spokesman at the national level. I remember some Secretaries who seemed to be happiest when food prices went down and I have never seen a Secretary who can really tell the agricultural story.

Could you enlarge a little bit on your ideas of what the Secretary could do and should do in the role of being the agricultural voice here in Washington and to the consumers of this Nation?

Mr. BUTZ. Well, yes, I think the entire Department has to be vigorous in telling agriculture's story. It is a marvelous story to tell. It is a story of a food supply that is adequate, nutritious, healthy, and economical in terms of the share of your income you spend for food; I think that story has been undertold. It is a story of sacrifice of the farmers to get this job done. I think that story has been undertold both in Washington and in the country. With a shrinking agricultural-political muscle in our State legislatures and in the Congress, it is a story that gets more difficult to tell. With producers being a shrinking share of the population it is more difficult to tell.

All I can do is say that I have spent my life trying to tell this story and I am going to spend the rest of it telling it.

Senator BELLMON. How did you propose to go about doing it?

Mr. BUTZ. Publications in the Department, telling it right here in the councils of Washington, making sure the rest of Government understands this, using every channel of communication we can.

Senator BELLMON. I wish you well.

One other point, not on that subject but there has been some comment about the Agricultural Act of 1970 and the fact it isn't working well. I want to say to you one reason it isn't working well is because the Office of Management and Budget won't let it work well. I don't know the inside of what happened but I am almost certain that the Secretary of Agriculture went to the Office of Management and Budget last year and tried to get permission to get a larger set-aside and was turned down because the people of the Office of Management and Budget said, "We are going to save some money this way; we are going to hold down the set-aside and hold back on Federal outlays." So what happens? The price of corn has gone down and now they are going to be faced with a much larger outlay.

Are you going to have better luck? There is no use in our passing a law and then let a bunch of pencilpushers in the Office of Management and Budget shoot it down.

Mr. BUTZ. Senator, that remains to be seen. You ask whether I will have any luck.

Senator BELLMON. You have been in the office before.

Mr. BUTZ. I think the Office of Management and Budget recognizes the problem we are in now and they are charged with some degree of maintaining fiscal sanity with the total decision.

Senator BELLMON. Do you think their decision last year was a good decision?

Mr. BUTZ. No, it was not a good decision. It is going to cost more for the 1972 adjustment than if they had spent a little more money on the 1971 adjustment. In retrospect it was not a good decision but my hindsight is 20/20 without glasses and I suppose theirs is, too; and it may well be had I been on the scene at that time I might have made the same decision as Secretary Hardin made. I don't know what pressures he had from OMB; he undoubtedly had some.

I simply want to say I have known Dr. George Shultz for a good many years. I have a lot of respect for him and I feel confident I can work with him.

Senator BELLMON. What do you think he knows about agriculture?

Mr. BUTZ. Well, I am going to see that he knows more than he does now. [Laughter.]

Senator BELLMON. One other thing about this whole procedure that kind of troubles me: I am a member of the Committee on Interior where we are continually faced with the problem of conflict of interest because of the management of the mineral estate of the Nation by the Department of the Interior and we have an absolute ironclad rule in the Interior Committee that individuals, officials who come up for confirmation who own stock in oil companies, will absolutely have to divest themselves of those stocks. You perhaps have been in this fish-bowl of public life before, but I guarantee you haven't been into it as you will be as a member of the Cabinet; and one thing I will tell you a public official has to protect most vigorously is the appearance of integrity, not only the fact of integrity.

Mr. BUTZ. I agree.

Senator BELLMON. So it looks like he is not making any decisions that in any way are to his personal advantage.

You mentioned you are going to put the corporate stocks in a blind trust. I am a country boy and I don't know what a blind trust is and I will venture to say 90 percent of the people in the country don't know what it is.

Mr. BUTZ. It means the person who owns it doesn't know either. I couldn't even talk to the trustee.

Senator BELLMON. You mean you couldn't call the trustee and say, "We are going to buy 100 million bushels worth of wheat and let's get busy"?

Mr. BUTZ. I can't even talk to him. He could even convert these stocks I have into higher paying securities. These stocks I have don't pay very well, frankly.

Senator BELLMON. Why do you own them?

Mr. BUTZ. I was on the board.

Senator BELLMON. You had to own the stocks in order to serve on the board?

Mr. BUTZ. Yes, sir; and for your information, when the J. I. Case board was dissolved I sold my stocks because it hadn't paid any dividend for years.

Senator BELLMON. Mr. Butz, I don't want to speak for the committee but it is my honest opinion that a blind trust isn't good enough to answer a lot of the questions that have been raised, either fairly or unfairly, about the involvement of the Secretary of Agriculture with agribusiness.

Mr. BUTZ. If the committee feels strongly about it, I will dispose of them before I put them in the trust, although, as you know, the market right now is not a favorable one.

Senator BELLMON. I am not in the market but I understand it is not favorable to the farmers.

Mr. BUTZ. It is not only farm prices that are low.

Senator BELLMON. I have one other area. You mentioned as an Assistant Secretary of Agriculture one of the responsibilities you had was with the Foreign Agricultural Service. I feel one thing that hurts the farmers worse than anything is the absolutely detestable job we do about marketing; it isn't that the farmer can't produce; he does it with admirable ability and great results, but the problem comes when we try to move farm products into the channels of trade where it is needed. And one of the great problems is that we don't have in agriculture very many IBM's or Standard Oil's or even Ralston-Purina's handling a lot of our commodities and to me there is a role here, an absolute necessity for the USDA to do a better job of helping the farmers to do their marketing. I think as time passes there will be some pickup in this area.

For instance, in the marketing of meat or more realistically the marketing of live feeder cattle, if you try to sell them in Japan you have $135 input tariff at present exchange rates on a very light calf (300 pounds and below).

Can you tell the committee what you think you can do as Secretary of Agriculture to help us get past some of these barriers and also tell a little bit about what you think the role of the Foreign Agricultural Service ought to be?

Mr. BUTZ. Well, the role of the Foreign Agricultural Service is to pursue vigorously for the elimination of barriers, whether tariff or nontariff. This must be in consultation with the State Department since it involves foreign policy; to assist our domestic exporters, as the Department of Agriculture did assist in the 3-million-ton sale of feed grain to Russia. Our Foreign Agricultural people under Clarence Palmby had a very vigorous part to play in working with Continental Grain and Cargill, the two principal exporters, and I think that is the role, to be vigorous in this thing.

Now we have got a problem in grading. In some of our grains that go for export there is a range within a grade, and foreign buyers will buy on a grade here and then will commingle just before shipment. These are areas that need attention.

Senator BELLMON. I have attended meetings of the agricultural attaches in Canberra and also only last week in London, and while I have respect for these individuals personally, it is my opinion that most of them consider their role to be primarily that of a reporter and they frequently sit on their hands and tell us what's happening but so far as taking the bull by the horns and changing anything, it seems to be totally foreign to their concept.

Mr. BUTZ. Senator, this is the historic role of the agricultural attache and to the extent I am able we are going to change emphasis in that respect.

Senator BELLMON. You are going to change emphasis?

Mr. BUTZ. Yes.

Senator BELLMON. In what way?

Mr. BUTZ. I want them to be a salesman for American agriculture. There is a reporting job to do and they have done it well, but we need more than that. We need a salesman on the spot to assist our private salesman, the Continental Grain people, the Cargill people, the Farmers Union National Grain Terminal people, or whoever it is that is involved in export, we need a man on the scene to sit beside them to help.

Mr. BELLMON. Mr. President, as a former Governor, I strongly support the prerogative of a Chief Executive to select persons of his own choosing as members of his official family. The Senate has a constitutional responsibility to advise and consent to appointments and certainly should exercise this responsibility to make sure Presidential appointees have the necessary competence and qualifications for the job. It would be folly, however, to believe that Members of the Senate would be in total agreement with a man's philosophical views, and that should not be our role.

On the basis of my examination of Dr. Butz' past record and his statements in the committee hearings, I am convinced that he is competent and qualified to hold this most difficult job. What is more, it has been said that he is a "scrapper" and American agriculture certainly needs a "scrapper" to fight the battles that must be fought to give farmers and other citizens of rural America their rightful place in our society.

Therefore I support the nomination of Dr. Earl Butz to be Secretary of Agriculture.

The PRESIDING OFFICER (Mr. HOLLINGS). Who yields time?

Mr. HARRIS. Mr. President, I would rather the other side use up some of its time. They have so much and we have so little.

Mr. AIKEN. Mr. President, I have some requests for time from Senators on this side of the aisle but, unfortunately, they are now in attendance at very important conferences in committees at this time.

Mr. President, I do not regard this issue as a party political issue, although it is apparent that there are those who would make it such. It never ought to be an issue between political parties. There is always a competitive spirit going on. There is always a yen for power on the part of various groups and various organizations on one side or the other. The thing that bothers me most about the debate which has taken place so far has been the attack on agribusiness.

Were it not for agribusiness, we would not be able to handle the processing and marketing of agricultural products from the farmer to the consumer.

Let me point out that about one-third of agribusiness in this country is done by farm cooperatives. They keep the proprietary interests in line.

An agribusiness like Land O' Lakes handles a tremendous amount of dairy products. In fact, 70 percent of all dairy production in this country is processed and handled by farm cooperatives which act as an agribusiness.

We have got the Agway Cooperative up in the Northeast which started some 40 years ago and has now developed into a $700 million-a-year business on behalf of the farmers. I do not want to see attacks on these people. On the other side we have companies like Ralston-Purina. They probably have not done as much agribusiness work for the farmers of Missouri as the Missouri Farmers Association have, but I am glad we have these.

In Minnesota, besides certain large cooperatives, we have private interests like Archer Daniels Mid-Land, whom we all know, and others. But I do not like to see this attack upon those industries that make it possible for us to market the products of our farms.

We will export to other countries this year approximately $8 billion of farm products, or the production of one acre out of four, and we just could not do it otherwise. We have to have cooperation between individuals. Without the farm cooperative, the small farmer would be in a very precarious situation, and without the other processing plants, we would also find it difficult to make the progress that we have.

I have received, I think, 67 telegrams, and later a couple more, all of which were inspired by the National Farmers Organization. Those are the ones I have received in opposition to Mr. Butz.

I have received other equally urgent wires and letters in his behalf in the last 4 or 5 days. But I will say this—and I am sorry I have to say it—I think virtually 99.9 percent of the letters and telegrams and communications I have received for and against Mr. Butz as Secretary have been inspired by organizations, and inspired by organizations which employ people to do this work. Some of them I call panic promoters, which we have had some experience with in the field of atomic energy.

It is very unfortunate that the interest in agriculture in this country has dropped as low as it has today. Twenty years ago if this issue had been before us, the galleries would have been packed and half of the Senators would have been on the floor. That does not happen today. Agriculture is represented by these organizations, and sometimes misrepresented by them, and that is not my idea of progress entirely.

I have long advocated support for farm cooperatives. I do not know what we would have done without them. More farmers would have had to leave the land. But as I pointed out yesterday, when a small farm goes out of business in Vermont, it is usually taken up by two or three families instead of one.

Much has been said about the decline in farm population. I do not know how I can stop it. One cannot tell a farmer he has got to stay on the land and leave his family without education, without adequate supplies, clothes, and other things, just because his vote is useful at election time.

There has been a very large decline in farm population. During the 7 years that Secretary Freeman was in office there was a 30-percent drop in farm population. That was not his fault. He could not help it. I believe that the drop in the last 3 years has been 10 percent, almost the

same proportion because there are fewer farms each year. However, I do not know how we can stop that. I do not know how we can tell a farmer who perhaps paid $15,000 for his farm and who has been offered $250,000 for it that he should not go out of business; yet those things are happening.

Dr. Butz has been attacked on unfair grounds as being unfriendly to the voluntary agencies. I have to say here that under Dr. Butz as Assistant Secretary of Agriculture, the voluntary agencies first took part in the food for peace program, as it is called now. Foreigners still call it the Public Law 480 act. We did not have any contributions like this until Earl Butz became Assistant Secretary of Agriculture, and then in 1955, $135 million was contributed in the way of food to voluntary agencies. That went up to $184 million, the next year to $165 million, and to $180 million finally in 1966, and then it began to drop. It dropped to $152 million.

We cannot say that he has not been friendly to the voluntary agencies, and I do not think that these attacks on him have been fair. I agree that the farmers are not very good campaign contributors. I agree that what is going on here today probably will affect them somewhat in that respect, at least those who work as cooperatives and as agribusinesses. But I am very sorry that politics has been injected in this. Anyone who is not blind and deaf would realize that fact.

I also apprehend that many of the speakers on both sides of this matter have not brought party politics into the issue.

Mr. President, how much time do I have remaining I have promised some, and I cannot use any more.

The PRESIDING OFFICER. The Senator has 28 minutes remaining.

Mr. AIKEN. How much time does the opposition have?

The PRESIDING OFFICER. Fifteen minutes.

Mr. AIKEN. I will yield at this time. As I say, I have other speakers coming in at 12:30. I realize there is a lot of competition to get this 12:30 to 1 o'clock spot. I have said what I said prematurely because I did not want to use that time if somebody else really felt they wanted to have it—somebody with high-level ambitions maybe. However, we still do not have the galleries as full as they used to be, and we still do not have the Senators on the floor. I yield 2 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, much has been said about Dr. Butz' view of the environment, his concern for the American farmer and his concern for hunger. Rather than to speculate about what he may think, since he has been pictured in effect as a cruel, heartless man who would let people starve and let the corporate giants stamp out the small farmer, I think it might be better, rather than to speculate or to second guess Dr. Butz, if the RECORD might have in it copies of speeches made by Dr. Butz. I think we can all conclude from what a man says from time to time what he may mean.

Mr. President, first of all, I ask unanimous consent to have printed in the RECORD testimony given by Dr. Butz November 19, 1965, before the National Commission on Food Marketing in Washington, D.C., entitled "The Developing World Crisis in the Population-Food Ratio."

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

THE DEVELOPING WORLD CRISIS IN THE POPULATION-FOOD RATIO

My name is Earl L. Butz. For the past eight years I have been Dean of Agriculture at Purdue University. For three years prior to that, from 1954 to 1957, I served as Assistant Secretary of Agriculture in charge of Marketing and Foreign Agriculture. During this time, on two occasions I served as chairman of the U.S. Delegation to the Food and Agriculture Organization Conference in Rome. Among other things, I was in charge of the Foreign Agricultural Service, and traveled extensively in many parts of the world studying food and agriculture conditions. Prior to going to Washington as Assistant Secretary of Agriculture, I was eight years head of the Department of Agricultural Economics and Professor of Agricultural Economics at Purdue University. My entire professional life has placed me in close proximity with food-population problems, both in this country and abroad.

The North American food industry is now relaxed in the calm which precedes the greatest challenge it has ever faced. We must exercise every opportunity to keep our entire food machine in a healthy state of preparedness, if we expect to meet this challenge successfully.

The world is on a collision course. When the massive force of an exploding world population meets the much more stable trend line of world food production, something must give. Unless we give increased attention now to the softening of the impending collision, many parts of the world, within a decade, will be skirting a disaster of such proportion as to threaten the peace and stability of the Western World itself.

The long-run outlook for international agriculture is essentially one of a race against time and capital in an effort to meet the onslaught of a tremendous upsurge in world population.

The man-food ratio around the world, never high enough to be very exciting to two-thirds of the world's population, has actually been in a decline the last half dozen years. Total food output has increased during those years, to be sure, but at a slower rate than population increase. In many of the world's underdeveloped areas, the man-food ratio is in a serious decline.

Those of us in North America who wrestle with perennial surpluses of both food and feed grains too frequently view our problem in the short run. We are export conscious, particularly in relation to the current situation. While this may be important in a particular year, it is high time that we begin to fashion our domestic programs and policies with a view toward the political and economic realities of the developing world food crisis. It is high time that all of us begin to view the developing crisis in the world population-food ratio in its proper perspective.

Although I use the word "crisis," it need not develop in our lifetime if we can apply the intelligence we possess to the twin areas of food production and international trade.

FOOD IS THE FIRST LAW OF LIFE

The first claim of any society on its total production resources is to produce enough food to keep the population alive and reproducing itself. This is true in primitive societies as well as our own advanced American economy. Some Far Eastern nations require 80 to 90 per cent of their population on the land to get the job done. In the United States we do it with less than 6 percent of our working population on our farms, and could do our commercial agriculture with about 3 per cent of our working population on our farms. There is room for substantial expansion of food production, both in the undeveloped and in the developed areas of the world, through continued application of science, infusion of capital, and nonrestrictive governmental programs.

When many of us in this room were students, perhaps a third of a century ago, we were concerned about the foreseeable leveling off and eventual decline of population, especially in the non-Asiatic world. It was popular then to explain why Malthus had been so wrong with his forecasts about the population-food ratio. It is now rather fashionable to dust off Malthus' volume and to quote from him occasionally.

THE POPULATION EXPLOSION

At the beginning of the Christian Era, world population was estimated to have numbered around 250 million. In the next 15 centuries it doubled, reaching 500 million by 1600. Three centuries later, by 1900, world population had tripled, and stood at about 1.5 billion. In the less than two-thirds of a century since 1900, world population has approximately doubled again, and now exceeds 3.0 billion. Reliable estimates indicate that in the little over one-third of a century remaining until the year 2000, it will double again, and will stand at about 6.3 billion people.

During the first 15 centuries after Christ, the rate of increase in world population ranged between 2.5 and 5 per cent *per century*. By 1900 the *annual* rate of increase was approximately 1 per cent, or 100 per cent per century. As of 1960, the *annual rate* was about 2 per cent, and it is expected to rise even above this figure for the remainder of this century. The astonishing fact is that the human race is currently doubling in numbers every 35 years, and in some areas, notably Central and South America, the doubling time is currently approaching 25 years. If a population were to grow 3 per cent annually, it would multiply 18 times in a single century. Looking at these facts another way, if we had multiplied at the present rate from the beginning of the Christian Era, there would now be over one million people per square foot of earth surface. Obviously, the rate of growth cannot persist indefinitely, because of the sheer limitation of space and food. However, such a rate is within the realm of possibility within our lifetime. Therefore, face it we must!

While it is true that projected rates of population increase are greater in the underdeveloped nations than in North America, yet we too shall experience a substantial increase in Canada and the United States. A United Nations projection has forecasted that the combined population of our two countries will move from 197 million in 1960 to 312 million in the year 2000. This is an increase of 60 per cent just within our own boundaries. Projected rates of increase are approximately the same for Western Europe and Russia. However, population in Latin America is projected to increase 188 per cent, from 206 million to 592 million. Likewise, the African population increase is projected at 120 per cent, and Asia at 139 per cent. In the latter case, population is expected to increase from 1.6 billion in 1960 to 3.9 billion in the year 2000.

We are experiencing substantial population increases during the decade of the 1960's. A United Nations projection has predicted an increase during this decade of 35 million for the United States, 61 million for Latin America, 72 million for Africa, 266 million for Asia excluding China, and about 750 million

for Asia including China. This means an increase during the present decade of over 800 million. We are already halfway through this decade, and nearly halfway toward the projected increase.

The United States now has approximately 6 per cent of the world's population. It is projected that by 1975 the U.S. will have approximately 5 per cent of the world's population, and by 1985 only 4 per cent. These figures underscore the fact that the world areas of dense population and of bountiful food supplies do not coincide.

FOOD PRODUCTION TRENDS

From the beginning of history, man has always been in a struggle to feed himself, with the possible exception of the Western World in the last two or three decades. From the beginning of the human race until now, man gradually developed the food production capacity required to sustain 3 billion people on the earth, although many, many persons have a very meager available food supply per capita. If the 6 billion plus people predicted by the year 2000 are to be sustained, with no improvement in diet whatever, man will need to develop the capacity to feed another 3 billion people—and this must be done in the short term of one-third of a century. This means that we must duplicate in the next generation the production record that man has achieved since the dawn of history. And we must do this at a time when nearly all of the virgin lands of the world have been brought into production and when we face increasing inroads on arable land by the urban sprawl, developing highways, parks, recreation sites, and the like.

The challenge is great, but the situation is far from hopeless. The world's land surface is currently estimated at 32.9 billion acres. Of this, 3.5 billion acres, or just under 11 per cent, is classified as arable land and land in tree crops. We actually plant to crops considerably less in a given year, usually under 2.4 billion acres, or only about 7.6 per cent of the earth's land surface. We have another 6.4 billion acres, or 19 per cent of the earth's surface, in permanent meadows and pastures. Thus, if we include this with crop land and tree land, we account for about 30 per cent of the earth's land surface. It is possible that some of the remaining 70 per cent may someday be brought into agricultural production, as capital becomes more plentiful, as cheaper sources of energy are developed, and as more efficient means of converting sea water to usable water become available. It should be noted that until a generation ago, most of the increase in the world's food production came from opening up virgin lands. In the immediate future, however, we cannot count on a substantial addition to arable land from this source.

There are only two possible answers to the problem posed above: (1) increased agricultural production worldwide, with sufficient trade flexibility to permit effective geographical distribution, and (2) a widespread and rapid increase in birth control practices. In the long run, say by the close of this century, birth control is the only solution. But it is developing extremely slowly in the population pressure areas of the world, and probably will continue to develop slowly because of the low levels of education and living standards. In the heavy population areas of the world, the girl babies are here. They can be counted. When they mature, just a few years hence, it is inevitable that births will increase markedly. The only thing that can alter this will be a marked increase in education, in economic levels, or a substantial change in religious attitudes and social mores. These factors have not changed markedly in the last decade. There is little reason to believe that there will be sufficient improvement in the next decade to provide the kind of environment in which birth control can become rapidly effective on a broad scale. Hence the immediate need before us is to increase agricultural production and to work out more effective means for distribution of our foodstuffs—just the converse of some of the agricultural and trade policies currently popular in the United States.

Individual countries vary markedly in the share of land suitable for cultivation. Moreover, population and arable land are not at all evenly distributed. This accentuates the need for realistic trade policies. Asia, for example, has about 56 per cent of the world's people but only 31 per cent of the arable land. Western Europe, likewise, runs behind in arable land. In most of the rest of the world the inverse is true.

Perhaps the greatest variation among the nations in agricultural productivity lies in capital inputs, particularly in the form of fertilizer, drainage, irrigation, and technology. In this respect North America leads the world. The record of increased efficiency of production by North American farmers since the decade of the 1930's is nothing short of phenomenal. It is meaningful to use the trend in per capita grain production as an indicator of both agricultural progress and the quality of diet. A majority of all calories consumed comes from grains, either directly or indirectly, after conversion into meat, milk or eggs. Thus a rising per capita output of grains in any population makes possible either a rise in calorie intake or the production of additional animal protein if this is needed or desired.

World grain output increased 47 per cent during the 25 years from 1934–38 to 1960–61. During this time total harvested area increased by 15 per cent, and average yield by 28 per cent. However, there was tremendous regional variation. During that quarter century, both North America and Oceania more than doubled total grain production. Eastern Europe and the USSR gained only 24 per cent, Western Europe 31 per cent, Asia 41 per cent, Latin America 42 per cent, and Africa, undisturbed by the war, 54 per cent. The latter increases did not keep up with population growth. North Africa expanded its share of world grain output from 16.7 per cent in the years 1934–38 to 22.8 per cent in 1961. During this same period the Soviet Bloc share of world output was steadily shrinking from 23.5 to 19.8 per cent. Or if we divide the world into the two dominant economic regions—developed and undeveloped—we discover that output in the developed regions increased 51 per cent during this period, while that in the underdeveloped regions increased only 42 per cent. This is significant when it is remembered that the rapid population growth is in the undeveloped region.

A generation ago the underdeveloped areas of the world (Asia, Africa, and Latin America) were food surplus regions. Before World War II, the underdeveloped areas were exporting annually about 11 million tons of grain to the developed countries, notably Europe. During the early post-war years this flow of net exports was reversed, with a modest 4 million tons going annually from the developed to the underdeveloped countries. The population explosion in the underdeveloped world in the last couple of decades, coupled with a much, much slower increase in food production, has pushed food needs so high that the estimated movement into those areas in 1964 was 25 million tons of grain.

The underdeveloped areas of the world, once able to feed themselves, now clearly are dependent for their very existence on sustained food shipments from the developed nations, largely from North America, with the U.S. Food For Peace program figuring prominently.

The output of grain per capita of farm population has shown a striking increase in North America, more than trebling in the 25 years from 1934–39 to 1961. During the same interval, grain output per capita of farm population actually declined in Latin America and increased only modestly in Africa and Asia.

The supply of new land that could be brought under cultivation has been negligible during the past quarter century. Rising yields per acre have been the source of increased food production during that period, just as they constitute the only real hope for the next quarter century. Here again, unfortunately, the evidence is that the advanced nations can generate a sustained trend of rising yields much better than can the underdeveloped areas. Over the past quarter century, per acre yield in North America increased 109 per cent, as contrasted with only 7 per cent in Asia and only 8 per cent for the entire underdeveloped world.

The major factors associated with rising per acre yields (yield take-offs) are effectively outlined by Lester R. Brown in an excellent USDA publication, "Increasing World Food Output," published in April 1965. These factors, briefly stated, are:

1. *Reasonably high level of literacy.* A yield take-off calls for the effective movement of new ideas and techniques from the research plot to the farmer. This is difficult in an illiterate society.

2. *Per capita income above mere subsistence.* There must be sufficient income to permit the manufacture and purchase of yield-raising inputs, such as fertilizer, drainage, etc.

3. *Development of a market oriented agriculture.* A sufficient share of individual farm output must enter the market to provide cash for the purchase of commercial yield-raising inputs. This is particularly necessary in a country with no unexploited land in which to expand, and this includes all the underdeveloped regions.

4. *"Favorable prices" for farm products.* Food prices at the farm must be sufficiently high relative to the cost of purchased production inputs to induce the use of the added input. For example, a pound of rice in Japan buys roughly three times as much commercial fertilizer as a pound of rice in India. Japanese farmers are among the world's heaviest users of commercial fertilizers, while only a very small share of India's 60 million farmers have ever used commercial fertilizer, insecticides, or fungicides. It *pays* to use these inputs in Japan but not in India. Yields are high and rising in Japan, but low and relatively stable in India.

Brown concludes: "To describe what it takes to generate a yield-per-acre take-off is, in a sense, to describe the process of modernization and development. Stated otherwise, the more advanced an economy is, the easier it is to generate a yield take-off. The densely populated, less developed countries, which have virtually exhausted the supply of new land that can readily be brought under cultivation, must compress a lot of progress into a very short period of time if they are to generate the yield take-off needed to feed their rapidly growing populations."

The transportation of the advanced mid-20th century agricultural technology of North America into the underdeveloped areas of the world will be, at the best, a very slow and arduous process. Yet, we must not despair in our efforts to build up the agricultural economies of the underdeveloped nations. To the extent that this can be done it will both promote economic and political stability within those nations, and will in part alleviate the burden that must inevitably fall on North American agriculture in the latter part of this century to prevent mass starvation in large areas of the underdeveloped world.

HIGHER PRODUCTION NEEDED

We thus face the prospect a decade hence that the great bread baskets of North America will be called upon to supply food for large areas of the world until the population-food ratio can again be brought into approximate equilibrium. The latter cannot be accomplished quickly or painlessly. We therefore face the challenge, in North America, to keep our food machine in a healthy state, fueled for a massive effort in the years ahead. We can add only a limited supply of additional arable land. We can get some additional food from the sea—but here again we face practical limits.

The only practical alternative available to us is the accelerated application of capital and technology to our own agricultural and food systems in an effort substantially to increase output per acre and per man. This means accelerated application and use of fertilizers, irrigation, better seed varieties, more pesticides, and extensive research inputs. We must not be lulled into a position of retreat on the North American agricultural front, because of current selective surpluses within our boundaries, because of uncertainties over the agricultural policies of the European Common Market, because of our declining numbers of farms and farmers, or because of the temporary rise of agricultural nationalism in many of the newer and undeveloped nations of the world.

The public conscience of the United States has moved toward a commitment, neither written nor enacted into legislation, but nonetheless real, that we will not permit mass starvation any place in the world. The two decades since the close of World War II have been the longest famine-free period in the history of the world. This has been possible largely because of the strategic deployment of American surplus foodstuffs under the Food For Peace Program. Many of these have been given away. It is true that substantial quantities have been exchanged for foreign currency under PL–480, but many of these transactions really represent ultimate gifts. We just haven't completed the bookkeeping transaction.

When the time comes that food needs abroad are more apparent than now, it is my prediction that the U.S. Congress will find some way to meet them, perhaps under some kind of arrangement that resembles a sale, just like many people in this country think that our massive "sales for foreign currency" of surplus commodities over the last decade represent a genuine sale, when many of these transfers really were in the nature of a gift.

We must, therefore, view the tremendously efficient food industry of North America as one of the most powerful tools in our kit of international diplomacy. And then, having viewed it this way, we must pursue more sensible internal price support and production control programs than have persisted in recent decades. We must build strength under our great food processing and distribution system. Likewise, we must follow trade policies which are fitted more nearly to the economic realities of our times.

If we can catch the vision in North America of the central role our enormous food machine can and must play in the total world scene in the decade ahead, then we can only be optimistic concerning the position of our agriculture in the international scene.

The opportunity for increased food production on the North American continent is tremendous. Agriculture is essentially a process of converting radiant solar energy into a form usable by humans. We use the plant as a vehicle to accomplish this energy transformation. Sometimes we use the animal as a further vehicle.

We are extremely inefficient in making this energy conversion. In the temperate zone, on a warm summer day, the solar energy that hits an acre of land is roughly equivalent to the energy in 5 tons of coal. If this is averaged through the calendar year, to include the winter season, the daily solar energy impact per acre is equivalent to approximately 3 to 4 tons of coal. If we assume that, through our best agricultural techniques, we can produce 120 bushels of corn per acre per year, year in and year out, this has an energy equivalent to about 3 to 4 tons of coal. This means, therefore, that we have now learned in our advanced agriculture how to capture as much energy in our year as God pours on our acres every day.

We think we are pretty efficient, when as a matter of fact, we are extremely inefficient. We get only about 1/360 part of the energy available. If we should somehow learn how to double production per acre, we would still be getting only about 1/180 part of the energy available. This means, therefore, that the potential area for the application of science in our agriculture is almost without limit. It staggers the imagination. The energy is here, the opportunity is here, the need is here. All we need is a complete national dedication to be on with the job.

Our danger today is that too many Americans are "At Ease" in a world still struggling. Two-thirds of the world's people live in chronic poverty, illness, malnutrition, disease, and general wretchedness. Gandhi once remarked "Even God dare not approach a hungry man except in the form of bread."

It is futile to preach to hungry people about individual freedom, democracy, and the dignity of man. Their compelling desire is bread.

This is the first time in the history of the world that hungry peoples have been clothed with political power. The number of nations in the world has more than doubled in the last two decades. These people are aware, through modern communication, that not everybody in the world accepts starvation, privation, and premature death as his inevitable partner.

The North American continent, and primarily the United States, will be called upon within the decade for a massive effort to meet the impending crisis in the world population-food ratio.

It must be a major responsibility of all of us to keep our national food producing machine healthy and efficient. We must catch the vision in North America of the central role our enormous food machine can and must play in the total world scene in the decade ahead. We must strengthen public confidence in the capacity of our food industry to meet the great challenge ahead of it.

To prepare for less than this will be to condemn a large part of the world to widespread famine and political instability on a scale unprecedented in history. In modern times, our own nation cannot remain insulated from such a catastrophe on the other side of the globe, either east or south.

Hence there is no realistic alternative except for us to gear up to meet this challenge.

Mr. DOLE. Mr. President, I wish to call attention specifically to several sentences in that testimony.

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

Mr. DOLE. Mr. President, will the Senator from Vermont yield to me for 2 additional minutes?

Mr. AIKEN. I yield 2 additional minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, Dr. Butz said at that time:

The public conscience of the United States has moved toward a commitment, neither written nor enacted into legislation, but nonetheless real, that we will not permit mass starvation any place in the world.

Later in the same speech Dr. Butz said:

It will be impossible, in the generation ahead, for the western world to live as an island of affluence in a sea of misery.

That is an indication as far back as 1965 of his recognition and concern for hunger in the world and in America.

Other opponents have indicated that he has an improper attitude on the environment. I ask unanimous consent to have printed in the RECORD a speech by Dr. Butz given on April 26, 1971, entitled "Man and His Environment—Crisis or Challenge?"

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

MAN AND HIS ENVIRONMENT—CRISIS OR CHALLENGE?

Man is the most versatile and adaptable of all the animals. He has learned, in varying degree, to tame the natural elements and to modify the physical environment in which he lives. Enlightened humans have found it possible to survive in habitats that formerly were marginal or even impossible.

In short, man has disturbed the balance of nature. He has altered his ecosystem. This has brought great rewards to him, but not without perils and cost.

In recent decades our population-resource ratio has narrowed markedly, our per capita demand for resources has risen sharply, our population curve has accelerated upward at an alarming rate, and the opportunity to move on to virgin and unspoiled areas is virtually nonexistent.

Small wonder, then, that we are all concerned about environment, resource use, pollution, and quality of life. In the last half dozen years interest in these areas has built up to near fever pitch. We are probably right now at a peak in our national clamor to "do something" about pollution.

We have a certain amount of faddism in our support for public causes. Think back over the last half dozen years or so. A couple of years ago our great national concern dealt with malnutrition and hunger. A greatly expanded federal food stamp program resulted. A revolutionary new concept in welfare was placed before the Congress by this administration. Before that we were all steamed up over racial and ethnic discrimination, with a wide variety of organizations carrying that flag.

Today I think it can be said that 1970–71 will go down in history as *the year of the environment*. In another year or two the very same organizations and media that wave the environment flag so vigorously today will have still another torch in their hands—and wave it just as enthusiastically. It is difficult to keep public interest at fever pitch in any movement more than a year or two.

Perhaps it's better this way. It is a well demonstrated American trait to over-react to crisis. When any issue is at the crest of its "agitation curve," exaggerated statements are made, perils are overemphasized, emotions are stirred up, and some unwise things are done. But on the other hand, governments are moved to act, corporate managers are made aware of their public responsibilities, and Mr. John Q. Citizen also decides that he too may be called upon to share in the cost of improving the situation. When public clamor subsides a bit and we enter the sub-crisis stage of public discussion and concern, it is always possible to make sounder decisions, to formulate better programs, and to move forward on a rational basis. There is evidence that our nation is just now entering that phase of environmental awareness.

RISK-BENEFIT RATIOS

Caution must be exercised that we don't go overboard in our hysteria to clean up the environment and make everything *absolutely* safe.

This is a world in which we constantly offset risk against benefit. We never completely insure our car against all hazards, our dwelling against total loss, our life for what it is *really* worth, or our health against every hazard. In practically every phase of our activity we take some chance. We are constantly trying to evolve a risk-benefit ratio which satisfies each of us, and which each of us can afford. If we completely insure against every risk, we may end up with nothing left to enjoy our new-found safe position.

A few illustrations will suffice. We must shortly decide whether we want to build addional power generating plants, with perhaps a tolerable amount of thermal pollution and atmospheric pollution, or whether we want to experience electrical brown-outs on midsummer afternoons when everybody turns on his air conditioner. We must decide how much additional cost we want to add to our total transportation bill to reduce pollutants from that source to or even below tolerable levels. We must decide if we want to completely eliminate risk in using chemicals, pesticides, and antibiotics in food production, or whether we want to have an adequate, nutritious, and economical food supply for our growing millions. Modern agriculture cannot continue to produce adequate amounts of safe and wholesome food without chemicals or antibiotics. If we were seriously to curtail their use on farms and in the food industry, we would immediately experience a decline in the quantity and overall quality of our food supply. Consumers would quickly experience a rapid rise in food prices, and consequently would have much less to spend for all the other things that go into the fabulous American standard of living.

We can go back to organic agriculture in this country if we must—we once farmed that way—75 years ago. We know how to do it. However, before we move in that direction, someone must decide which 50 millions of our people will starve. We simply cannot feed even at subsistence levels, our 205 million Americans without a large production input of chemicals and antibiotics.

When we talk about restoring the ecological balance of nature, we must seriously ask ourselves just how far we want to go in "returning to nature."

Part of the trouble with us is that two-thirds of all living Americans never bit into a wormy apple, looked at the worm hole, and wondered whether the worm was still in the apple or in their mouth. They think that the God of Nature automatically produces nice, plump, red, juicy apples free from parasites and blight. Let's be rational about this whole matter.

God put the worm in the apple—man took it out,

God put the parasite in the pig—man took it out,

God put the termite in the timber—man took it out,

God put the webworm in the lawn—man took it out,

God put the blight on the rose—man took it out,

God put the blight on the corn—man took it out,

God put the mosquito in the back yard—man took it out,

God put the potato bug on the potato—man took it off,

God put the tick on the dog—man took it off.

Just how far do we want to go back to the balance of nature anyway? That balance was pretty harsh on man.

THE PROBLEM IS OURS

As we approach the problem of pollution and environmental control, we should come to one of Pogo's recent observations in the comic strip, "We have met the enemy—and they are us."

Therefore it is we, as individual citizens, who will have to decide how much we are willing to pay for a better quality of life beyond that which is truly necessary. And that includes population control. When we quit thinking of these problems as the concern of others and face the fact that they are ours—this nation can move forward with greater effectiveness toward the achievement of a better quality of life for all.

It is completely unacceptable to believe that there is no way out of the problems we have created. Unquestionably, there are risks involved, but none so great as the risk that we may quit risking, try vainly to set the clock back, abjectly surrender the goal of a better world in the mistaken belief that this one is as good as can be.

Mr. DOLE. Mr. President, reference has been made to a speech given on April 15, 1971, at the National Symposium on Vertical Coordination in the Pork Industry at Purdue University. Reference has been made to the speech but no one has stated what Dr. Butz said at that time. He did indicate concern for the farmer and said that the farmer could meet the challenge.

Mr. President, I ask unanimous consent that that speech which was given on April 15, 1971, may be printed in the RECORD.

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

AN OPTIMIST LOOKS AT THE SWINE INDUSTRY

The dictionary defines an optimist as "one who looks on the bright side of things." This implies that there must also be a dark side. Hence, an optimist must be one who feels the bright side outweighs the dark side. This definition fits me.

After what has happened to hog prices in the past fifteen months, it is not too easy for hog producers to wear a very broad smile. However, the look we take at the swine industry today must be longer than half a hog cycle, or even an entire cycle. It must be secular. It must be independent of normal seasonal or cyclical price and production variation.

OPTIMISM MUST BE BASED ON PROFIT PROSPECTS

Profit is the key word for economic optimism, for both producers, processors, and distributive agencies. Therefore, if one desires to be characterized as an optimist in the swine industry, or in any industry for that matter, he ought to see some profit prospects lurking around the corner somewhere.

Profit in any industry is determined largely by the relationship between selling price and production cost. This is also true for the individual operator, except that his profits depend on a third factor—volume. It may therefore be stated that profit to the individual producer is determined by three factors: 1) selling price, 2) production cost, and 3) volume of output.

Now for a bit of price and production theory. In the long run, selling price must equal marginal production cost, including normal entrepreneurial profit. If perchance total demand is rising while production costs are falling, profit margins will be wider than equilibrium, and volume will rise, even though selling prices may trend downward.

This is the prospect for the swine industry over the next decade or two.

TOTAL DEMAND FOR PORK WILL RISE

The total effective demand for pork in the years ahead will depend on two factors: 1) Size of the population, and 2) changes in the amount of pork consumed per capita.

The latter factor in turn is dependent upon three things: 1) the amount of increase which may be expected in per capita real income (taking into account the relatively low income elasticity for food); 2) the impact on per capita consumption of an aggressive educational and promotional campaign; and 3) the impact on per capita consumption of lower relative selling prices and improved quality in the retail counter as a result of a stepped-up research program in the whole pork industry.

The first two factors listed above operate largely independent of anything the swine industry can do. The second two are largely under control of the leaders in the swine industry.

Each of these items will be discussed briefly.

Our exploding population means a substantial increase in our consumption potential, even assuming for the moment a static per capita consumption. Our population now surpasses 205 million. It's growing by about 3 million per year. It has been estimated that by 1980 our population will be around 235 million. By the year 2000, it will be skirting around the 300 million mark. That's an increase of some 95 million in less than three decades. That's nearly equal to our population growth over the past five decades—from 1920 to 1970. It's a fourth greater than our population growth during the entire nineteenth century. A 95 million increase in population represents a 46 per cent increase from the present base. Therefore, assuming no change in per capita consumption of pork, we could expect a 46 per cent increase in total domestic outlet for pork in the next 29 years.

Let's look now at the second factor—the rising purchasing power of our people. In the last 25 years the per capita real income of our people (after taxes and inflation) has increased by some 50 per cent. Reliable predictions are that it will increase by another 50 per cent in the next 25 to 30 years. Many economists think it won't take that long to go up 50 per cent.

While we don't increase our food consumption proportionately as income increases, we do eat some better. We improve the quality of our diet. We do this by shifting to a protein diet, and other more expensive protective foods. We eat higher up on the hog. Or perhaps it would be more accurate to say that we eat "higher up on the steer." In the last couple of decades we've been eating much more beef—not pork.

If our per capita real incomes go up by 50 per cent in the next two or three decades, we can be almost certain that the demand for meats will rise some, although not by a like amount. If recent consumption patterns have any predictive value, it's probable that the effective demand for beef will rise a bit more than for the average of all red meats, and effective demand for pork a bit less. Therein lies part of the problem we face—and out of that springs one of the challenges we must meet.

If we can assume that the normal income elasticity for red meat is 0.20, and it's my feeling that this assumption is on the conservative side, then we conclude that a 50 per cent increase in per capita income would result in a 10 per cent increase in the relative amount that would be spent for meat, and hopefully for pork and pork products. This of course is at the retail level. It is likely, however, that as incomes rise, consumers will purchase more services with their food. Therefore, not all of this increase in expenditures for pork would be reflected

back to the producers. Hence, just to be conservative, if we cut the estimated income elasticity from 0.20 back to 0.10, this would then give us an estimated 5 per cent increase in the amount of money spent for pork (at the farm level) resulting from a 50 per cent increase in real income per capita. Multiply this by a projected 146 per cent people base (46 per cent more by the year 2000) and you get an increased demand of 8 per cent. When you add this to the 46 per cent increase in people, you get a projected effective increase in demand of 54 per cent. Give or take 10 per cent one way or the other, that's a pretty sizable job ahead of us.

PROMOTIONAL POSSIBILITIES ARE OFTEN OVERRATED

We now turn to the third factor—education and promotion. Some enthusiastic supporters of a greatly stepped-up promotional campaign for pork expect results which it probably will be difficult to attain. We should be relentless in our efforts to acquaint the consuming public with the advantages of a high protein diet based upon a growing animal agriculture. We should use every fact and every valid technique to zero in on the adverse propaganda which diet and health faddists have heaped upon pork. At the same time, our efforts should be to expand the consumption of all meats. If we dissipate our resources in attempting to persuade consumers that they should eat more pork—perhaps at the expense of beef or lamb or poultry, about all we accomplish is to induce the beef, lamb, and poultry industries to spend an equivalent amount of money in "offset promotion," and the whole industry ends up about where it started except with a big promotional bill on its hands. Madison Avenue will be the chief gainer.

This is clearly an area that calls for a well-coordinated effort by all of animal agriculture.

THERE'S GREAT PROMISE IN RESEARCH

Research—the fourth factor—is under our control.

We have stepped up our efficiency of pork production in recent years, but not enough. Swine production, as practiced in this country, is essentially a means of converting corn into meat. This is recognized by the importance we attach to the corn-hog ratio as an economic indicator in the swine industry. When the ratio is wide, we expand hog production. When it is low, we contract. In a sense, therefore, any long-time change in the average corn-hog ratio in this country may be interpreted as a change in the over-all efficiency of our total swine industry.

From this point of view, we must conclude that, at least until recent years, there has been little change in the over-all efficiency with which we have converted corn into hogs, as measured by this single index. When you take out the wide cyclical swing (from an all-time high of 24.0 in February 1970, to a fifteen-year low of 11.1 in December 1970), the long-time average ratio hasn't changed much over many decades. It is true that efficient individual producers have operated on a much narrower ratio, and have therefore made greater-than-average profits. However, large numbers of less efficient producers persisted, and even got back into the business a year ago under the incentive of high hog prices and wide profit margins. Fortunately, there is substantial evidence that the impact of science in the hog lot is bringing narrower feed conversion ratios.

We need to pursue this phase of hog production relentlessly. Our goal must be increased production efficiency, combined with a superior product and aggressive merchandising, and increased per capita consumption of pork without the kind of price disruption that has occurred in the past year when supplies did increase.

Our work is cut out for us in the swine industry. Take a look at beef. Our people in 1970 ate a record-shattering 113 pounds of beef per capita, contrasted with 63 pounds in 1950. By way of comparison, we ate 66 pounds of pork in 1970, contrasted with 69 pounds per capita in 1950. As a matter of fact, practically all of our gain in the domestic pork market in recent decades has come from population growth—not from increased per capita consumption. Indeed, in the four decades since 1930, with minor and short-time exceptions, per capita pork consumption has fluctuated between 60 and 70 pounds annually. Per capita beef consumption had a slow growth from 1930 to 1950, and has really taken off in the last two decades. The same is true of poultry.

It won't be easy for the per capita supply of beef to keep up a rate of growth anything like it has the last two decades, without some increase in beef imports. Our range lands in the West now carry about as many cow-calf units as available rainfall permits. We can't reduce dairy cow numbers much more. Cattle feeding will grow some more, but it can't continue to increase at the same rate as in the last decade. By the late 1970's, growth in cattle slaughter will be closely tied to calf crop increases, because by that time cattle feeders will be feeding nearly every suitable animal.

The supply situation facing beef, combined with growing population and rising real incomes, should create fertile soil in which research in the swine industry can flourish.

Just for inspiration, let's take a look at our cousins in the poultry industry. Per capita consumption of poultry meat in this country has nearly tripled since 1940, being 290 per cent of the earlier figure in 1970.

American consumers have not flocked to increased poultry and turkey consumption in such record proportions because they suddenly preferred drumsticks over pork chops or T-bones. They did it because poultry and turkey meat have been placed in the retail counters of America at such attractive prices that Mrs. Housewife just couldn't resist picking up an extra package or two. And those attractive prices were made possible because the modern poultry industry is based almost entirely on research. Today's poultry industry would have been impossible 25 years ago, without the research applications that have gone into it since World War II. Research in the poultry industry has advanced on the multiple fronts of genetics, physiology, nutrition, and management. No sector of the industry has been left unexamined, from the feed bag to the retail counter. Costs have been cut everywhere. Efficiency has been stepped up wherever possible. Even the time-honored breeds yielded before the more efficient production records of hybrid strains. An aggressive program of research enabled the poultry industry to build a great new market in this country where only a small one existed before.

A 50 per cent increase in total pork production the next three decades won't be easy—but it can be done. We'll have the feed to do the job, too. Let's don't panic because of what happened to corn production in 1970. The Corn Belt is going to stay in the corn business—and in a big way. Memory takes me back to the scare we had in the late 1920's from the invasion of the European corn borer, and a decade later from the chinch bug. In each case there were those who began to look around for an effective substitute for corn. In each case our scientists and our farmers pooled their imagination and their talent to do a better job in succeeding years. It is easy to forget that as recently as 1930 the U.S. average yield of corn was still below 30 bushels per acre. In 1969 (before the blight year of 1970) the average national yield was 81 bushels per acre. It is easy to forget that as recently as a decade ago the U.S. average yield of grain sorghum was around 35 bushels. In ten years sorghum yields have gone up some 20 bushels.

The above paragraphs summarize the job cut out for research.

Research is the expandable term in the pork equation for tomorrow.

People will be here by the millions, their incomes will be high, and their appetite for pork will be whetted.

What a fertile reactor into which to pour a generous quantity of our most effective catalyst—Research.

THE GROWTH FACTOR IN AMERICA WAS NEVER GREATER

An important economic factor affecting all of us is the rate of growth in the U.S. economy. It is headed sharply upward.

The government clearly got the message in last fall's election. Our people are more interested in an expanding economy, full employment, and rising wages, than they are in absolute inflation control. This means that by the latter part of 1971, and especially by the middle of 1972, the economy should be moving upward vigorously. This probably means increased consumer spending—perhaps at the expense of the rate of saving.

But be these short-time economic and political fluctuations as they may, the long-time growth trend is vigorously upward. America is still a young, vigorous, and growing nation. By the year 2000—and that's just a generation away—we're going to have 100 million more people—nearly a 50 per cent increase in 30 years. Real income per person will rise at least 50 per cent, which will result in a more than doubling of our real total economy in the next generation (constant prices). On top of this, the world population will probably double in the next 30 years, with a lot of hungry people on this old earth.

The U.S. farmer will do more than his share. But he has quite a challenge right at home. If we increase our population by another 100 million in those 3 years, at current consumption and production rates, we must add each year about 500,000 beef cattle, 50,000 dairy cows, 1,000,000 hogs, and 2,600,000 hens just to keep even. It will take top-flight management to do the job, plus full application of all of the "better way" ideas research and skilled management can develop.

We have a great building job to do in America. We must rebuild *Old* America as well as build a *New* America by the year 2000. New construction, in the aggregate, will be at least as great as total construction, of all kinds, now existent. This will result from natural growth in the economy, obsolescence of existing facilities, demolitions, condemnations, and withdrawals.

America Doubled in Your Generation! Think of what that means in terms of the need for skilled workers, service trades, recreation, and opportunities in a wide variety of fields of activity.

In the decade of the 1970's, 50 per cent more people will reach age 21 than in the decade of the 1960's. We're going to have at least 40 percent more net new households next decade than last.

Downtown is being rebuilt in every major city across the land—and the process is only nicely begun.

The volume of new factory construction can scarcely keep up with building demands generated by new markets, new products, new production techniques, obsolete work and product flow arrangements, and new customer services.

Changing styles of distribution demand new facilities as the price of survival.

Today's transportation facilities are often inadequate and obsolete the day of their dedication.

All of this means that a country growing this rapidly will need to be provided with a growing supply of adequate, healthful, and nutritious food.

THESE CHANGES WILL NOT BE EASY OR PAINLESS

Changes of the character we envision here always benefit some and hurt others. These changes do not mean the end of the small producer. They only mean difficulty for the inefficient producer. Some small producers who are efficient will survive, and make money. They may have to engage in other lines of activity to make a satisfactory total income, but that's often done.

Change is the law of progress. Ours is a dynamic economy. This is especially true of American agriculture.

The challenge we face is to direct the change along constructive and beneficial channels.

None of us would want to live under the same economic institutions which prevailed just a short 20 years ago. Yet I am confident that some of us in this room, 20 years ago, vigorously resisted changes which were then occurring in patterns of production, processing, and distribution. As we look back now, we wonder why.

Likewise, 20 years from now, we'll look back on 1971 and be a little amused that we were so fearful of change, rather than directing our energy toward channeling change down beneficial pathways.

At the start of this paper I defined an optimist as one who feels the bright side outweighs the dark side. This definition still fits me. It will also fit you if you decide to give intelligent direction to the changes ahead, so that our great food industry will function even better than now.

Mr. DOLE. Mr. President, I yield back any time I have remaining.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. Mr. President, I find it rather amazing that no one wants to speak for Dr. Butz after all we have heard about this nomination. Where are they? Where are those who are for Dr. Butz?

Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, I take these 5 minutes in the full knowledge that the galleries are not full and I doubt that they will be full.

Mr. President, I rise to oppose the Senate's confirmation of Dr. Earl L. Butz as Secretary of Agriculture. I do so, not on the basis of questioning his personal integrity, honesty or his professional ability, but on the basis of his previous record and his basic philosophy concerning national farm policy and our Nation's family farm system.

As I stated in the Committee on Agriculture and Forestry's nomination report, I more specifically oppose Dr. Butz' confirmation:

Because of the past and recent statements and speeches he has made regarding agricultural policy;

Because of his belief that Government should play only a minimum and ineffective role in trying to help farmers to stabilize and strengthen their prices and income;

Because of testimony and statements made during his confirmation hearings regarding what he considered to be an adequate price for feed grains;

Because of his failure to commit himself—or the administration—to changes in current farm policy needed to immediately strengthen prices for wheat and feed grains and to adjust programs for these commodities in 1972 to insure that production is brought in line with utilization demands;

Because of his lifelong orientation and belief that economic efficiency alone should be the sole measurement or yardstick in determining how and by whom agricultural commodities are produced;

Because of his long association with the nonfarm, agribusiness elements of American agriculture which more often than not support and promote an increase in the integration of the production, marketing, and distribution functions of agricultural commodities. Such integration permits complete control over the product from seed to sale by usually only a very few people; and

Because of his entire record which shows weaknesses with respect to:

Sustaining adequate levels of farm income;

A lack of concern for the economic survival and viability of family-farm agriculture;

Vigorously combating hunger and malnutrition both in this country and in other parts of the world;

Protection for consumers against food product contamination;

Revitalization and development of our rural countryside and smaller communities.

There are Members of this body, as well as others, who believe that the Senate should almost automatically confirm any nominee whose name is submitted to it by a President—the theory being that a President should always have the right to appoint the people he wants to work in his administration. While I do not believe the Senate should be capriciously obstructionistic regarding such matters, I do believe that the "advice and consent of the Senate" language in the Constitution, is there for the purpose of requiring the Senate to fully exercise a responsibility of review and judgment regarding such nominations or executive branch recommendations. In other words, it is the duty of the Senate to exercise its independent judgment regarding these matters and not permit itself to become a "rubber stamp" for the President or any administration.

The nomination of Dr. Earl Butz as Secretary of Agriculture illustrates the importance of the Senate meeting its "advise and consent" responsibilities. If Dr. Butz' nomination is confirmed by the Senate, I believe that the interests of the people of this country, especially the farm families of this Nation, will suffer as a result of such action.

The Department of Agriculture was once referred to by President Lincoln as "the people's Department." And that statement is more applicable today than it was when President Lincoln made it during the early 1860's. Today the U.S. Department of Agriculture serves more people than probably any other Department of the Federal Government. It provides programs and services to farmers, landowners, businessmen, poor people, consumers, sportsmen, communities, and to citizens living in all parts of the Nation—both in urban and rural places. Its services include income and price stabilization programs for farmers; food programs for children and low-income families; housing for rural residents; water and sewer programs for rural communities; recreational opportunities for all Americans in National Forests; fire and natural resource protection on national forests and private rural lands; economic and other basic research for both farm and nonfarm interests—including biological and medical research; planning assistance for communities; flood control and water resource development; food inspection and grading services to protect consumers; crop insurance; commodity trading control; financial credit for farming; electric and telephone systems; and other community utilities; foreign food assistance; and technical assistance for cooperatives, conservation and resource development, and for a host of other purposes.

I cite these many and varied responsibilities of the Department of Agriculture to illustrate the broad range of powers and influence that Department and the man who heads it, has on the welfare of the people of this Nation. As I indicated earlier, Dr. Butz, based both upon early and recent statements he has made, has convinced me that he is not the man the American people want as their Secretary of Agriculture.

While I join with others who have raised concern about Dr. Butz' previous affiliations with large agribusiness firms, I am more concerned about Dr. Butz' basic dedication to further achievements in so-called economic efficiency in agriculture no matter what the cost in human adjustment. While nonfarm corporations produce about 8 to 10 percent of all farm marketings and control about 7 percent of our Nation's farmland today, about 98 percent of our Nation's farms are owned or controlled by individuals or families, most of whom operate those farms. And it is within this sector of our farming system that we should direct most of our attention.

The cheap food policy promoted and sustained by our National Government continues to force small farmers off the land and encourages big farmers to get bigger. This is exemplified by reliance upon Government farm programs that promote overproduction, low-farm prices, and reluctance to give farmers the bargaining power they rightfully deserve to insure a fair return on their investments and labor.

And it is in this regard, that I find most fault with Dr. Butz. As I indicated in the committee report on Dr. Butz' nomination, I believe he has been dedicated to these concepts and philosophy too long to suddenly expect him to change now. While we need a Secretary who will be concerned about commercial agriculture, we also need a man in this post who has some understanding and empathy for the "people left behind"—the small farmers, the rural poor, and the young people who want to remain in Rural America but who will have to leave because few or no job opportunities are there for them to take advantage of.

And we also need a Secretary who will fight to help farmers secure some bargaining power in the marketplace, who

will fight to get their prices up to where they should be, who will fight to get funds that are so urgently needed for rural electric and telephone loans, community facilities and conservation work released from the grips of the Office of Management and Budget. And of course we also need a man who can command the respect and support of farmers, rural citizens, consumers, and other people who are interested in protecting our environment and in working aggressively to alleviate hunger in the United States.

I think possibly the most thoughtful statement made here today is that much of our interest in the Nation is no longer with agriculture. I think the greatest contribution that has been made to agriculture was possibly the President's nomination of Mr. Butz in the sense that at least we got some attention for agriculture. The President's nomination of Dr. Butz has caused us to realize what has happened and what could happen to American agriculture if Dr. Butz is confirmed.

I have said in this Chamber before that the press of this country, prior to this nomination, was almost devoid of any reference to the family farm, unless one is in the Midwest or in some small country town. I do not blame the press for this because there has been little talk and concern about agriculture.

I serve on the Joint Committee on Economic Opportunity and I have heard our most eminent economists talk about the economy. Without exception they ignore agriculture, as if we could have an improvement in gross national product with a depressed agriculture. It is utterly ridiculous and nonsensical.

The American economy is like a three-legged stool: capital, labor, and agriculture. When one of those legs is cut short, our Nation's economy is in serious trouble. I suggest, Mr. President, that you cannot have any new prosperity in this country with a recession going on in agriculture, and that is what you have today.

I oppose the nomination of Dr. Butz, not because of his former agribusiness ties. We have large agribusiness firms in my State that are good firms; I am not trying to give them a hard time. I know we need them. But we do not want an integration of agriculture from seed to final product within a few companies, and that is what has happened already in some areas of agriculture.

I oppose Dr. Butz because I do not believe he will fight for the farmer. I think he is a good speaker, is brilliant, and a man of integrity. I do not question his professional competence.

But I believe he will not battle for family farmers and we need somebody in that Department who will fight for the farmer and talk up to the Bureau of the Budget; even when there is a friendly administration, you need a fighter.

I served in the executive branch and I do not think that we have done all we could do for American agriculture since the days of Harry Truman. We have had people trained at Harvard, Dartmouth, and Yale in economics, people who do not know the difference between a ukulele and a corncob when it comes to American agriculture. That is a fact. When they talk about economic policy they talk about labor, and industry but say nothing about crops, soybeans, and dairying. They have forgotten agriculture.

I want somebody in the Department of Agriculture to look out across this Nation and see a family farmer and say, "What share of our national income are you getting?" and then be heartsick when he finds what it is, and says, "I am going to fight to get you a greater share. I am going to talk to the President and the Bureau of the Budget."

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

Mr. HUMPHREY. Mr. President, will the Senator yield to me an additional 2 minutes? I am just getting warmed up.

Mr. HARRIS. I yield 2 additional minutes to the Senator from Minnesota.

Mr. HUMPHREY. That kind of support is now lacking. We have people in the Department today who say, "Let us look at our textbook. What does it say?"

Well, it says that farmers are going broke. Farmers are going broke and losing their income. It says that Main Streets across America are being rubbed out.

In Nobles County, Minn., one of the richest farm producing areas in this Nation, 200 family farms have been lost in the last 9 years.

Do not give me this business about national averages on the price of corn, because I will take you to southern Minnesota, where corn is now selling for 90 cents a bushel and you cannot produce it for that; hogs are selling at $18 a hundredweight and you cannot produce them for that.

I say the American farmer is entitled to better, and I say Mr. Butz will not fight for them, because I have looked at his record. I do not think that he is a bad man, but I think he feels, "Well, agriculture needs to be very, very efficient and if you get big, big, big, you get more efficient." Yes, they get efficient and they get people out of business.

I oppose the confirmation of Dr. Butz after a thorough study of the record of this distinguished gentleman and I say he is not good for family-farm agriculture. I say he is not good for farm income. I say that a man who opposed the food stamp plan is not good for farmers or needy families. I say that the man who calls the President's welfare program far out is not good for this country. One who chides us as being on a "hunger and malnutrition binge" is not good for America.

I think the nomination should be defeated. I do not think farmers and rural America can take any more of this kind of neglect, which is so characteristic these days.

Again, as I cited in the committee report, I do not believe Dr. Butz's record regarding these matters is very convincing. In fact, it raises genuine doubts in my mind as to how he would approach or handle these important matters if confirmed as Secretary. And I believe there is more than enough evidence in his record to warrant the Senate turning down his confirmation. Therefore, I respectfully urge my Senate colleagues to vote against confirming his nomination as Secretary of Agriculture.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. Mr. President, if the other side will yield some of their time we will speak against the nomination of Dr. Butz.

Mr. AIKEN. Over here we are good conservationists—better than some who claim to be for conservation.

Mr. DOLE. Mr. President, will the Senator yield to me for 2 minutes?

Mr. AIKEN. I yield 2 minutes to the Senator from Kansas, begrudgingly because these minutes now are valuable and worth a lot.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I listened with great interest to the Senator from Minnesota, as I always do. I consider him to be one of the leading presidential candidates so I pay very careful attention to what he has to say. I know of his great concern for agriculture. We both serve on the Rural Development Subcommittee.

I want to be as nonpartisan as I can, as I know the distinguished Senator from Minnesota does. I am reminded of the Freeman years in agriculture and their record in American agriculture. Mr. Freeman came to be Secretary of Agriculture from a big law firm in Minneapolis.

He had no farm background, no experience on a farm. I compare that experience with the experience of Dr. Butz. I worked closely with Orville Freeman, sometimes in agreement, sometimes in disagreement.

As the Senator from Vermont emphasized—we pass the laws in Congress. It is easy for us to fault any Secretary of Agriculture, whether his name be Wallace, Benson, Freeman, Hardin, and now Butz, but we also have some responsibility in Congress. We pass the laws we ask them to administer. I think many of the faults of Secretary Freeman were really the fault of legislation passed by Congress.

What is the opposition to Dr. Butz? He is an honest man. He does not lack character, integrity, or ability. Nobody has charged him with being dishonest or with lacking character, integrity, or ability. On the contrary, they stand up and say he is a man of honor, a man of character, a man of integrity, but "I am against him." So the question is, Who has the right and who has the prerogative to name members to his Cabinet?

That right is reserved to the President. Had the Senator from Minnesota won—he lost a very close race, and I am plugging for him to run as the nominee in 1972, and I know he appreciates that—but had the Senator from Minnesota won, he would have named his Cabinet officers, and he would have expected the Senate to be objective, if he named men of honesty, integrity, and character to Cabinet positions.

That is the question today.

I agree with the junior Senator from Minnesota—that we have focused the attention of America on agriculture. The controversy and debate over this ap-

pointment have alerted America to the fact that there is still a rural America, that there are still farmers in America.

Mr. GOLDWATER. Mr. President, will the distinguished Senator from Vermont yield me 3 minutes so I may make a comment?

Mr. AIKEN. Yes, I yield 3 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I was very interested in the remarks of my distinguished friend from Minnesota, who sees nothing but chaos in the appointment of Mr. Butz. My memory may not be as sharp and retentive as my friend from Minnesota's, but I cannot recall a time in the last 35 years or more, since 30 percent of the agriculture of this country has been controlled by the Federal Government, when the American farmer has not been in trouble.

The Senator from Kansas is from a farm State, made up of small farms. Can he recall a time when the Federal Government, regardless of who the Secretary of Agriculture has been, could point with any pride at what it had been able to do for the American farmer?

Mr. DOLE. I cannot recall anything but decreasing numbers of farmers in my State each year, good men and good women leaving the farm because of the lack of opportunity. Perhaps it was because of Government interference 30 years ago. Perhaps it was because of too much interference by Secretaries like Orville Freeman, who wanted more and more controls, and who suggested fines and jail sentences for farmers if they did not keep proper records. Perhaps we are going more in the right direction by providing some flexibility for American farmers, but whether it has been in Kansas or Vermont or Arizona or Minnesota, rural America has taken a back seat.

Mr. GOLDWATER. I might say I see in Mr. Butz a man who certainly is not married to the big farmer or the small farmer, but an agricultural student who understands administering the ridiculous laws which the Congress has passed in the field of agriculture as almost an impossibility, and I would hope Mr. Butz' first actions as he comes down here before our committees will be to suggest ways in which we could amend those laws.

I am from a State that raises cotton. We raise the finest cotton in the world, alongside of Egypt. I think I can safely prophesy that if we continue the ridiculous controls over cotton in this country, America will not grow cotton in 5 years, except for the extremely long staple such as we have.

Under the laws over the last 35 years, there has been a great diminution in the effect of the American farm on American life. It is not the fault of the Secretary of Agriculture. It is the fault of Members of the American Congress seeking votes, who have promised a pie in the sky with 160 acres, which they knew, when they voted for that, could never be effective.

I agree that the Senator from Minnesota should be the candidate in the coming election. He has had wonderful experience. I had the pleasure of running against him. I thank him for so roundly defeating me, because it gave me a new perspective on life. If he were only a Republican, I would be inclined to support him. I do hope he becomes the nominee. He will not win, but at least we will have a man running who does have an understanding about a great many subjects.

Mr. DOLE. And he understands each of us.

Mr. HUMPHREY. Mr. President, I just want to express my appreciation to those who have given me this dubious honor and support. I will consult with them later.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. AIKEN. Mr. President, so much has been said about agriculture being on the downgrade the last 3 years that I think we should put a few figures in the RECORD.

In 1968 farm income was estimated at $50 billion. In 1969 it went up to $55.5 billion. In 1970 it was $56.6 billion. The estimate for this year is $2 billion more in gross farm income over last year.

This makes a lot of business, not only for farmers, but cooperatives and agribusinesses, and it looks awfully good to the consumer to know that in this country we have somewhat more than enough food to eat, and it looks awfully good around the world to know that the days of famine and picking up dead people on the streets, as they used to do, are well over—over forever, I hope. I think those authentic figures should go in the RECORD.

Mr. HARRIS. Mr. President, I yield 1 minute to the Senator from Washington (Mr. MAGNUSON).

Mr. MAGNUSON. Mr. President, I am opposed to the nomination of Dr. Earl C. Butz to be the next Secretary of Agriculture and I will vote against his confirmation.

Dr. Butz has not demonstrated the positive concern for the plight of the family farmer, hungry Americans, and our environment which the Secretary of Agriculture must have if the small farmer is to survive, if hungry people are to be fed, and if American agriculture is not to become just another corporation.

At a time when industrial unemployment is at a 10-year high we cannot casually accept Dr. Butz' conclusion that the family farmer should abandon rural America to corporate giants and go quietly to join the unemployment, food stamp, and welfare lines in our cities.

Nor can this Nation afford a Secretary of Agriculture who has shown so little understanding of the needs of hungry Americans. In a speech delivered in Minneapolis on April 26 of this year Dr. Butz characterized the food stamp program as being "so generous, so extensive, that it is just short of ridiculous in some parts of the country." And in that same speech Dr. Butz called efforts by Members of Congress to focus national attention on the problem of hunger a "hunger and malnutrition binge."

At a time when Seattle churches are feeding 8,000 people a week and turning away another 12,000 weekly because the Agriculture Department refuses to provide Government-owned surplus food to feed them, we cannot afford a Secretary of Agriculture who refers to congressional action for the hungry as a "malnutrition binge."

Mr. President, this morning's Washington Post carried an extremely timely editorial, entitled "The New Poor of Seattle," describing the tragedy of hunger in Seattle and the Agriculture Department's obstinate refusal to use funds which Congress has appropriated to feed hungry people. That editorial quotes an anonymous Agriculture Department official who, when asked what the Department intends to do about hunger in Seattle, would only say that there is "a chance we'll change."

Mr. President, it is long past the time for this administration to stop taking chances with hungry people and to start feeding them. But Dr. Butz' statements give us little reason to expect that he is prepared, if confirmed, to stop taking those chances and to start feeding those people.

The need for immediate action has most recently been made clear in a report entitled "Seattle: Unemployment, the New Poor and Hunger" which was prepared by the Select Committee on Nutrition and Human Needs. It describes in forceful detail the urgent plight of hungry people in my State and I hope that the next Secretary of Agriculture, whoever that may be, will study this report and then take immediate action to feed these hungry people.

Mr. President, I ask unanimous consent that excerpts from the aforementioned Senate report and editorial from this morning's Washington Post be printed in the RECORD at this point.

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

THE NEW POOR OF SEATTLE

It has been known for some time that hard days have come to Seattle and surrounding areas in Washington state. The unemployment rate for Seattle has reached over 13 per cent, now the highest in the nation. As is commonly known, this economic plunge has been largely caused by the declining activity of the aerospace industry over the past several years; it is said that from January 1970 through August 1971, unemployment went from 43,900 to 106,400.

A unique situation exists for many of the families who are now getting by on unemployment insurance, public assistance, food stamps, school lunches or neighborhood generosity: they are both poor and not poor. The newly unemployed are, in large part, well educated and highly skilled. They possess houses, cars, life insurance policies, belong to clubs, go on vacations and are generally accustomed to a comfortable life. Yet they are barely able to get by. A report of the Senate Select Committee on Nutrition and Human Needs, issued earlier this week, calls this group "the new poor." The irony of their situation, said the report, is that the accumulated assets of the family "have only bargain-sale value on the open market, and therefore, could only be sold at staggering losses. Yet, these assets render many of the new poor ineligible for the benefits of the state's public assistance program and for the federal food stamp program."

An immediate and increasingly desperate problem for many of the newly unemployed is food. A well-run food stamp program has been operating, along with school lunches; both are federal programs and both have been rapidly expanded for the crisis. In addition, some 34 church-sponsored food banks have been helping out. But city, county and state officials have stated that these efforts—federal and private—are not enough. One serious problem, as Rep. Thomas Foley (D-Wash.) has noted, is that a family receiving unemployment insurance must use that money for such things as mortgage payments, utilities, medical expenses, transportation (to seek a new job); thus, little or no money is left over to buy food stamps.

Congress foresaw such emergencies and wrote provisions into the law in 1970 for the Department of Agriculture to run a direct food distribution program concurrently with a food stamp program. An advantage of the former is that although the food is less varied, it is free. In normal conditions, the law prohibits the two programs in one area, but an exception may be made when the state or local government believes it has an emergency and is willing to pay for the administrative costs. This willingness has been expressed. To date, however, the Department of Agriculture has refused to establish the second program of free food distribution. A department official says that the government has no "hard evidence" of a grave food problem in Seattle. This is odd; staff members of the Senate Nutrition Committee had no trouble finding hard evidence, nor have city and state officials. What are the 34 emergency food banks in business for?

Since no area has yet to have these two programs running concurrently, the Agriculture Department is apparently reluctant to set a precedent. If Seattle is allowed two programs, other places will soon be in line for the same request. But what does this argument—and the one of "no hard evidence"—mean to a community where many have little or no food. Regarding its current stance, an official in the Department of Agriculture said there is "a chance we'll change." If so, the department has little time to waste; the reasons for change are strong and growing.

Seattle: Unemployment, the New Poor, and Hunger

Introduction

During the past several years, a number of areas around the country have experienced severe economic setbacks resulting in high unemployment. In some areas, this economic setback is related to specific industries. The aerospace industry, in particular, has gone into a protracted slide from which it is only now beginning to recover. Seattle, Washington, and its surrounding area experienced an unprecedented boom during the middle-sixties because of the rapid and extraordinary growth of a leading aerospace firm, the Boeing Company. Seattle was thus especially vulnerable to the industry's reduced economic prospects.

Seattle's general unemployment rate is now the highest in the Nation, reaching over 13 percent. This rate of unemployment places an enormous burden on the social welfare agencies of Seattle, King County, and the State of Washington. This burden is magnified by the somewhat unique nature of the unemployed in Seattle—men and women who have worked all their lives, many of them highly paid professionals. These newly unemployed are now popularly called "The New Poor."

Unlike the old poor, they are for the most part well educated and highly skilled. During their working lives they have established a solid basis in the community, and have built up valuable assets—houses, cars, life insurance policies, even recreational luxuries like boats and campers. The Pacific Northwest is unparalleled in its opportunities for outdoor recreational and overall quality of life; a reality which, in great part, accounts for the unwillingness of unemployed families to try to relocate in some other part of the country.

The social welfare agencies of the area have, and continue to extend, every available assistance to the New Poor as well as the old poor. For the New Poor, unemployment compensation has been the first resort. Unemployment compensation, combined with careful planning and husbanding of other resources, has enabled most families to retain the assets of a lifetime's work. The irony of the assets of the New Poor is that they have only bargain-sale value on the open market; and, therefore, could only be sold at staggering losses. Yet these assets render many of the New Poor ineligible for the benefits of the State's Public Assistance Program and for the Federal Food Stamp Program. Furthermore, public assistance benefits have recently been sharply reduced because of rising numbers of persons on the rolls and the limited fiscal abilities of the State. One of the last resorts for the New Poor—and old poor alike—are food assistance programs.

The major federally funded food assistance programs, Food Stamps and National School Lunch Program, have responded to the area's economic difficulties by a rapid expansion of new participants. The Food Stamp Program, in particular, has grown from 93,035 participants in 1969 to 263,259 participants in 1971. The dollar value of bonus stamps went from $6.6 million to an estimated $44.2 million. Despite this response, however, only 50 percent of the States' public assistance cases are enrolled in the Food Stamp Program; and there is a significant lag between the number of New Poor losing unemployment benefits and enrolling in the Food Stamp Program. It is generally agreed that the cash cost of the food stamps discourages many needy persons from participating.

The apparent failure of the Food Stamp Program to fill all the hunger needs of Seattle's needy has resulted in a widespread community effort to provide stop-gap nutritional assistance. This has taken the form of church-sponsored Food Banks manned by volunteers handing out cartons of foodstuffs. There are about 34 such Food Banks operating in the Seattle area. Since they began operating, it is estimated that 300,000 persons have received food through their auspices. Lately it has become apparent that this volunteer effort is rapidly slowing down because of dwindling contributions. There is deep concern throughout the community about the possible adverse effects of a termination of the volunteer food effort.

City, county and State officials have responded to the uncertain future of the volunteer effort by seeking to institutionalize the direct food distribution effort. They have requested that the U.S. Department of Agriculture authorize the State to operate a federally-supported Direct Distribution Program concurrent with the Food Stamp Program. Such concurrent operation of the two major federally-supported family feeding programs is expressly authorized in the Food Stamp Act of January 1971.

The U.S. Department of Agriculture has taken the position that it is not required to implement this provision of the Act and has, therefore, rejected the State of Washington request to operate both food programs. The Department has further taken the position that the Food Stamp Program should be adequate to the nutritional needs of the poor in Washington State.

In the past several months, the hunger situation in Seattle has been increasingly brought to the attention of the U.S. Senate Select Committee on Nutrition and Human Needs. The Washington State congressional delegation has unanimously supported the application for concurrent Food Stamp and Direct Distribution Programs; and, leaders of the delegation have requested the Select Committee to investigate the situation.

Members of the committee have had brief opportunities during public hearings to query USDA officials regarding this situation. These queries have resulted in sympathetic responses, regarding the widespread unemployment and consequent nutrition problems affecting the Seattle area; but, also a reiteration that concurrent food programs are not the appropriate responses to those problems. It is clear that there is a wide divergence in understanding the nature of the Seattle situation and its possible resolution between Washington State officials, the Washington State congressional delegation, and the officials of the U.S. Department of Agriculture. For this reason, the Chairman and Ranking Minority Member of this Select Committee authorized a special study of the situation by the committee staff.

The study was conducted by the committee staff in Seattle the week of October 25—in cooperation with the staffs of Senators Warren Magnuson and Henry Jackson, Governor Dan Evans, King County Executive John D. Spellman, and Seattle Mayor Wesley Uhlman. In the conduct of the study, the committee staff interviewed representatives of the Seattle medical community, business community, State Northwest Regional Office, and the Seattle-King County Legal Aid and local social welfare agencies, U.S. Department of Agriculture Bureau, Inc. The committee staff also personally visited Food Banks and interviewed volunteers, a Food Stamp Center where the staff was interviewed, and warehouses where food supplies are being stored.

The Economic Situation

The economic situation in the State of Washington has shifted dramatically in a relatively short period of time. Two years ago the area was still enjoying a period of economic growth and prosperity. At the present time it could easily be considered an "economic disaster area."—*Hunger in Washington, July 1971, A publication of the Secretary of State, Ludlow Kramer.*

We have perhaps the finest environmental quality in the United States, and an active determination to preserve and enhance it. This increasingly is going to be a factor in attracting the types of employment opportunities which will diversify our industrial base. Our civic efforts are pointed in that direction. But the payroll will not be tomorrow nor even next year. Right now we need help and lots of it. This is an economic disaster area.—*Miner H. Baker, Vice-President and Economist, Seattle First National Bank.*

The Pacific Northwest region today contains 6.25 million Americans, almost 3 million more than lived there 30 years ago. Over half of this total live in Washington State, and half of those people live within 40 miles of downtown Seattle. The four counties surrounding Seattle have a population of 1.9 million. The population of that area exploded during the last decade, increasing by 421,000 persons—or 27 percent of the current number. Nearly 60 percent of this increase, or 259,000, occurred from 1965 to 1970. Most of these people were attracted to the area by about 50,000 new jobs in the growing aerospace industry of 1966–68. Employment rose by 43 percent during the decade, from 527,000 to 725,000 jobs.

In mid-1968, the aerospace industry in the greater Seattle area employed a peak of 106,000 workers. In 1969, the aerospace payroll was cut by 17,000 workers. Total employment in the area only dropped by 14,000, however, which meant that jobs were still being created in other sectors of the economy. In 1970, aerospace employment dropped another 34,000, twice the amount of the previous year.

This time—instead of being partially offset by other economic activity—it resulted in total employment plunging 60,000. Most of this secondary loss occurred in areas of trade, services, utilities and construction.

The plunge has continued during 1971. During the first 5 months of the year, 18,000 jobs were lost; 8,000 at the Boeing Company alone and 10,000 elsewhere. Estimated job losses for the entire year are around 40,000—equally divided between aerospace and other activities.

The magnitude of the Seattle area's rise and fall are, perhaps, best summed up in the following way:

From 1965 through 1968, employment increased by 170,000, a record unequalled since the early days of World War II—that was the rise.

From January 1970 through August of this year, unemployment went from 43,900 to 106,400—that was the fall.

Putting it another way, now there are as many people unemployed as were employed by the Boeing Company at its peak.

The unemployment rate from the State during these years mirrors the actual job losses. From 1965–68, the unemployment rate averaged 4.3 percent or less each year. In 1959, when the slide began, the rate rose to 4.8 percent. By January of 1970, the rate rose to 6.5 percent. By the end of 1970, unemployment was 10.1 percent. And, by the beginning of 1971, the rate was 11.8 percent and still climbing. During June—with the labor market swelled by summer job seekers—the unemployment rate stood at 12.4 percent, and the total number of unemployment was placed at 181,700 persons.

Sixty-eight percent of the June unemployment occurred in the State's three principal urban areas. The Seattle area was hardest hit—the rate reaching a high of 15.7 percent, a 156-percent increase from June 1970, and the most severe in the Nation for a metropolitan area.

The rate throughout the area this fall has hovered around 12.5 percent and is expected to rise to slightly over 12 percent by this winter. Slight improvement is expected during the remainder of next year—the rate is predicted to hover around 11 percent.

Despite this drain on the area's economy during the past 3 years, the area still has a net-job gain—96,000 at the end of last year—as compared to the pre-aerospace boom era. But most of this gain is in areas of secondary economic activity such as service stations, department stores, insurance companies, schools, hospitals, hotels, restaurants, and banks. One of the key questions facing the area now is: How long can these secondary jobs survive until the recession in primary jobs bottoms out and rights itself?

The stability of these secondary jobs is a tribute to the fundamental soundness of the economic base of Seattle and Washington State. This area is rich in natural resources, producing over $2 billion of forest products, and $800 million of farm products annually. Washington is one of the Nation's leading wheat producing and exporting States. The Washington Customs District is fast becoming a major trading center, doing $3 billion business last year, an increase of 21 percent, and 12 percent annually for the past decade. Tourism is a $400 million a year industry with a growth rate of 6 percent annually.

This fundamental soundness makes it difficult for the casual visitor to Seattle to see the depths of the area's economic decline. The freeways are still crowded with cars. The city's skyline is being enlarged by new high-rise office buildings and hotels. The view of Puget Sound and the Olympic Mountains from a room of a high-rise hotel, just completed, is still spectacular. Downtown stores seem busy and the figures indicate that, for the most part, retail sales are holding up. The best restaurants still do a respectable business at lunchtime.

The truth, of course, is that there are two Seattles. For the employed 85 percent of the work force and their families, life is still good and getting better. This is the Seattle that the casual visitor sees. For the 15-percent unemployed—the 100,000—life is hard and getting harder. This Seattle is hidden to the casual eye, but painfully visible beneath the city's surface. Or, as one of the city's leading business bulletins put it:

For the employed, Seattle still offers the good life; but, for a steadily increasing part of the community, the present situation is murky and the future looks dark.

RESPOND TO THE ECONOMIC CRISIS

Unemployment Insurance, Public Assistance, Food Stamp, School Lunch, and Food Bank programs have all responded to Seattle's economic crisis. But, there is now widespread concern over the fact that these programs are no longer adequate to deal with the situation—without additional resources and other kinds of assistance.

Unemployment insurance

Unemployment Insurance has been the mainstay of the 100,000 men and women who have been laid off during the area's recession. In June of this year, a total of 103,354 persons were receiving benefits under Federal, State regular and extended programs. This figure represented an increase of 37 percent over the previous year. But the program is now beginning to be unequal to the burden placed upon it.

During the year prior to May 1971, almost 48,000 workers had periods of unemployment of sufficient length to exhaust regular unemployment compensation benefits. This represented about half of all new beneficiaries filing during the same period. In recent months, the number of workers exhausting extended benefits has been heavy. It is estimated that, in the year prior to last August, 11,000 workers in the Seattle area exhausted eligibility for extended benefits. The estimate for the State is nearly 93,000 workers losing their regular benefits, with 21,000 more terminating their extended benefits.

As of October 2, the situation took a decided turn for the worse, with another 10,000 workers exhausting their extended benefits. It is now estimated that the monthly rate of workers exhausting benefits has increased from 4,000 to 9,000 a month; and, that by next March, an additional 27,000 workers will lose their benefits.

A working paper drafted by the staff of the Health, Education and Welfare Policy Advisory Committee of the Puget Sound Governmental Conference described the Unemployment Insurance crisis this way:

. . . the gravity of the unemployment situation had been greatly ameliorated by unemployment compensation until recent months when the gap between total employment and benefit coverage began to widen dramatically. This trend will continue in the immediate future, as a consequence the number of unemployed not receiving benefits will exceed those covered. Thus even though the economic situation will in all likelihood improve and the number of unemployed decline steadily during the coming months, the problem as measured in human need will increase in gravity.

Saying it in somewhat simpler terms, the thread by which so many workers and their families have hung thus far is fast running out. And, as that thread breaks, the already heavy burden on the remaining support programs can only increase.

Public assistance

The growth of the Seattle and State welfare rolls is another indication of the area's economic need. By the end of last May, the number of persons receiving some form of assistance was 234,105—an increase of 45 percent from May of 1969. During the same period, the number of persons receiving Aid To Dependent Children benefits had risen from 77,959 to 145,051—a percentage increase of 86 percent. In Seattle and King County nearly 67,643 persons are receiving assistance. And, in Seattle's Model City Neighborhood, the number of welfare recipients has increased by about 250 percent in the past 2 years, to a point where nearly 20 percent of its residents are receiving some kind of assistance.

The State's total expenditures on public assistance will have increased from $123.3 million to $171.6 million during the period of Fiscal Year 1970–72. This increase and projected increases could not be borne by the State budget. This fact resulted in a 15 percent reduction in public assistance grants across the board last April. The effect of this cutback on recipients was immediate. Those who had been surviving suddenly found their income reduced while their basic costs of living remained the same or increased. The effect of the cutback was aggravated by the fact that the State's public assistance payments are pegged to the 1967 cost-of-living and, therefore, do not account for the inflation of the past 4 years.

While it is, as yet, difficult to estimate the increased burden facing the Public Assistance Program, because of the increasing loss of unemployment benefits to area workers, there is little doubt that the burden will grow.

The effect of the 15-percent cut on the ability of people to participate in the Food Stamp Programs, however, is already clear and, unfortunately, quite adverse.

Food stamps

The Food Stamp Program in Seattle and Washington State is generally considered among the most efficiently operated in the country. There is no question that State and local officials have made significant efforts to put the program within reach of those who are potentially eligible. Those eligible were estimated to be nearly 164,000 households—or 442,000 individuals—in 1969, when the unemployment rate was about 5 percent, or less than half the current figure.

The Food Stamp Program has responded remarkably well to the crisis. In May 1969, 93,035 persons were utilizing the program. Two years later, the number was 263,259—an increase of 182 percent. In fact, the increase was so striking that Seattle began to be called the country's "food stamp capital."

The adverse effect of the public assistance cutback on food stamp participation, however, showed itself by July of this year. The official report of the State's Department of Social and Health Services says:

"The first month of fiscal 1972 showed a decrease in the number of participating food stamp households of 4,638 or 5.1 percent from the 91,143 households in June to 86,505 households in July. The July figure represents the lowest number of participating households since October 1970. The greatest decrease was in assistance households which dropped from 51,604 households in June to 49,025 households in July—a decline of 2,579 or 5.0 percent; and nonassistance households decreased from 39,539 households in June to 37,480 households in July—a decline of 2,059 or 5.2 percent."

The latest estimate of participation in the Food Stamp Program stands at 255,388 persons—as few as 52 percent of the minimum number potentially eligible. The two key problems in qualifying for food stamps are delays in getting certified—a minimum of 8 days—and the requirement to get to a particular office and present complete documentation of all income, assets, and expenses including rent and utilities. The primary problem is that people can't afford food stamps

because it requires cash and they *won't* or *can't* sell their house or car or other vital family assets.

Food banks

Late in 1970, the Church Council of Greater Seattle, the Ecumenical Metropolitan Ministry, the Fellowship of Christian Urban Service, and the Churches of Greater Seattle joined in establishing an emergency food program called "Neighbors in Need." In the first 4 months of 1971, the 34 emergency Food Banks set up by Neighbors in Need distributed cartons of food to 75,000 persons. This demand prompted the following telegram to President Nixon from the Presbyterian United Synod of Washington-Alaska:

Dear Mr. President: Unemployment in Seattle now past 15 percent. In black Central District over 48 percent. State Welfare seriously reduced; church sponsored food banks serving emergency needs of 20,000 monthly. $750,000 in food has been given by churches. Religious community of Seattle unable to meet growing need unaided.

Since its inception, Neighbors in Need has filled 300,000 requests for food from its 34 Food Banks. As the year has gone by, the volume of requests has increased. During February and March of this year, requests went up 50 percent and, in April, an additional 33 percent. The increase in April coincided with the cut in public assistance payments. In March, 32.8 percent of those served by Food Banks were receiving some form of public assistance. After the April cuts, that figure rose to 52 percent. It is currently estimated that the Food Banks are serving 12,000 persons a week, 48,000 monthly.

While there may be some nonindigent persons using the Food Banks, and while a significant number may be repeaters, this is still an important indicator of the nutritional needs of the Seattle area.

THE HUNGER GAP

The failure of the Food Stamp Program to fill Seattle's hunger gap by itself is perhaps best described in the report "Hunger in Washington" compiled by the office of the Secretary of State:

"The best way to fully appreciate the dramatic efforts of the drop in real personal income . . . has on a family is to construct an average family budget. This process shows why the present Food Stamp Program and lack of commodities are causing such hardship for so many families in Washington State.

"For a family of four, the Washington Department of Labor and Industries cites the following monthly average costs in the Seattle metropolitan area. These costs are from the department's 'lower budget' which utilizes minimum expenditures below which elements of a family's health, security, and nutrition would be jeopardized:

Transportation	$ 40.50
Personal care and clothing	69.70
Medical care	47.00
Other family consumption costs	27.00
Housing	137.50
Food	161.25
Taxes	56.90
Other	56.90
Total	599.35

"To be eligible for food stamps the income of a family of four cannot exceed $355, which is only 60 percent of the above budget. In order to purchase food stamps the family must save $80 which leaves only $275 to pay for $438.10 of expenses (above total less food). As can be seen by the total below, even if the family paid no transportation costs, no 'other family consumption costs,' and no 'other' expenses, the $275 would not cover housing, medical care, clothing, and taxes:

Housing	$137.50
Personal care	69.70
Medical care	47.00
Taxes	56.90
Total	311.10

Clearly something must give. The family will fall behind in payments. Their medical expenditures will drop dangerously low. Perhaps clothing and personal care expenses will be sacrificed. This lack of income leads to garnishment, mortgage foreclosures, utility shut-offs, evictions, poor health, and loss of jobs through lack of transportation or improper clothing. The $80 Food Stamp requirement obviously impairs many familys' (sic) ability to meet their budgets by paying their other bills, foregoing food stamps, and getting (additional income) from the food bank—or else they go hungry.

In a survey of people waiting in food lines, 38 percent said they couldn't afford food stamps and 50 percent said they had once been on food stamps but could no longer afford them. The budget also indicates that many of those who are purchasing food stamps (the number has increased by 189 percent in 2 years) are doing so at the expense of other needs such as medical and dental care, housing, utilities, and clothing.

The adverse situations of a number of actual families is further detailed in a law suit filed recently against the U.S. Department of Agriculture by the Center on Social Welfare Policy and Law in New York City, and the Seattle-King County Legal Aid Bureau, Inc. The purpose of the suit is to require the USDA to approve concurrent programs. The plaintiffs in the suit were described as having the following resources to draw upon for food stamps:

Plaintiff Florence Sloan, aged 66, has a total monthly income of $151.66. Her monthly expenses, for rent ($98), past debts ($22), utilities ($13), telephone ($8.33), and laundry ($5) total $146.33. These expenditures do not even include such necessities as clothing, food, medical costs, transportation, household supplies, and hygienic items. As a result, she is unable to pay the $14 purchase price for food stamps. She barely survives on irregular donations from the Churches' Food Bank; her total monthly food expenditures for September were only $6.

Plaintiff Selma Waldman, together with her child aged 15, barely subsist on $200 of monthly income. Out of this meager income, she must monthly pay for rent ($110), oil heat ($35), electricity ($10), water and garbage ($5), telephone ($7), and transportation ($6), a total of $173. The $27 that remains must be utilized for such necessities as food, clothing, school supplies, medical costs, laundry, household supplies and hygienic items. Since plaintiff Waldman must pay $28 to obtain her monthly food stamp allotment, she has been unable to purchase a full month's worth of food stamps.

Plaintiff Josephine Evans, and her five children, receive a total monthly income of $272. Her total expenditures for rent, electricity, oil, telephone, school lunch fees, school transportation fees, and her transportation expenses total $192.25. This leaves her with $79.75 for such necessities as food, clothing, school supplies, medical costs, laundry, household supplies and hygienic items. She is unable to pay the $82 monthly purchase price required to buy food stamps for her family and has, therefore, failed to obtain food stamp relief for over a year.

Plaintiff Beatrice Smith's seven-person household has a total monthly income of $360. After paying her family's expenses of house payment, oil for heating, water, electricity, telephone, debts, household supplies, clothing, laundry, and medical expenses—such expenses totaling over $273—she has less than $87 left for food, house repairs, school expenses, transportation, and several other necessities. As a result, she cannot pay the $100 monthly purchase price to buy her way into the Food Stamp Program. Plaintiff Smith's household has, therefore, been unable to purchase the full monthly food stamp allotment for the past 4 months.

The office of King County Executive John Spellman has conducted a thorough study of the food availability and hunger problems in the area. The following findings are listed in that study:

1. There is an extensive group of county residents, which for reasons of geographical isolation and lack of adequate transportation facilities, is experiencing great difficulty in making use of the Food Stamp Program. Located in the unincorporated area of the county or on the fringes of incorporated jurisdictions, these people, often elderly, experience problems in reaching Food Stamp Certification Centers, Food Stamp Distribution Centers and food outlets . . .

2. A second problem area is indicated by the present situation in the housing market in King County. Homes reacquired and in inventory by FHA now exceed 2,700 units in this area. There are many thousand delinquencies and there is virtually no market for homes. The effect of this situation is to provide no alternative for persons whose income has been drastically reduced, other than to continue making substantial home payments, thereby reducing disposable income available for food purchase.

3. Associated is the problem of persons qualifying for the Food Stamp Program near the high end of the income standard. Fixed costs of living tend to reduce actual disposable income below the Food Stamp cost requirements thereby effectively eliminating such persons and families from the program. A variety of individual solutions to this problem have been attempted, but the problem has been compounded by other factors.

As an example: Many people, including many elderly persons, are seeking relocation in order to reduce rental costs and free additional dollars for food. During the first quarter of 1971, local requests were made for 2,200 additional rental units under the provisions of Section 23 of the Housing Act to provide rental assistance. At present, there are insufficient low cost or supplemental units for people threatened with dislocation as a means of remaining in the Food Stamp Program.

The final step in this tragic chain has been the increased cost of stamps under the new Food Stamp regulations. People who can't relocate to reduce their rent because of a lack of low cost units, whose welfare allotments have recently been cut, whose basic cost of living has increased since welfare standards were last updated, whose minimal resources are, in fact, not liquid under present economic conditions now must pay an increased cost for food stamps.

Clearly, there are many people who simply cannot avail themselves of the Food Stamp Program even though on paper they seem to qualify. Statistics from the Washington State Department of Social and Health Services show a continuing decline in the number of Food Stamp recipients in recent months even though unemployment continues to rise.

4. Current State Public Assistance Rules still preclude payments to single individuals between the ages of 18 and 50. Without the benefits of some assistance, many of these people just cannot afford to take part in the Food Stamp recipients in recent months to obviate potential State fiscal problems; but, it has a singularly bad effect in an economy like King County where unemployment exceeds 15 percent.

5. Single people, attempting to pool resources in order to survive in the present economic climate, find they are not eligible

for food stamps due to restriction on communal living arrangements—even though such arrangements could make possible utilization of the combined resources of the people involved. In King County we are not talking about groups of idle, voluntarily unemployed persons. Voluntary unemployment is an invalid and untenable consideration when there are no jobs or when your age precludes you from active employment.

6. As Case No. 1 from the visiting nurses points out, individuals who attempt to gain employment are, in fact, penalized by rules of the Food Stamp Program. Casual workers with variable monthly incomes are required to obtain monthly recertification. As income rises, so does the cost of food stamps. Yet, other bills don't change with increased income—housing, utilities and medical bills remain constant. Only under the Food Stamp Program rules do we create a basic living cost increase with expanded income.

7. Still another problem area relates to seasonal variations vis-a-vis living costs. It is obvious that utility costs are higher during the winter months as more heat and light are required in the home. (In fact, the cold spring and early summer in the State probably kept utility costs high past their normal downturn point.) No consideration is given such factors in determining costs standards. Along the same line, families with children in school can avail themselves, in some cases, of hot breakfast and, in most cases, hot lunch programs during the school year. In the summer months, however, these programs drop leaving families with effectively increased food costs and no built-in adjustment to compensate for this very real seasonal change. If such adjustments are not possible, these other special food programs should be extended on a year-round basis.

8. Finally, we find the general emergency kinds of cases. This area includes persons awaiting qualification for Food Stamp and other assistance programs, persons experiencing unexpected costs such as medical bills, and those whose food stamps or cash are lost or stolen. Considered as a single problem type, it appears that State and Federal programs fail, at present, to consider these short-term problems which result in hunger for many households. A capability for immediate action to feed people for the duration of emergencies would be a major improvement in the Food Stamp and other assistance programs.

As a result of this study, King County Executive John Spellman requested the Department of Agriculture to authorize concurrent Food Stamp and Direct Distribution Programs, certification and distribution of food stamps through retail stores, revised standards of food stamp eligibility to recognize the difference between "real" and "apparent" assets; and, either a reduced cash contribution by an individual to his stamp purchase, or granting of the bonus stamps without requiring the cash contributions at all. The Agriculture Department responded by offering the following opportunities to the State and the county to improve the operation of the stamp program and otherwise alleviate the hunger problem. The Department offered to permit stamps to be distributed through post offices, to have permit certification for the program to take place at unemployment offices, to expand the special feeding program for infants and mothers from 750 to 1,500 slots and to permit nonprofit institutions to take advantage of Federal surplus commodities. Beginning on October 12, there were 33 post office branches dispersing food stamps in King County. This effort has been received with great enthusiasm and praise in the Seattle area and it may be propitious to now expand this experiment on a national basis.

The Department also conducted an on-site investigation of the Seattle Food Stamp Program to determine in what manner it might be better operated to serve potential recipients. The investigators determined, on the whole, that the program was among the best operated in the country but that hardship provisions—special deductions from gross income for unused expenses—would not be uniformly administered. State officials agree that better administration of hardship provisions might enable more persons to participate in the program. And the State was recently given permission by the Agriculture Department to calculate real utility expenses, rather than a previously fixed amount, in granting hardship allowances. This concession should be of some assistance to a number of the area's poor. But State officials, while pleased with this further flexibility on hardship allowances, fear that its impact will be necessarily limited by the ability of caseworkers to implement it. The granting of the allowances involves increased documentation and verification, further complicating an already burdensome application process for both the administrator and the applicant.

Even if this additional use of hardship provisions should prove helpful in a number of individual cases. State officials believe this help will be more than offset by the grossly adverse effects of the new Federal Food Stamp Regulations scheduled to be implemented in the State within the next month. The officials estimate that at least 26,000 families, and as many as 35,000 persons, may be rendered ineligible for food stamp benefits because of the new regulations.

The inherent limitations of the Food Stamp Program plus the inadequate and now increasingly unavailable benefits from Unemployment Insurance have made the volunteer Food Banks the last resort for many of Seattle's needy. A newspaper series by the Associated Press, published in the Seattle Times, described the New Poor who had come to depend on the Food Bank:

Society may be evolving ways to impoverish people faster than it is developing means to help them, a survey of the hungry in Washington indicates.

The chasm between new needs and old solutions widens so much daily that private efforts often reach back to the frontier spirit of neighbors helping neighbors.

Society is not prepared to think of a middle class suburban home owner with two cars in the garage as being in need of outside help to put food on his table.

But neither can that man bring himself to sell his property in order to fit the official definition of poor.

Advancing technology and shifting economic trends have combined to create a new class of poor.

They are too well-to-do to receive assistance meant for the poor but yet unable to provide for themselves.

In that same series, one of the Neighbors in Need organizers, the Reverend Alan Ward of the Metropolitan Ecumenical Ministry of Seattle, described the emotional state of many of the New Poor by the time they show up at one of the Food Banks:

The one thing that will drive proud people to seek charity when they wouldn't otherwise is the hunger of their kids.

We've had family after family which has gone without food for several days. Usually the father comes in and says "I wouldn't be here but I can't stand to have my kids hungry."

The Committee staff visited several Food Banks, one located in an old house in a neighborhood known as Capital Hill. Food was being handed out when the staff arrived. The process for giving out the food was courteous and quick. The people had all received numbers and were milling around in front of the house, or waiting in line at the door for their number to be called. Once a person's number was called, he would move into a front room of the house for an interview with one of the volunteers. The interview consisted mainly of questions regarding the person's participation in other programs such as Unemployment Insurance, Food Stamps or Public Assistance. Invariably the replies indicated that most people were either not in these programs, or that the programs still did not supply enough for adequate nutrition. After this interview, the person moved to a nearby table where he was handed a carton of groceries. The cartons clearly contained no more than several days worth of food, certainly no more than a week's supply. As the line of recipients began to dwindle, so did the food available.

One of the volunteer staff said that the recipients actually had to arrive at the house early in the morning—sometimes as early as 6 a.m.—to receive their numbers. If, on a particular day, the crowd was especially heavy, there would be an attempt to refer an overflow to other Food Banks that were less crowded. Food began to be distributed around 9 a.m. and distribution was usually completed by noon or 1 p.m. Sometimes, when food was in short supply and the needy were out in force, the atmosphere of the Food Bank could turn frightened and angry. The strain on the staff is terrible when that happens," said one of the volunteers They have to start keeping track of how much food is left and how many people they still have to go. A couple of times, we have had to close the Bank down because we were running out. Once we had a near riot."

The increasing likelihood of this difficulty was evident during a visit to the Neighbors in Need warehouses at the Sand Point Naval Station. The warehouses, stocked full months ago, were practically bare—except for cartons of canned salmon which had been processed and donated by the State. Not only was the warehouse practically bare, but there was no assurance of a supply of food to restock it again.

The latest effort to raise money for Neighbors in Need was called Operation Hunger. According to its director, Mike McManus, Operation Hunger succeeded in raising between $30–$40,000 over the summer—and another $10,000 more recently. But now the well of volunteer donations is about dry. "The community has simply run out of the ability to give," said McManus. "People have no idea where it is going to end. Twenty to 25 percent of the givers in the past have been unemployed themselves."

McManus and others knowledgeable regarding the Food Banks said they are now existing day-to-day and may have to close down soon. "If that happens," said one volunteer, "I don't know what people will do this winter. They just might get themselves together and march down to the Federal food warehouse at Sand Point and take the food they need."

Feasibility of a Federal Surplus Foods Program

The warehouse mentioned by the Food Bank volunteer is the USDA storehouse for surplus commodites—now primarily used for the State's School Lunch Program. When the State operated a Direct Distribution Program, the warehouse served that purpose as well.

The existence of the Sand Point warehouse and its stock of food—so close to the Neighbors in Need warehouses, that are now practically bare—is a source of great discontent in the Seattle community. An editorial in the Seattle Times summed up this feeling:

Those involved in food-bank and hot-meal programs are becoming concerned that government agencies are deliberately ignoring their responsibilites and leaving things to the volunteer organizations.

Ironically, this Nation sends aid to the hungry of other nations, yet is failing to

provide minimal basic relief of hunger for people walking Seattle streets.

It is difficult for people to understand, for instance, why the food that is so desperately needed cannot simply be transferred from one warehouse to the other. The difficulty with such a transfer, as the Agriculture Department has explained, is that the Neighbors in Need Food Banks do not use any eligibility or screening requirements when they distribute food. This is because of a deep conviction on the part of Neighbors in Need staff that only desperately hungry individuals come to the Food Banks, and that it would be an intrusion on their already invaded privacy to ask detailed personal questions. The USDA, on the other hand, must account for Federal food which is distributed and prove that it only goes to truly needy individuals.

It is for all these reasons—the dwindling unemployment benefits, the limitations of the Food Stamp Program and the crisis facing the volunteer food effort—that Washington State applied officially for permission to operate a Direct Distribution Program concurrent with the State's Food Stamp Program. The Direct Distribution is less satisfactory than the Food Stamp Program in almost every conceivable way except one. It does not provide most recipients with as much food or as good quality nutrition as food stamps. It is often more difficult for recipients to take advantage—because of the bulky nature of the food package. It offers less choice than food stamps used in the neighborhood market. It is less satisfactory in all of these ways, but it has one overwhelming advantage for those that do not have enough money to buy stamps. It is completely free. There is no purchase price requirement for surplus food as there is for stamps. A food stamp allotment of $28 to a person—when he needs $14 to buy the stamps and doesn't have that $14—is useless. That same person, however, would be entitled to $18 worth of surplus food for nothing.

There are clearly a significant number of persons in the Seattle area who are in exactly that kind of situation. It is for that reason that the State has applied for permission to operate a Direct Distribution Program.

THE STATE'S REQUEST FOR CONCURRENT PROGRAMS

The initial involvement of the State of Washington in requesting an expanded role for USDA feeding programs came in a joint letter from Senators Magnuson and Jackson, and Congressmen Foley, Adams, and Hansen on December 14, 1970. That letter requested that the pilot Food Certificate Program then in operation in Yakima, Washington, be extended to the whole State; or, that the Supplemental Food Program then in operation in Seattle be extended to the entire State. On December 15, 1970, Governor Evans wired Secretary Hardin in support of the congressional delegation's letter.

The response from Assistant Secretary Lyng came on January 4, 1971, and indicated that the U.S. Department of Agriculture was "firmly committed to the Food Stamp concept for supplying the family with its basic food needs" and that, nonetheless, "budgetary limitations" would not permit significant expansion of either program. On January 5, 1971, Senator Magnuson wrote again to Secretary Hardin about the inconsistencies in Assistant Secretary Lyng's statements concerning budgetary requirements.

The next significant request from the State came on May 1 when Governor Evans wrote to Secretary Hardin asking that any future pilot projects include areas in Washington State. On May 28, the Secretary wrote to the Governor indicating that the Department of Agriculture was evaluating its programs to determine if expansion was warranted.

On July 15, Assistant Secretary Lyng met with the Washington State Congressional delegation in Senator Magnuson's office. At that meeting, Lyng said that he could not possibly foresee circumstances under which a dual program would be operated in Washington State or anywhere in the Nation. Later that day the Governor received a call from Lyng denying any such dual operation. Upon the Governor's arrival at the Western Governors Conference at Jackson Hole, Wyoming, on the same day, he told reporters that he was "disappointed and angry" with USDA's decision.

On July 21, the dual operation request was formally submitted through USDA channels. Mary Lou Everson, Assistant Secretary for Economic Services in the State Department of Social Health Services, wrote to Charles Ernst, Western Regional USDA administrator, making the request. Miss Everson's letter was based on the authority contained in Public Law 91-671 and Public Law 92-32. Her letter made it clear that the State of Washington was fully committed to paying for the modest administrative expenses involved in a Direct Distribution Program.

The following day Governor Evans received a letter from Assistant Secretary Lyng which, in effect, reduced his telephone conversation of July 15 to writing. Lyng said, in effect, that the Food Stamp Program was doing an effective job and was being well administered. Governor Evans traveled to Washington, D.C. on July 28 to present a whole economic package to the Office of Management and Budget which included the dual operation of both feeding programs.

Finally, on August 5, Mr. Ernest of USDA responded to Miss Everson's official letter of request. He said that "while Public Law 91-671 does permit the dual operation, the Department has decided it will not approve any dual operation . . . it cannot be justified."

Subsequently, during the course of hearings by the U.S. Senate Select Committee on Nutrition and Human Needs on the Commodity Distribution Programs, Senator Percy questioned Assistant Secretary Lyng very closely on the Department's refusal to grant the State of Washington's request for dual program operation.

Lyng admitted that the Department would be "perfectly willing to permit simultaneous distribution of these commodities and food stamps where there seems to be . . . a practical, sensible reason for so doing. But we don't think that situation exists or a good cause has been made for it by Washington State." Furthermore, Lyng stressed that there is "no hard evidence" that the Food Stamp Program was not meeting the needs of the people of Washington.

On October 13, Governor Evans held another press conference in which he indicated that Assistant Secretary Lyng did not know the difficulties and problems that confronted the people of Washington. Then, later last month, Secretary Lyng came to Seattle to meet with the Governor and County Executive, and to visit the Food Banks run by Neighbors in Need. At this moment, the Agriculture Department maintains that there is simply no need for dual food program operation in Washington State.

CONGRESSIONAL INTENT: CONCURRENT PROGRAMS

The Food Stamp Act before 1970 clearly prohibited concurrent programs, except in unusual circumstances. The language of the Act before 1970 read:

In areas where a food stamp program is in effect, there shall be no distribution of federally owned foods to households under the authority of any other law except during emergency situations caused by a national or other disaster as determined by the Secretary. (7 U.S.C. § 2013(b))

Under this language, the Agriculture Department only permitted direct distribution programs to operate in areas struck by a natural disaster—such as a hurricane or flood. The reasoning, in such a case, was that the normal channels of food distribution had been disrupted.

In the past several years, however, as the Food Stamp Program expanded dramatically—replacing Direct Distribution programs—the problem of people having enough money to purchase food stamps became more apparent. In many places, there were dramatic reductions in participation in Food Stamp Programs as opposed to previously-operating Direct Distribution Programs. This problem was communicated to the Congress and played a significant part in the changes that were made in the Food Stamp Act in 1970. Specifically, Section 4(b) of the Act was changed to read:

In areas where the food stamp program is in operation, there shall be no distribution of federally donated foods to households under the authority of any other law except that distribution thereunder may be made: (1) during temporary emergency situations when the Secretary determines that commercial channels of food distribution have been disrupted; (2) for such periods of time as the Secretary determines necessary, to effect an orderly transition in an area in which the distribution of federally donated foods to households is being replaced by a food stamp program; or (3) *on request of the State agency: Provided, That the Secretary shall not approve any plan established under this Act which permits any household to simultaneously participate in both the food stamp program and the distribution of federally donated foods under this clause* (3). (7 U.S.C. § 2013(b)) (emphasis added)

It should be noted that—while there was considerable controversy and disagreement over the differing Food Stamp amendments passed by the Senate and the House of Representatives in 1970—there was unanimity between the Senate and the House conferees on this provision. It was clearly the purpose of the conferees to encourage States and local jurisdictions—where they are willing to pay the administrative cost—to operate a Direct Distribution Program concurrent with the Food Stamp Program.

The House Report to the 1970 Food Stamp Act amendments states: "If the State agency requests simultaneous operation for a period of time beyond that deemed necessary for an orderly transition to a stamp program, or if the State agency wishes to institute the Commodity Distribution Program in an existing food stamp area, the full cost of handling and issuing the commodities in the food stamp area would be at the expense of the State agency or the local government unit." (House Rep. No. 91-1402, 91st Cong., 2d Sess. (1970)).

The conferees further had reason to believe that the provision was fully supported by the Administration speaking through the Secretary of Agriculture. Testifying before the House Agriculture Committee, former Agriculture Secretary Clifford Hardin said:

"At present, State and local governments may not operate both food stamp and commodity programs in the same area except during a brief period of transition from one program to the other. We have proposed that *both programs should be allowed to operate simultaneously wherever the local government is willing to assume the additional administrative expenses.*" (Hearings on the Amendments to the Food Stamp Act before the House Agriculture Committee (1970), at 9) (emphasis added).

After Secretary Hardin's prepared statement was completed, he had the following exchange with Congresswoman Katherine May:

Mrs. MAY. Now, to go to the direct distribution program question again, you have requested that we be able to continue direct distribution of commodities along with food

stamp programs, which in the original presentation of this bill to Congress, was not to be allowed if saying dollar-wise and more efficient distribution of nutritional food were to be accomplished. But I understand you propose now being able to have both programs. *Now, under what circumstances in a county would this be necessary?*

Secretary HARDIN. This would be, first, if the city or county was willing to carry the total cost of administering both programs.

Mrs. MAY. The total cost of administration, not the cost of the program?

Secretary HARDIN. No, administration. And of course any one family or individual would be on only one or the other of the programs, not both . . . (Hearings, *Ibid*, at 24–25) (emphasis added)

The Secretary was then pressed to explain the rationale for implementing both food relief programs, and under what circumstances such concurrent operations would be accomplished. The Secretary provided the following information to the committee:

Since the Food Stamp Program has been in operation there have been requests to operate both the Food Stamp Program and the Commodity Distribution Program in the same area. In most instances, these requests were made by groups or governmental agencies which felt that the Food Stamp Program was not reaching all of the needy people because some could not afford to purchase the stamps or that the lowest-income families were not receiving enough stamps to meet their minimum nutritional needs.

* * * * *

We . . . believe that when a State or local government feels it has a special problem, and if they are willing to bear the additional administrative cost, we believe that such simultaneous operations should be permitted. (Hearing, *Ibid*, at 25) (emphasis added)

Congressman W. R. Poage, Chairman of the House Agriculture Committee, taking Secretary Hardin at his word, had the following to say on the floor of the House before the 1970 amendments were voted on:

The Department of Agriculture has endorsed the bill and calls attention to some of the provisions of the committee bill which are clearly intended to and do liberalize the existing law. Here are the provisions with which the Department is especially pleased: . . . Simultaneous distribution of food stamps and commodities in local areas requesting both programs. (Cong. Rec., 91st Cong., 2d Sess. (December 15, 1970), at H 1118)

Further congressional intent on concurrent programs, particularly in areas of high unemployment such as Seattle, was indicated in the passage of the 1972 Appropriations Act for the Departments of Labor, and Health, Education, and Welfare, and Related Agencies. The Act included an amendment—sponsored by Senator Warren Magnuson, Chairman of the Appropriations Subcommittee on Labor-HEW—providing:

That $20 million of this appropriation shall be used by the Office of Economic Opportunity to finance Emergency Food and Medical Services programs in eligible areas of exceedingly high unemployment, as defined in Section 6 of the Emergency Employment Assistance Act of 1971, to be reimbursed to the Manpower Training Services Appropriation by the Office of Economic Opportunity immediately upon enactment of an Appropriation Act for the Office of Economic Opportunity in fiscal 1972.

Senator Magnuson's purpose in sponsoring this amendment to the Appropriations Act was to provide funds—for Seattle, and similar areas—to finance the operation of concurrent food programs.

Following the passage of the Appropriations Act, Senator Magnuson wrote the Director of the Office of Management and Budget, George Shultz, requesting immediate implementation of the emergency food provision. The OMB replied that it did not believe the emergency funds were required to meet the nutritional needs created by Seattle's economic difficulties, since the area had an operating Food Stamp Program. If the Food Stamp Program proved inadequate to the crisis, the OMB said, then the emergency money would be released.

CONCLUSIONS

1. Seattle and its surrounding areas have suffered a severe economic setback in the past several years. There are now almost as many people unemployed as were employed by the aerospace industry at its peak. There are no immediate prospects for a rapid improvement in the area's economy. The unemployment rate is expected to remain at an extremely high level—probably around 11 percent—during the next year. Despite the generally sound economic base of the State as a whole, it is not unfair to call Seattle an area of "economic disaster."

2. As a consequence of the depressed economic conditions, there is widespread evidence that many families are suffering nutritional deprivation. This deprivation is likely to become more severe as the available social welfare support programs become more inadequate to meet visible needs. Unemployment Benefits are being exhausted at an increasing rate, now estimated at 9,000 a month. The Public Assistance Program—despite a dramatic growth in the past 2 years—is proving inadequate to fill all of the area's nutritional needs and has been cut back 15 percent by the State in order to balance its budget. It is probable that less than half of those eligible for the Food Stamp Program are participating in it. Clearly, many are not participating because they cannot afford to buy into the program to receive their bonus stamps.

3. The Seattle community has made a remarkable effort to fill the area's hunger gap by sponsoring a network of volunteer Food Banks. Since they began operating, it is estimated that the Food Banks have filled 800,000 requests for food. A large number of those persons going to the Food Banks report that they are unable to afford the cost of food stamps and that public assistance payments do not provide enough for them to eat adequately. This volunteer effort—a last resource for so many Seattle needy—is in danger of collapsing. As one official put it: "The community has simply run out of the ability to give." There is deep concern throughout the community about the possible adverse effects of an end to the Food Banks—particularly should it occur as winter approaches.

4. There is clearly a demonstrated need for further food assistance in the Seattle area. The Food Banks indicate the usefulness and feasibility of a Direct Food Distribution Program. The Federal Government's Direct Distribution Program could be of vital assistance in alleviating the area's nutritional needs. The Agriculture Department has ample foodstuffs available and has clear legislative authority to approve the State of Washington application to operate a Direct Distribution Program concurrent with the Food Stamp Program in the Seattle area. The Agriculture Department has taken the position that it does not intend to approve such an application for Seattle—or any other jurisdiction. This position is clearly contrary to the intent of Congress, as expressed in the Food Stamp Amendments of 1970. The U.S. Department of Agriculture should approve the application of Washington State for concurrent programs forthwith.

5. Many of the New Poor will still be ineligible for Federal food benefits because of other resources and assets. It is imperative that these families have someplace to turn in moments of crisis, so that they will not go hungry. The volunteer Food Banks have served this purpose in the past and, with additional support, can continue to do so in the future. These Food Banks represent an ideal opportunity for the Federal Government to experiment with a Food Assistance Program to serve those who are clearly needy but do not fall within the minimum eligibility requirements governing other programs. It would appear that funds made available in the 1972 HEW-Labor Appropriations Act for the Emergency Food and Medical Services Program of the Office of Economic Opportunity for emergency food programs in high unemployment areas are ideally suited for the crisis now facing the volunteer food assistance effort in Seattle. Efforts should be made immediately to provide those funds, on a flexible basis, to Neighbors in Need that they may continue operating their volunteer Food Banks.

Mr. HARRIS. Mr. President, will the Senator from Vermont yield me some time?

Mr. AIKEN. Mr. President, I have been momentarily expecting the Senator from Nebraska (Mr. CURTIS) to appear. He has asked for 15 minutes. I have only 15 minutes remaining.

Mr. HARRIS. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. Six minutes on the side of the opponents, and 15 minutes on the other side.

Mr. HARRIS. It only seems right that somebody ought to defend poor old Dr. Butz.

Mr. AIKEN. How many Presidential candidates do we have, anyway?

Mr. HARRIS. Mr. President, they have considerable time over there; it would seem to me somebody ought to speak for him.

Mr. AIKEN. As I say, how many candidates are there?

I yield 5 minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, since we have a difference and to be completely fair to the other side, I would like to cite a few positive aspects of this administration in agriculture.

Mr. President, from 1961–68, American farmers posted a realized net farm income level that averaged $13.8 billion. From 1969–71, however, during the Nixon Hardin period, farm income averaged $16.1 billion, up 16 percent—for accumulative total increase of $6.6 billion.

Farmers need to get incomes commensurate to their work, as do most workers in other segments of the economy. Secretary Butz has told President Nixon he will do everything economically feasible to improve this record. I believe that realized net farm income in 1972 will improve measurably. This is President Nixon's goal. It is also Dr. Butz' objective.

The Republican Party knows that in 1972, it will have to run on its record. We will have a successful story to tell about this administration's work for American agriculture—much better than the low income Kennedy-Johnson years.

We attained a "triple" record for U.S. agriculture exports in the last fiscal year.

First. The value of farm exports was $7.8 billion—a new record by a wide range.

Second. Sales for dollars were a record $6.8 billion.

Third. The volume of these exports were about 8 percent above the volume of the previous record export years.

We are proud of this record—but not complacent. We know we must do more,

and we have set a new export objective of $10 billion—by the end of this decade.

Our programs look to overseas markets. And these programs were initiated by both Democrats and Republicans, who recognized that the future of agriculture lies in expanding markets overseas. The programs look to overseas markets, and we intend to compete for maximum utilization for our products throughout the world.

If U.S. farm exports are to reach our $10 billion goal by the next decade—a necessary objective—they must move competitively in the world market. It will be our problem to do everything feasible in our discussions with foreign governments to stimulate export markets for U.S. farm families. We are not satisfied with the results of the Kennedy round of trade negotiations. In this round agriculture was treated as a poor relative.

It is the intent of this administration to obtain our fair share of the world markets. Producers deserve every consideration and we intend to see that they get it and exports improve prices paid to farmers.

I have listened in committee sessions to my colleagues' comments on the need to help grain producers—a worthwhile objective to which Dr. Butz committed himself from the moment of nomination. He stated cogently and clearly as possible as follows:

> In a real sense, it is going to be a great experiment. I have had conversations with the President. He is going to back us all the way in efforts to give our farmers the income they are entitled to. Our President is fully understanding and deeply sympathetic with he economic position of some of our farmers, especially in the corn belt where the price of corn is too low for comfort and below the cost level.

I noted a great absence of oral activity when mention was made of the great harm the dock strike was causing farmers and the Nation. It is to be noted that since the President invoked the Taft-Hartley provision, corn prices have responded by going up about 10 cents per bushel to the farmer.

Those of us who are truly the friends of all farmers can demonstrate the effect by supporting S. 560, the Emergency Public Interest Protection Act. This bill will keep the transportation channels open all the time so that price firming export can continue all the time, and Dr. Butz has indicated his support of this legislation.

We intend to see that wheat and corn prices are higher than the October 15, 1968, prices of $1.26 and $0.96 per bushel respectively. We recognize that these prices were a handicap to the Democrat candidates in the 1968 election.

Many of you will recall the massive dumping of grains we saw in the 1961 to 1968 period of depressed prices. Many of you will recall the efforts made to raise the resale price to 115 percent of the loan rate, and the pressure of the Johnson administration that defeated those efforts. We now have the 115 percent of the loan rate minimum resale for grains. I assure you that Dr. Butz will see to it that this provision of the law is implemented with a plus factor so that farmers will not be competing with the Government for available markets with low levels.

As a member of the Senate Nutrition Committee, I have seen what hunger does to people. Under this administration, Government feeding programs have been improved and millions of needy people, heretofore outside this program will be reached.

The Nation is now committed to a drive to eliminate hunger and malnutrition. We now have programs to do the job of providing an adequate diet to every American. We also have the will to achieve this goal within the vitality of the system that makes abundance possible.

The revised food stamp program provided the means whereby even the poorest of the poor can obtain an adequate diet; we have a food donation program; we have an amended School-Lunch Act to improve the nutrition of needy school children; we have a food certification program for infants and expectant mothers; and we have a nutrition-education program to help low-income families get the most from their food dollar. We are on the right road.

Now, I feel confident that we will conquer hunger and malnutrition in this Nation. While we are improving the health and well-being of our neediest we are increasing the demand for food, especially animal proteins.

I want to assure this great body that Dr. Butz will be a great Secretary of Agriculture and will carry forward the President's program with great wisdom and energy.

In 1968, corn was 96 cents a bushel and wheat $1.26. That was too low. It did affect the Democrats that year.

We understand farm politics. We understand the need for increased farm prices, and this has been made very clear to Dr. Butz, not once or twice but a dozen times, by Senators of all persuasions.

We recognize that rural America is vital—vital to what we do in the world, and vital to what we do in our own country.

I come from a farm State. I am proud to come from rural America. We may have our faults and our shortcomings, but we also have made outstanding progress.

In States like Kansas, Montana, North Dakota, and South Dakota, we want solid farm programs. In Minnesota, Missouri, Oklahoma, and all those States where someone might be running, we want solid farm programs and improved farm income. And in Massachusetts. [Laughter.]

So, Mr. President, I urge the confirmation of Dr. Butz.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. Mr. President, will the Senator from Vermont yield me some of his time?

Mr. AIKEN. I believe the Senator from Oklahoma has 6 minutes remaining. Could he not put that to good use first?

Mr. HARRIS. How much time does the opposition have left?

The PRESIDING OFFICER. The opponents have 6 minutes, and the proponents 9. Who yields time? If time is not yielded, the Chair will order the clerk to call the roll.

Mr. HARRIS. Mr. President, I yield 4 minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I ask the careful attention of the Members of this body, without regard to their vote, to the following considerations. These considerations, I think, tell why some of us are deeply concerned about this nomination.

We are called upon to advise and consent, but the consent is not automatic. It requires that we fulfill our responsibilities in examining the record.

In the President's state of the Union address of 1970, there was no mention of the family farmer or agriculture.

In the President's state of the Union message of 1971, there was but a scant mention of the plight of American agriculture.

Make no mistake about it, agriculture, as the Senator from Vermont and the Senator from Kansas have said, has been in trouble for a long time.

In the May 1970, economic message of the President, which was telecast, there was no mention of American agriculture. Agriculture has had attention, in this administration, in the form of a county fair on the White House lawn some months ago. And the first real information about the administration's agricultural program has come out only now as we discuss the nomination of Dr. Butz.

Mr. President, I think the facts are manifestly clear. Agriculture has been in trouble a long time, but it is in more trouble now—trouble with taxes, trouble with high interest rates, trouble with low prices, trouble with high transportation costs—and the parity ratio for farmers today is 70. It was bad enough in 1968, when it was 74; and the man who was then the winning candidate for President said it was intolerable, and he said, "I will do better."

I remember it well. He carried every Midwestern agricultural State, maybe not for that reason, but he carried those farm votes; and those farmers have been let down.

It is not a partisan matter; it is an economic matter. I happen to know that if we are going to have anything happen to the farmers of this country that is helpful, we have got to have a Secretary of Agriculture who will literally pour his heart out for them.

It has been said here that much of agriculture has been in trouble for a long time. Yes; that is why the Department of Agriculture is so important, and that is why that Secretary has got to be able to do battle with the Bureau of the Budget. It is not true that the laws we pass determines what happens to agriculture. Laws have flexibility, and it is a question of how the Secretary administers these laws. When funds are impounded, when the Commodity Credit Corporation is not used properly, when the food stamp plan is cut back, when the school lunch program is tinkered with, and when farmers are told that a dollar for corn is enough, I do not think that is what we want for an agricultural policy.

Mr. President, there are going to be a number of votes against Dr. Butz. I think it is most unfortunate that this nomination has been maintained before this

body. We need a Secretary of Agriculture who can command the respect and confidence of the total American community.

The nomination of Dr. Butz will most likely be confirmed. If it is, I wish him well, and I predict that we will have accomplished something here. We have at least forced the hand of the administration. They are going to have to dip into the Treasury now, to help the American farmer.

And let this prediction be on the record: After Dr. Butz is confirmed, as I expect he will be, we will see from the Treasury of the United States, for the first time, money being released to help the farmer. Hopefully this Senate debate and argument has been worth a billion dollars in additional farm income. I think it has been well worth the effort. We, at long last, have won something for the farmer, because we have put up a fight, because we have laid it on the line to this administration: "Stand up, now, Mr. President, Mr. Secretary, and give our farm families a break. Release that money for REA. Release that money for ACP and for sewage plants. Release that money for the food stamps and housing. Get going."

I think we have done all right. Perhaps Dr. Butz may be able to do something as a result of this debate over his nomination and if he gets a little help out of the President.

Mr. HART. Mr. President, my concerns and reservations about Mr. Butz are the same as those voiced by colleagues who have opposed him. Most particularly, his recent statements which indicate a lack of sensitivity with respect to need to engage our fullest resource to eliminate hunger in this country, reflect an attitude with which I am in complete disagreement. So, too, is his suggestion that concern for the environment is a "fad." Mail from my constituents, including farmers, has been overwhelmingly in opposition. Respected friends and associates recommend that I vote "no."

But I hope, as was the case with former Secretary Hickel, that Mr. Butz' performance will show that our concerns are without foundation, or that he has learned from the criticisms. I think the responsibility we assign the President to operate the executive branch of the Government, with his accountability for its performance, entitles him to surround himself with those he nominates—absent overriding evidence of personal impropriety.

This is not, as we will debate tomorrow, the advising and consenting to members of the Supreme Court of the United States. Here there is a basic and significant difference which I respect, although I am deeply troubled.

A Cabinet secretary is not appointed for life. He is accountable to the President and so an elected official remains at all times responsible for his conduct.

Thus, for me, the overriding principle remains the right of the President to choose his Cabinet associates—employees if you will—provided that the candidate has not been guilty of serious misconduct.

Mr. CURTIS. Mr. President, the reason we have a farm program is for the purpose of raising farm prices. If it were not for the need to raise farm prices there would be no occasion to enact a farm program. Over the last 35 or 40 years both political parties have wrestled with that problem and have not been too successful. We must keep in mind, however, that what has been done for agriculture has been a very material help. The situation would have been much worse had there been no farm program.

Today the need for raising farm income is more acute than ever. This is particularly true in the light of high land taxes, high costs and inflation throughout our economy. While some farm prices are quite good, the total net farm income is not nearly what it ought to be and the great problem that agriculture faces this fall could well be termed a corn price crisis. In most of the towns in Nebraska the price of corn at the local elevator was around $1.35 in midsummer. In a very short period it dropped to the neighborhood of 90 cents. It need not be argued that such a price for corn is disastrous.

Early in 1971 I went to the White House along with Members of the Senate and the House to urge a greater set aside and a lesser planting of corn. Admittedly, the problem was complex. There were many who feared that the corn blight which was so disastrous in a number of States in 1970 might in 1971 spread throughout the corn belt. As it turned out this did not happen. We have too much corn and feed grains. It is not a question as to whether or not this error of the Government has an explanation or not. Certainly the individual farm families should not suffer because of this error. Our corn crop for 1970 was around 4.1 billion bushels and for 1971 it is going to be about 5½ billion bushels. This huge, almost unmanageable, surplus together with the ruthless and prolonged dock strike has dealt a body blow to agriculture.

I reiterate my statement that the basic purpose for a farm program is to raise prices. Over the years we have heard the virtues of a so-called flexible price support program. Now is the time for the Department of Agriculture to be flexible and use the power and authority granted in the farm program to meet a need in agriculture that is of crisis proportions.

In the late summer I began to urge that the support loan rate on corn be increased. I attended one meeting at the office of Senator MILLER, of Iowa.

The corn belt was well represented and officials of the Department of Agriculture were present. At that time I urged an increase in the support loan rate or other steps taken to raise the price of corn.

Later on, on October 15, 1917, I wrote a letter to the President of the United States urging an increase in the support loan rate on corn and also to the Secretary of Agriculture. That letter is found in the CONGRESSIONAL RECORD for that date on pages 16324 and 16325.

During this time I had asked for a conference with President Nixon. I was able to spend a half hour with him on November 10. It gave me an opportunity to give him a report from the grassroots. I told of the effect of this drop in the price of corn from in the neighborhood of $1.35 to 90 cents or below. I was able to report to the President the fact that practically all the corn is still owned by the farmers who produced it. I stressed the need for action soon with reference to the 1970 crop. I pointed out that it would not be satisfactory at all to limit the Government's actions to matters that would raise the price in 1972.

I left the President's office knowing that he realized the real situation that we are facing. As a result of our conversation I became hopeful that steps would be taken that would result in higher prices for our 1971 production of corn and feed grains. I was aware that President Nixon did step in some months ago in reference to dairy products and that the supports for dairy products were raised. I became convinced, and I am still convinced, that the President intends action in reference to the problem we face now. I have no reason to doubt the sincerity of President Nixon.

I had no advance knowledge of Secretary Hardin's resignation, nor who was under consideration to take his place. President Nixon has selected Mr. Earl Butz for Secretary of Agriculture in order to carry out Mr. Nixon's plans in reference to agriculture.

The fact that a storm of protest has arisen over the nomination of Mr. Butz is well known. Charges have been made, accusations hurled, and the news media has been filled with the comments of Mr. Butz' critics.

It is said that Mr. Butz cannot carry out a good program for agriculture, because he served under Secretary Benson. Mr. Butz points out that the Benson Farm Law was enacted before he joined the Department of Agriculture back in the Eisenhower days.

Another charge against Mr. Butz is that he served as a director of some agribusiness corporations. Mr. Butz' answer to that is that he did so serve, that he was asked to serve, because there was no one on those boards to speak up for agriculture, and he accepted the offer.

Mr. Butz has spent considerable of his time in recent days calling attention to statements attributed to him that he points out were either misquotations or taken out of their context.

One well-meaning Nebraska farmer advised me by telephone that Mr. Butz had made a statement that he wanted, and that he favored, the reduction of the number of family sized farms and that the number ought to be reduced by a million or so. This is a serious charge. I not only asked Mr. Butz about it but I asked him for a letter. He gave me one. I received it on November 30, 1971. In his letter he not only refutes that statement, but he declares his positive determination to fight for the family sized farm. This letter also carries some strong statements at to what Mr. Butz pledges to do as Secretary of Agriculture. I wish to read the letter. It is as follows:

HON. CARL T. CURTIS,
U.S. Senate.

DEAR SENATOR CURTIS: I appreciate the opportunity to provide you with information regarding my views on the need to retain family farms in America. Unfortunately, some persons have misconstrued my position on this important question due to the way my testimony was reported in the news media.

In my testimony I referred to a widely quoted, objective analysis on the number of farms in this Nation published by the Economic Research Service, U.S. Department of Agriculture, which stated there will be a decline of approximately 1,000,000 farms by 1980. (A copy of that report is attached for your information.) In quoting from this report, I was in no way agreeing with this projection nor advocating it. On the contrary, I believe it is very important for the Secretary of Agriculture, whoever he may be, to be aware of such trends so that he may bring all the Department's resources to bear on the problem in the form of corrective action. Having been reared on a family farm, I am earnestly interested in preserving these farms. Their preservation is absolutely essential to our economy and I shall do all within my power as Secretary to keep as many family farms in operation as possible.

In order to do the very best job possible of being the farmers' advocate in Washington to build, and in some cases, rebuild agricultural programs around a strong, family-based farm economy, I have severed all ties with agribusiness corporations. I do believe, however, that my experience in agribusiness, combined with my background in the Department of Agriculture and in agricultural education, will enable me to do a better job for the farmers. America's farmers are entitled to a fair return for their labor and their investment and their spokesman, in order to help them get this return, should be familiar with all facets of agriculture. I am dedicated to working in every way that I can and by every conceivable means of administrative, legislative, and personal persuasion to achieve these goals.

You will recall in my testimony I stated that prices for corn and feed grains, so important in Nebraska and the Midwest, are too low. Because so many facets of agriculture are tied to feed grain prices, it is imperative that the Secretary take immediate steps to improve these prices. Some of the alternatives open to us to accomplish this were discussed before the Committee. Upon confirmation I intend to take all appropriate actions authorized to me under the law to bolster these prices and strengthen family farms. And, where the authority is lacking for me to take the steps I believe are necessary, I will ask for that authority from Congress.

Please know that I intend to fight the battle of the farmer not only through the halls of Congress but also through the Office of Management and Budget to get released the funds appropriated by Congress for soil conservation, rural electrification, the Rural Environmental Assistance Program, and other functions so vital to your State. I look forward to working with you in this cause.

Sincerely,

EARL L. BUTZ.

Mr. President, this letter is indeed a strong commitment in behalf of American agriculture. It confirms what I believe is the intention and the plan of President Nixon. It promises a program that is going to be beneficial to the farmers within the very near future.

My primary concern is raising the income of Nebraska farmers. I know that this is what the President plans to do. I am equally convinced that it will not serve the economic interest of the Nebraska farmers to either delay or defeat the confirmation of President Nixon's Secretary of Agriculture-designate, Mr. Butz.

I shall vote for Mr. Butz and I shall expect compliance in full faith of the commitments made.

Mr. McINTYRE. Mr. President, I will not vote for the confirmation of Dr. Earl Butz as Secretary of Agriculture. I have arrived at this decision after many hours of study of the record and reflection on the philosophy he would bring to the office.

I do not question Dr. Butz' competence, nor do I object in principle to the President's privilege of naming men to high office who share his philosophy and are personally loyal to him.

In all but a very few instances I have voted to honor that Presidential privilege. But in each case I have also tried to measure the nominee against a third criterion—his dedication to the intended goals and purposes of the office for which he has been nominated.

It is this third consideration that has determined my decision to oppose the Butz nomination.

I have always believed that a Secretary of Agriculture should be dedicated to enhancing the quality of all rural life, and to making sure that our harvest bounty benefits all Americans, however disadvantaged.

Dr. Butz' public record would indicate that he speaks for huge corporate farming—not for the family farmer, and that he speaks for the concentrated wealth and power of agribusiness conglomerates—not for the Main Street economy.

His devil-take-the-hindmost attitude would result in still more farmers being driven off the land and still more rural enterprises going out of business.

Right now some 2,000 farmers are leaving the land every week. This is tragic enough. But when we consider the fact that for every six families that leave farming one Main Street business closes down, then we can begin to see the full extent of the economic as well as the social costs.

I sincerely fear that Dr. Butz' farm philosophy would make it even more difficult to achieve proper rural-urban balance because it would drive more and more people out of the countryside and into the crowded, trouble-torn big cities of America.

I am also disturbed by Dr. Butz' seeming indifference to the plight of farmworkers, to the hungry of America, and to threats to the environment.

I agree with an editorial of last week which appeared in the Keene Sentinel, of Keene, N.H. As this editorial states, Dr. Butz hardly seems to be the kind of neutral spokesman we need today when rural America is torn between the corporate farm and the family farmer, between continued economic downturn and the need to revitalize the countryside.

Mr. President, I ask unanimous consent to have this editorial printed in the RECORD at this point.

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

[From the Keene Evening Sentinel, Nov. 26, 1971]

FARMERS' "FRIEND"

The number of farmers may be declining, but those remaining still vote.

President Nixon knows this. He knows, too, that midwestern voters who granted him an electoral bonanza in 1968 turned visibly toward the Democrats in 1970's congressional and gubernatorial elections.

The disaffection among farmers is tied largely to the level of government price support on grains and to the slumping corn market.

Midwestern farm interests want price supports raised and they want the government to purchase a significant portion of this year's excess corn harvest.

As with most economic problems, there are distinct political facets as well.

Rather conveniently, Secretary of Agriculture Clifford M. Hardin has resigned to accept "an unusual business opportunity" with the Ralston Purina Co.

Hardin appears not to have been as politically effective as the secretary's job evidently requires between now and next November. So the low-profile Hardin departs.

In his stead, the President has nominated a self-styled "political animal"—Dr. Earl L. Butz—to steward the agriculture department, but more specifically to convince the men and women of America's heartland that their salvation is the Republican Party.

Parenthetically, it is interesting to speculate upon the mechanics of changing secretaries.

What prompted the Ralston organization to approach an incumbent cabinet member whose attainments in office have been described by the President in haloed terms? And is it merely coincidental that Dr. Butz, until his nomination, was a director of the Ralston company?

However innocent the answers to these questions may be, there is an unmistakable suggestion of the "old boy" network that commonly shuffles men such as Hardin and Butz back and forth between government agencies and related positions in industry or academe.

Butz, for instance, served as an assistant secretary of agriculture under Ezra Taft Benson in the 1950s. He has since been dean of agriculture at Purdue University and amassed an impressive portfolio of stocks in three large agribusiness concerns. (He has resigned directorships in all three and agreed to sell his agricultural stocks if confirmed as secretary.)

Butz received a narrowly favorable reading Monday in the Senate Agriculture Committe. Among the six members who dissented were the committee's ranking Republican, Sen. Jack Miller of Iowa, and Democratic chairman, Herman Talmadge of Georgia.

Opposition to the Butz nomination has been fairly widespread. It centers on his alleged bias toward large-scale agriculture and agribusiness at the expense of the smaller farmers.

Oren Lee Staley, president of the National Farmers Organization, labeled Butz as "one of those land grant college educators who was supposed to assist all farmers in America, but who identified instead with giant agribusiness corporations . . . at the very time they were driving thousands of bonafide family farmers to the wall."

Butz defended himself in a Senate hearing last week, declaring that he would be a "vigorous spokesman" in behalf of efforts to preserve the family farm and to solve the economic and social problems of rural America.

Earlier, however, Butz told The Washington Post that the "trend toward less farms is not bad. From a national point of view it is good that we have been able to produce an increasing amount of food with the work of a smaller percentage of our population . . .

Agriculture is making a transition from being a way of life to a way of making a living."

Butz does command support of the American Farm Bureau Federation. Oddly, though, he has been noncommittal on current legislation backed by the conservative Farm Bureau, to require agribusiness processors to bargain collectively with farmers.

Butz questioned the need of such legislation and suggests that farmers' cooperatives provide bargaining leverage with agribusiness firms.

It is worth noting that two agribusiness companies Butz served as a director have refused to enter collective bargaining arrangements with the Farm Bureau in one instance and with the NFO in the other.

Much of the criticism of Butz inside the Senate and within such farm groups as the NFO and the National Farmers Union rests on admittedly circumstantial evidence.

However, Butz has stated in his own words a philosophy that seems to say the small scale farmer is an anachronism, a romantic throwback to a simpler era of pioneers and sturdy families of the sod.

His appointment, while overtly political, ironically offers no sound assurance to many of the nation's surviving family farmers that they have much of a future.

As Butz said recently, the consolidation of farm units and reduction of farm families "releases these people to do something else useful in our society."

Perhaps this trend is inevitable. But we would expect the President would have discovered a more "neutral" spokesman to present such an unpalatable reality.

Mr. METCALF. Mr. President, I have received a letter from the Honorable C. R. Thiessen, State senator from District No. 3, including McCone and Richland Counties in eastern Montana. Senator Thiessen has served with distinction for many years a primarily agricultural community. He knows agriculture, is himself a rancher and he knows his constituents. He is one of those rare individuals who has labored without compensation throughout his life to organize cooperatives, to build the rural electric program and to contribute his share and much more to providing leadership to the movements which would make family farming a good and remunerative life. He strongly opposes the confirmation of Earl L. Butz as Secretary of Agriculture.

During the Eisenhower administration when Mr. Butz was an Assistant Secretary for Ezra Taft Benson, Senator Thiessen served on the Rural Telephone Advisory Committee to the REA Administrator Ancher Nelsen. Mr. Butz visited Montana to assist in the campaign of Wesley D'Ewart and while there, invited Senator Thiessen to bring to him in Washington the proposals of farmers in his area to improve farm programs. Mr. D'Ewart was defeated and Mr. Butz' subsequent reception of the Montana legislator is not reassuring to Montana farmers.

Senator Thiessen writes:

Mr. Butz personally invited me into see him on my next trip to Washington and for me to bring with me proposals from farmers to improve the farm program. In good faith I met with farmers in Eastern Montana as he requested. However, Mr. D'Ewart was not returned to Washington. Upon my visit to his office in Washington I found him very uncordial and insulting. I quote some of the nasty remarks he made to me. "You, you come from the most radical state in the union, a Farmers Union state. All you farmers want is another dollar in your pocket. Here we have a farm program heaped on our desks which we do not believe in and yet we have to administer the same."

Mr. President, here is further evidence of Mr. Butz' intransigence respecting laws written by Congress that he would be required to administer as Secretary of Agriculture, if the Senate confirms his nomination. The Senate has already seen that as an Assistant Secretary Mr. Butz met his enforcement responsibilities selectively and casually. He has long been a defender, even a promoter, of agribusiness and vertical integration of food production. There is no space, in his lexicon, for the family farmer, particularly if he is a Montana farmer.

Mr. President, I hope the Senate will vote to deny confirmation of Mr. Butz.

Mr. PEARSON. Mr. President, after lengthy discussions with Dr. Butz yesterday and upon receipt of a letter from Dr. Butz, setting out his views on a number of issues which were of particular concern to me, I have decided to vote for Dr. Butz' confirmation.

Dr. Butz has indicated to me that he will work vigorously to protect and preserve the family farm system. He has expressed a strong commitment to increasing all farm prices and specifically the prices for wheat, corn, and feed grains. He states that, within the authority of his office, he will seek to advance the cause of rural development and balanced national growth.

At the time I wrote President Nixon asking that he withdraw the nomination of Dr. Butz, I indicated that I had a deep respect for the prerogatives of the President to name his Cabinet. This is an additional reason why I have decided to vote for confirmation.

I also want to reaffirm at this time my own personal commitment, as a Member of the Senate, to working toward a strengthening of farm prices and the preservation of the family farm. We must slow the decline in the number of farms. We must discourage any growth in vertical integration and large scale corporate farming.

Mr. President, I ask unanimous consent that Dr. Butz' letter to me of December 2 be placed in the RECORD at this point.

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

WASHINGTON, D.C.,
December 1, 1971.

HON. JAMES B. PEARSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PEARSON: I appreciate the opportunity of providing you information which may be helpful in resolving questions regarding my position on basic issues such as improving farm income, bettering the quality of life in rural America, and preserving family farms.

Having been reared on a family farm, I am earnestly interested in preserving these farms. Their preservation is absolutely essential to our economy and I shall do all within my power as Secretary to keep as many family farms in operation as possible. In my testimony before the Committee on Agriculture and Forestry, I quoted from a report of USDA's Economic Research Service which stated there may be a decline of approximately 1,000,000 in the number of farms by 1980. In quoting these figures, I was in no way approving of these projections nor advocating that this occur. On the contrary, it is my very firm belief that the Secretary of Agriculture, whoever he may be, should recognize such trends and bring all the resources of his Department to bear in the form of corrective action.

You will recall that during my testimony I stated my belief that corn and wheat and feed grain prices are too low. Because so many facets of agriculture are tied to feed grain prices, it is imperative that the Secretary take immediate steps to improve these prices. Some of these alternatives were discussed before the Committee. When confirmed, I shall take all steps authorized by law to bring these prices up and if other steps are required which are not authorized by existing statutes, I shall ask for that authority from Congress. Winter wheat planting estimates are made December 22. If this report should indicate that the ASCS estimated of wheat for harvest in 1972 is too low, we will consider authorizing additional wheat diversion for payment. As an economist, I know the importance of continuing to expand exports of farm produce and livestock products so that the family farmer as well as others will benefit economically from expanded overseas markets. I plant to actively apply myself toward reaching the goal of $10 billion in agricultural exports. America's farmers are entitled to a fair return for their labor and their investment and I want to be their spokesman in this cause.

I feel that it is a proper function of the federal government to strengthen our traditional family farm type of farm operation so that we will not move in the direction of large-scale corporate farming. Less than one percent of all farms are corporation farms and more than 4/5 of them are smaller family farm corporations. There is considerable evidence in the last couple of years that large corporations have been unsuccessful in their farming ventures, and many of them are backing away from this type of operation. We must bend every effort to preserve and strengthen the individual family farm.

It is my intention to be a vigorous and articulate spokesman for agriculture, both clear across the country as well as in the top councils of government in Washington. I feel that when Congress has appropriated funds, for example, for the Rural Electrification Administration or the Farmers Home Administration, and when there is a demonstrated need for these funds that the Secretary of Agriculture should use his influence to see that authorized funds are made available.

Our discussion yesterday also touched on the program of Farmers Home Administration.

I am firmly committed to support this important program for farmers in need of credit. President Nixon in his speech at San Clemente earlier in 1971 made it abundantly clear that we will provide sufficient resources for the Farmers Home Administration for its operational budget and for operating loans. You are aware, I am sure, that in this Administration the Congress has authorized an insured program for operating loans. The Senate has enacted such a provision for ownership loans with House action pending. Under these restrictions which have limited them in past years. I hope that authorization will be forthcoming shortly for FHA to insure ownership loans as they now do with operating loans.

Rural development is one of the great challenges facing this Administration and I conscientiously believe the programs of the Department of Agriculture can contribute more significantly toward improving the quality of rural life. By providing rural com-

munities with the basic facilities needed to sustain electric power, we can also attract industries. This will provide jobs and take the pressure off our crowded cities where so many rural residents have been forced to move for lack of opportunity in the country-side because mechanization of agriculture has reduced available jobs.

I am dedicated to working in every way that I can and by every conceivable means of administrative, legislative, and personal persuasion to achieve these goals. Your assistance will be most appreciated as we work toward these ideas which are so vital to our Nation.

Sincerely,

EARL L. BUTZ,
Secretary-Designate.

Mr. MILLER. Mr. President, I regret that I cannot support the nomination of Earl Butz to be Secretary of Agriculture.

My views were made clear at the time of my vote against this nomination in the Senate Agriculture Committee.

As I stated then, the decisive point is the position of the nominee that no administration or Government can do anything about the trend which could lead to the loss of 1 million farms—out of the present 2,900,000 farms—by 1980. I feel very strongly that this administration and our Federal Government can do something about it and should do something about it. For over 2 months I have, along with other Senators and Congressmen from the Midwest tried to persuade this administration to do something about the depressed corn price situation—preferably through an increase in the loan price support for 1971 crop corn. Although the Department of Agriculture has taken some action to ease the problem—such as permitting farmers to obtain loans on corn stored on the ground—these actions have been inadequate. Unless more is done, the loss of family farms will continue—a loss which need never have occurred. Simultaneously the depressed economics of numerous small- and medium-sized cities and towns will prevent the economic recovery which is the number one domestic objective of most of us and certainly of this adminstration.

It is easy to oppose a presidential nomination for partisan political purposes. It is not easy to do so when partisanship is irrelevant. However, I deeply feel that when it comes to agriculture, my first duty, as a Senator from Iowa, is to stand up for the farmers of my State. And I am well persuaded that the great majority of my farmers share my belief that a national policy to assure the American consumer of an adequate supply of quality food and fiber should be matched by Federal Government action to see to it that the farmers do not bear an unfair share of the cost of that national policy.

A national policy resulted in serious overproduction in 1967 accompanied by disastrously low grain prices which carried through 1968. The Democratic administration took no meaningful action to prevent our farmers from bearing the cost of that policy. But that does not mean that this administration must or should follow that example. If my voice of opposition to this nomination contributes to an awareness that prompt action must be take by our Government, the cause of the Midwest farmers will have been well served.

Mr. BUCKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD two telegrams urging confirmation of the nominations of Dr. Earl Butz as Secretary of Agriculture; the first being addressed to me by the New York Farm Bureau, and the second being addressed to the chairman of the Committee on Agriculture and Forestry by the New York State Commissioner of Agriculture and Markets:

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

ALBANY, N.Y., *December 1, 1971.*

Hon. JAMES L. BUCKLEY,
U.S. Senate Building,
Washington, D.C.

DEAR SENATOR BUCKLEY: This telegram will serve to confirm that New York Farm Bureau supports the nomination and confirmation of Dr. Earl Butz as Secretary of the U.S. Department of Agriculture to replace Clifford Hardin retired.

Because of his agriculture background and experience, we believe Dr. Butz to be uniquely qualified to assume the responsibilities of Secretary of the Department. We further believe that his eloquence and expertise as spokesmen for agriculture will be beneficial in public relations effort with all citizens. He is a defender of the competitive enterprises. Personal contacts with Dr. Butz indicate that in general he supports farm bureau policy relative to agriculture.

We request that you support confirmation of the appointment of Dr. Butz to serve as Secretary of the Department of Agriculture.

RICHARD MCGUIRE,
President, New York Farm Bureau.

NEW YORK, N.Y., *November 19, 1971.*

Hon. HERMAN E. TALMADGE,
Committee on Agriculture and Forestry,
Senate Office Building, Washington, D.C.:

Sorry unable to remain to testify at committee hearing today re. confirmation of Earl Butz. My presence at committee session yesterday affirmed my belief your committee respects Dr. Butz ability, honesty, integrity and broad knowledge of agriculture. We are fortunate in having such a man willing to assume responsibility of Secretary of Agriculture. Respectfully request your approval of his appointment.

DON J. WICKHAM,
New York State Commissioner,
Agriculture and Markets.

Mr. ALLOTT. Mr. President, we have heard a plethora of oratory on the selection of Dr. Earl Butz as President Nixon's choice for Secretary of Agriculture, most of it politically inspired. While it may also be true that a few Senators of my own party are miffed because they were not consulted in this selection, and others are sincerely in doubt that Dr. Butz is the man for the job at this stage of the administration's efforts to improve the farm income situation, I have weighed the alternatives and have reached a conclusion that the Secretary-designate should be confirmed.

The Cabinet post which Dr. Butz has been willing to accept is perhaps the most difficult of all the positions in this or any administration. I am deeply troubled by the fact that down through the years no Secretary, no matter what weapons are provided by Congress, has been able to stem the exodus from our farms. Nor have any of them been able to provide means for farmer income that would average out comparably with their city counterparts.

In recent years, during the past Democratic administration, it became increasingly difficult to reach a point where the cash flow from agricultural profits would sustain a family's needs. Each year more of the cash for farm families has come from jobs outside of agriculture, until at the present time 48 percent of total farm population income is earned off the farm.

And each year more than 100,000 farms have been vacated and absorbed either by urban development or by sales to larger operators who needed to expand to remain in business. All of this has meant continued higher borrowing for those remaining on farms. Farm debt today is several times that of a generation ago when there were three times as many farmers.

Now, what does all this mean? It spells out the position in which any Secretary of Agriculture finds himself—an almost impossible condition for curtailing farm failures, but also one that is a constant challenge.

Today, we are directing every effort toward maintaining the small efficient farm family. These families are the hope of our opportunity to revitalize rural America. These families are the basis upon which we can rebuild a prosperous rural America. This is something we must do. Our cities are unmanageable, and almost unliveable. Without these farm families a new program would have to start from scratch—an unthinkable position for any administration.

After having talked with Dr. Butz at length just recently, I am convinced that he is fully aware of the need to not only retain our existing family farms but to increase their income. Every community in nearly 3,000 counties is dependent upon this premise, and in turn any plan to reverse the outmigration to the cities is interdependent upon making our rural areas a place where young people are going to find good jobs or can remain on the farm. Mr. President, I look forward to working with Dr. Butz to accomplish this goal—one which we can accomplish if we redirect our resources.

If we want to be politically cynical, and I note considerable evidence of this factor since nomination of Dr. Butz, I cannot conceive of a Secretary of Agriculture who would do anything other than use every tool available to him to increase farm income to the fullest extent possible under existing laws. I am convinced from conversation with Dr. Butz that his every considerable effort is going to be directed wholeheartedly and positively in this direction.

Since I have complete confidence that the President is thinking only in terms of striking down the inflationary trend that has doubly injured the agricultural producers of the Nation, and of making certain that farm prices are brought up to a profitable level for every possible commodity, I rise today in support of confirmation of Dr. Butz.

I sincerely believe that the best interests of agriculture at this time will be best served by getting a new Secretary

of Agriculture installed as rapidly as possible so he can demonstrate our faith in his ability and willingness to advance agriculture on every front in an accelerated series of actions so mandatory to the well-being of rural America.

Mr. BROOKE. Mr. President, I shall vote to confirm the nomination of Dr. Earl L. Butz to be Secretary of Agriculture. I do so in the belief that the President of the United States is entitled to select his own Cabinet and that the Senate of the United States should properly reject Cabinet nominees only if there are sufficient doubts as to the nominee's competence or integrity.

Unlike members of the Supreme Court, Cabinet members serve at the will and direction of the President. They carry out his policies and directions and do not chart their individual courses.

In the case of Dr. Butz, I find that his extensive background in and understanding of agricultural problems make him well qualified for the post of Secretary of Agriculture.

I find too that he is an honest man of unquestionable integrity.

While I support his nomination and will vote to confirm him, this should not be construed as an acceptance of all of his views or actions past, present, or future.

Representing as I do a significant number of small farmers in the commonwealth, I am concerned by charges that Dr. Butz may be unsympathetic toward the small farmers and inclined to view the future of farming in terms of large combines.

However strongly felt by some, these charges must be weighed with Dr. Butz' testimony before the committee. In discussing agricultural production by large firms with Senator McGOVERN, Dr. Butz said:

I think evidence is clear in recent times that the large corporations that attempted to get into agricultural production got its fingers burned, and is (sic) backing out. You simply can't produce that way.

Concern has also been raised about the nominee's positions on food stamps and the school lunch program. This concern stems from an April 26, 1971, speech by Dr. Butz in which he raised questions about President Nixon's welfare reform proposal and the school lunch program. A careful reading of the text reveals that Dr. Butz merely raised questions about, but did not express his opposition to welfare reform or the school lunch program. In his testimony before the committee he expressed strong support for a subsidized program of food distribution to the poor.

I find on balance that there is no evidence upon which to conclude that as Secretary of Agriculture, Dr. Butz would work against the interests of small farmers and disadvantaged Americans.

In considering the nomination of Dr. Butz I am reminded of the confirmation proceedings for Gov. Walter J. Hickel, who was subjected to the most intense scrutiny and questioning. In announcing my intention to vote for Mr. Hickel's confirmation, I said in part:

He is fully aware that his every step in office will be watched, both by his critics and by those of us who feel, with absolutely no personal rancor, that he must prove himself by the way in which he executes his impending duties. To overcome the doubts which have been raised about his suitability for the position, the Secretary-designate will have to turn in an exemplary performance . . . he will in fact have to do a superior job if he is to win over the skeptics. For my part, I am willing to be convinced, and I wish the Secretary-designate every success in the demanding tasks he will now undertake.

Secretary Hickel proved himself to be an outstanding Secretary of the Interior. Those of us who had doubts, were pleased with his performance. If confirmed, it will similarly be necessary for Dr. Butz to perform excellently to please his critics and supporters alike. I believe he has the capacity to serve as an outstanding Secretary of Agriculture and will so serve. Thus, I shall vote to confirm his nomination.

Mr. DOLE. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the distinguished Senator from Utah (Mr. BENNETT).

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

STATEMENT BY SENATOR BENNETT

It would indeed be unfortunate for American Agriculture if the nomination of Earl Butz to be Secretary of Agriculture were defeated by the Senate. Mr. Butz is a strong proponent of Agriculture at a time when agriculture needs a staunch defender.

Dr. Butz first came to my attention as the Assistant Secretary of Agriculture under the Eisenhower Administration. He served very effectively in that post, acting as the Chairman of the United Nations Delegation to the United Nations Food and Agriculture Organization in Rome and traveling extensively throughout America as an observer and advisor on Agricultural subjects, and he has gone on to compile a very impressive record.

Mr. Butz was born and raised on a farm. He was graduated from Purdue in 1932, and gained his doctrate there in 1939. He has been an instructor in Agricultural economics, Dean of the Agriculture Department and the Vice President of the Purdue Research Foundation. In addition, he has served as a research economist for the Brookings Institution, as an economist for the Federal Land Bank at Louisville, Kentucky, and as the director of a number of private businesses. This man has a balanced background in education, business, economics and administration and the depth of his experience is all related to agriculture.

The arguments of those who oppose Mr. Butz have centered on political considerations. I do not feel that the substance of these arguments is valid, and I am disappointed at the tactics which have been attempted to discredit the nominee. The opposition to the nominee has been directed at his business associations and what some have defined as conflicts of interest and at what has been interpreted in various way by various individuals to be his attitude toward farm programs.

In regard to the "supposed" conflicts of interest allegation with "agri-business" the nominee has made his point very clear. He served on the Board of Directors of three business firms. As he explained, "I went on these boards with a clear understanding that I would be a spokesman for agriculture . . . I was about the sole spokesman for agriculture and tried in every case to present agriculture's position as vigorously as possible." The nominee is a product of a family farm. He has expressed his understanding of and sympathy for the difficulties facing the small farmer.

I am impressed with the nominee's concept of the family farm. His opponents have suggested that because he will not completely outline his plans for agriculture that he is not sympathetic to the needs of the small farmer. Instead, I believe that he has envisioned a flexible role for agriculture. As he states:

"The family farm must be preserved, but I do not want to lock it into concrete. I want it to be able to grow too and to adjust . . . The family farm has to adjust, it has to produce more in the days ahead to survive. So I am strongly in favor of the family farm with the flexibility to adjust and to provide an adequate living for the farm family."

Mr. Butz has stated that the decline in the number of family farms will continue, but I believe this statement has been grossly misinterpreted. He is not suggesting that it would be the policy of a department under his direction to force small farmers off the land. Such a conclusion is ridiculous. He has pointed out that America lost 1,000,000 farmers during the Eisenhower years, and another million under the policies of Orville Freeman. These men did not work to eliminate family farms. America is not a nation of subsistance agriculture, and it will continue to move further away from that concept. This movement is the fault of no one—it is the product of our technological and rapidly progressing society.

The nominee has clarified his position in this regard, and I am impressed with this commitment to Agriculture. He has said, "I think I spent my life being a vigorous and articulate advocate for agriculture, for a progressive agriculture. I have tried to make farmers proud of their profession for I think agriculture is a proud profession. Food is the first law of life and those who produce it are top on the priority list in a country like this."

I am more than satisfied with the nominee's sincerity in this regard and I must be critical of those who have been so willing to attack him on the basis of surface appearances without regard for the actual facts of his beliefs and responsibilities.

The second major criticism of the nominee has been leveled at his "attitude" toward farm programs. The nominee has expressed his thoughts on farm programs, price supports and acreage controls. He has stated that, "I in some way favor the Agricultural Act of 1970, which I think is a good approach because it permits our farm prices to be at the export level so that we can export a maximum amount of farm products and yet get the income to our farmers."

The nominee has expressed his support for the program for diverted acres as a production control. He has said, "I subscribe to this and I like the idea of letting farmers have maximum flexibility within the acre they plant and what they plant."

In regard to farm income, Dr. Butz has stated that "the level is much too low for farm income. I want adequate income and I want good prices. We now export roughly one acre out of four in this country and I want to keep those exports high."

The nominee has asked that he not be required to commit himself to specific programs at this time, and for this reasonable request he has been heavily criticized. I personally would much rather see him make difficult program decisions after he has had time to make a thorough study and evaluation with adequate staff, than commit himself to specific programs now. He is willing to take flexible approach to the Department and its problems, and I believe his attitude should be commended.

Mr. President, the Committee has indicated its approval of the nominee. He is a man of

integrity and he has expressed a desire to work diligently in behalf of American Agriculture. Dr. Butz has the balanced background to be Secretary of Agriculture and the desire to further its interests. Agriculture could not ask for a finer representative, and I am pleased to support him.

FROM THE PRESIDENT WHO BROUGHT YOU NO FARM MESSAGE

Mr. CHURCH. Mr. President, ever since President Nixon announced his selection of Earl L. Butz as Secretary of Agriculture, my office has been flooded with telegrams, letters, and phone calls in opposition to his confirmation by the Senate.

As a Senator from a major farm state, I do not take lightly the appointment of a new Secretary of Agriculture. Neither do I dismiss lightly the right of a President to be served by Cabinet officers of his own choice. I feel strongly that the Senate should not, except for the most clear and convincing reasons, deny confirmation of a presidential appointee to the Cabinet. Generally speaking, the nominee is entitled to the benefit of the doubt.

Because of my belief in the normal practice of confirming the President's Cabinet appointees, my decision to vote against Mr. Butz has been an especially difficult one. I reached my decision only after considerable deliberation, and I think that the farmers of Idaho deserve an explanation.

Mr. President, we are all aware that President Nixon has not devoted much time or energy to the solution of the farm problem. During his first year in office, he did not even send a farm message to Congress. He was the first President since Herbert Hoover not to deliver such a message.

It is also true, however, that rural America has been in decline for many years, under both Democratic and Republican administrations. I do not single out either party, or any particular President, or any one Secretary of Agriculture, for blame. I do not consider the problems of the farmer to be a subject of partisan politics. I look upon the problems facing the farmer as an urgent shortcoming we must remedy before the family farm disappears, and, along with it, the wholesome character of rural life in America.

Mr. President, Mr. Butz, if one may judge from his statements through the years, believes in a different hypothesis, that more and more farmers should leave the land. In a recent article in the Washington Post, Mr. Butz gave the impression that he felt the loss of another million farmers was inevitable between now and 1980. Apparently, Mr. Butz regards these million farmers as simply expendable. He feels they should no longer attempt to make a living from the soil. He is an advocate of "integrated" agriculture, a one-conveyer belt system, providing farm products "from the field to the grocer's shelf" which less kind observers have called the formation of huge vertical trusts.

It is argued that such a system would reduce retail prices for food, and assure steady, well-regulated supplies of farm products, that it would be more efficient and, therefore, better for the Nation as a whole.

The basic problem, in my judgment, with this thesis is that it looks only at the food conveyor belt which extends from farm to market. It fails to take into account the other economic consequences of vertical integration in the food and fiber industry. The attendant effects of the trend toward giantism upon the overall rural economy must also be considered.

I am alarmed at the steady migration from the countryside into the cities of America, brought about by the collapse of so many family farms. I think that it would be well for every Member of this body to study closely a report issued by the Senate Select Committee on Small Business, dated December 20, 1969, and entitled "Impact of Corporation Farming on Small Business." It is not a long report, but the questions it raises give strong validity to the assumption that while agribusiness could result in lower food prices—which is itself a questionable assumption—it is cutting the heart out of our rural economy.

In place of the family farmer, intimately involved in the life of his neighborhood, the corporate farm is run by managers who may live and transact business miles away.

The remote, impersonal corporate entity secures its financing through large central banks, as opposed to utilizing the local bank. The result is that rural credit systems suffer losses and cash flow and the rural economy becomes restricted.

The corporate farm buys its machinery from the factory or from large implement dealers, with the result that local dealers can no longer realize sufficient profit margins.

Large corporate farms bypass many of the dependent small community businesses and, as their number grows, small businesses are strangled for lack of trade.

The effect is thus compounded. The farmer is forced from the soil. The small businessman is forced from Main Street. And the people who depend upon them both are left without employment.

We all know where the vast bulk of these displaced people go, Mr. President. They flow in an endless tide into our already overcrowded cities. Many with little or no specialized training find themselves on the welfare rolls or in low-paying dead end jobs. The flood to the cities means higher taxes to our urban dwellers and mounting costs for already bankrupt cities.

For the sake of more "efficiency" on the farm, we create chaos in our cities. It is a strange paradox, Mr. President, to pour food and fiber into one end of the horn of plenty, and at the other reap a harvest of jobless malcontents.

In a rural State like Idaho, the movement away from the farms is startling. From 1961 to 1965, Idaho's total farm employment averaged 66,000 persons. By 1967, the total had dropped to 50,000. In 1968 it stood at 48,000. In 1969 it was 46,000 and the downward trend continues. It hardly needs to be pointed out what these losses have meant to our rural economy.

We need a Secretary of Agriculture who is determined to save the family farm, which is, in truth, indispensible to a prosperous countryside. If we fail to revitalize the economy in our rural areas, we will not have 70 percent of our people on 1 percent of the land—we will have 80 percent and then 90 percent. All that will remain of rural America, as we have known it, will be huge fiefdoms, plantations of a size to put the Old South to shame. Worse still, they will be operated by hired hands, on behalf of absentee stockholders interested only in maximizing their dividends. And as the small country towns shrink and disappear, the city slums will grow ever larger. What a price to pay, in the name of efficiency. I simply cannot vote to confirm, as the next Secretary of Agriculture, a man who considers the preservation of the family farm a waste of time.

I oppose Mr. Butz for no other reason than my utter disagreement with him on this fundamental issue. We can reverse the exodus to our cities only by profitable family-sized farms, not by supplanting them with gigantic corporate fiefdoms.

Mr. President, because its contents so clearly point out the problems caused by corporate farming in America, I ask that excerpts from the report of the Select Committee on Small Business, entitled "Impact of Corporation Farming on Small Business," together with the appendix to the report appear at this point in the RECORD.

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

IMPACT OF CORPORATION FARMING ON SMALL BUSINESS

I. INTRODUCTION

This is a preliminary report on the subcommittee's findings in a continuing investigation of the impact of corporation farming on small business and the economic and social structure of rural America.

The subcommittee is vitally interested in public policy implications of rapid movement of 'large corporations,[1] including conglomerates, and other nonfarm interests into farming. The evidence indicates direct business involvement in agriculture is relatively new, becoming important in the 1950's and a significant trend in the last 5 years or so.

Preliminary study shows increasing corporate control by companies, many in the food and feed fields, of poultry, egg, and livestock production. This normally involves some degree of vertical integration with little or no actual ownership of land or direct operation of the agricultural enterprises involved.

The investigation also has turned up a large number of corporations buying and operating large tracts of agricultural lands, particularly in the Great Plains States. These are farming companies that displace independent farmers and ranchers in a community.

A 1967 survey, completed with assistance from both county assessors and Federal officials, showed 452 corporations owned 1,633,529 acres of South Dakota farm land.[2] The number of corporations involved in farming in Nebraska was estimated at 500.[3] A preliminary study in Minnesota shows at least 230 corporations engaged in farming in that State.[4]

Footnotes at end of article.

An Internal Revenue Service report showed 17,578 farming companies filed Federal income tax returns in 1965.[5]

A. Scope of investigation

The investigation is designed to determine the effect of corporation farming on small business in rural communities, the impact on the sociological and moral environment of existing independent family farms and ranches, and likely patterns of use of water and other natural resources by corporate farm operators.

Incorporation by partners or families, usually done to take advantage of special tax provisions or facilitate transfer of farm and ranch units from generation to generation, is not at issue in the investigation. It is estimated these farming corporations make up 20 to 30 percent of the total.

Several other important areas, related to corporation farming and raised repeatedly in the testimony, also are not dealt with directly. One is the impact of corporation farming on consumer price levels. Another is the efficiency of different types of agricultural systems and the question of whether the family farm system deserves protection and support.

The subcommittee began the investigation after receiving reports, mainly from farm oriented organizations, of widespread concern over the growth of corporation farming. Farm rural spokesmen express concern that corporation farming is being accepted, and occasionally given Government support, without public discussion or questioning of its benefits or its consequences.

Several witnesses urged the subcommittee to push corporation farming controls to give policymakers time to consider its impact before it becomes an irreversable trend. To permit farm incorporation to proceed without control, one farm economist testified,[6] appears to be an unjustified gamble. He said the evidence points to the need for a policy of cautious experimentation that includes explicit provisions for slowing farm incorporation until probable long run consequences have been fully analyzed.

The investigation deals with the important policy question of whether this nation wants an agriculture made up of independent farmers and ranchers or whether it is willing to shift to an industrialized agriculture.

There is considerable opposition to the latter course. One farm leader termed growth of corporation farming one of agriculture's most urgent problems. A sociologist said this trend, if allowed to continue, will erode the social and economic strength of rural communities. Still another witness predicted stepped-up farm-to-city migration, slowed economic activity in small towns and cities, more rural poverty, and monopoly control of food production if company farms become dominant.

The subcommittee, in opening the investigation, returned to a problem area last considered more than 20 years ago by the Senate Small Business Committee. That study, entitled "Small Business and the Community—A Study in Central Valley of California on Effects of Scale of Farm Operations," was completed in 1946.[7]

The committee carefully compared the economic and social life of the Central Valley communities of Arvin and Dinuba, one surrounded by independently owned and operated family farms and the other by large corporation farms. Except for the difference in size and makeup of farming enterprises, these agricultural communities were nearly identical.

Despite these basic similarities, the study disclosed some striking economic and social differences.[8] The family farm community supported 20 percent more people at a better standard of living than the corporation farm community. It had nearly twice as many individual establishments with 61 percent more retail trade. In addition the family farm community had more and better schools, churches, recreation facilities, civic organizations, and public services.

B. Field hearings held

The subcommittee has held public hearings in two cities thus far. At initial hearings May 20–21 in Omaha, testimony was taken from 15 witnesses from nine States in the Great Plains. The subcommittee heard 19 witnesses from three Upper Midwest States at the second hearing July 22 in Eau Claire, Wis.

Witnesses included representatives of Farmers Union, the Grange, Independent Bankers Association, National Farmers Organization, and National Catholic Rural Life Conference, Farm economists and sociologists, farm cooperative and poultry producer representatives, church leaders, and other experts also appeared.

Most of the testimony centered on (1) exploitation of underground water; (2) federal tax favoritism; (3) corporate buying patterns for farm production items; (4) inflationary land acquisition practices; (5) government sales of large-acreage surplus installations; (6) corporate production of poultry, eggs and livestock; (7) erosion of the public livestock marketing system; (8) breakdown of rural institutions; (9) migration of farm and rural people to the cities, and (10) threat to banks, dealers and retailers in towns and cities in agricultural trade areas.

All of these issues are dealt with in detail in succeeding sections of this report.

C. Lack of data

Preliminary subcommittee study indicated there has been no recent indepth, comprehensive investigation of either corporation farming or its implicatons. Questioning of witnesses about current research, whether by organizations or universities or individuals, clearly showed this to be the case. A few state or regional studies are underway but none deal on a national basis with the overall problem.[9]

This issue has not had the attention its importance would seem to indicate, either in or out of Government. Howard Bertsch, administrator of the Farmers Home Administration, expressed dismay in his testimony at lack of public discussion of social implications of this basic change in agriculture's structure.[10]

"The whole dialog of the social virtues and social values of family farming in this country had died. And I believe the most important product, perhaps of these hearings which this committee is conducting, will be the renewal of this dialog because if we ever get the American people talking about this issue and understanding this issue, I have the greatest faith in the utlimate outcome. But when we let dialogs like this subside, then we encourage evils like corporate farming to grow."

Although the economic and social ramifications of this issue are important to farm and city people alike, the subcommittee found that it has had little attention and consideration in agriculture and almost none elsewhere. The Department of Agriculture has recognized, through public statements, that the issue needs attention. But there is no evidence the agency has done more than conduct some cursory surveys through field offices.

The record indicates this policy area needs much more attention from university researchers, too. Even the publicly-supported land grant institutions, which traditionally are looked to for farm-rural policy direction, have done little to build public awareness or understanding of this issue. As one university witness put it: [11]

"We need some research, we need it now, not next year, we need it tomorrow. We don't really know what the social impact is of this change that is going on. We can talk all we want to today but I am embarrassed, we have very few answers."

II. IMPACT ON SOIL AND WATER RESOURCES

A good deal of testimony at the hearings dealt with the impact of corporaion farming on soil and water resources. The possibility that companies would "mine" both land and water to obtain rapid profits, then move on to new areas, was repeatedly suggested.

Heavy and unregulated pumping of underground water for irrigating large-scale company projects was singled out as a relatively new and critical problem area. The subcommittee concludes that fear of exploitation is based on sufficient experience with older corporate farming operations in California and elsewhere to be seriously considered.

Most of the water problems cited in the testimony dealt with the Ogallala Basin, a vast underground reservoir underlying parts of Nebraska, Colorado, Kansas, Oklahoma and Texas. This water resource has been built up over centuries.

Farm-rural witnesses emphasized that they oppose heavy withdrawal from the Ogallala because it is a closed basin that could be pumped dry in a generation or less. It is not fed by surface streams or lakes. Its recharge rate is severely limited, coming solely from rain water seeping through the soil.

It is obvious to the subcommitee that both Federal and State agencies know too little about this basin or what is happening to it. The U.S. Geological Survey has sufficient data to estimate the basin's capacity at 80 million acre-feet of water. It has calculated that about 30 million acre-feet is recoverable through surface pumping.

The serious and long-term consequences of heavy pumping from the basin were suggested in this exchange.[12]

"Question. (You say) the resource is replenished at the rate of less than one inch per year. How much is that in terms of this?

"Witness. Well, the average annual rate of recharge is estimated at 430,000 acre-feet. But the recharge rate is not a sufficient factor in the development of the reservoir for beneficial use since the recharge is balanced by outflow. This balance in the reservoir has been established over many centuries. Consequently any withdrawal from the reservoir is, in effect, "mining" of the water. It begins to throw that reservoir out of balance as it is tapped * * *"

There is considerable concern over public policy implications if, through heavy pumping for irrigation, an underground water resource is exhausted. The long-term outlook appears grim for dryland areas now drawing on Ogallala Basin water.

That specific problem was described this way by a witness who has studied soil and water conditions in northeast Colorado for many years: [13]

"Many wells have been developed on sagebrush covered sand dunes, generally considered to be unsuited to crop production. By the heavy application of fertilizer, high yields of feed grains are being obtained. However, these soils under row-crop production will sift during the winter months without fall cover crops. If the water resource is exhausted, these fields will have to be abandoned and they will become barren, blowing desert."

Another witness told the subcommittee that heavy pumping for a new 40,000-acre corporation farm in northwestern Florida already has stopped the flow of artesian wells in the area.[14]

The subcommittee concludes that the critical policy question revolves around whether the water use will be regulated, how rapidly it will be exhausted, and who will benefit. It is clear that the entire Nation—not merely the farmers, ranchers and businessmen in these areas—has a stake in proper use of water from the Ogallala and similar underground sources.

Footnotes at end of article.

It was suggested repeatedly in the testimony that farming companies and other absentee investors lack the permanence, and thus a strong commitment, to long-term soil and water conservation. There is evidence this concern is well founded.

One witness contended soil conservation is often ignored by corporate operators, who remove waterways, contour strips and terraces to accommodate big machinery. He described one specific example.[15]

"Soil stewardship is something that the average farmer is dedicated to, but is not held in very high esteem by corporation operations. I know of instances in my community where a large operator removed the fences, ignored the waterways, and planted the whole farm with one crop. A heavy rain struck and took enough topsoil from the field to fill the road culvert and then buried the road with so much mud that the road grader got stuck in an attempt to remove it. These things are serious, they affect generations to come."

A similar report came in testimony on developments in Central Wisconsin's sandy soil area, where a good supply of underground water is attracting investors. Specifically criticized was bulldozing of shelter belts, wide strips of trees up to 20-feet tall planted under government programs in the drought years of the 1930's. The belts, which have served for 30 years or more as permanent windbreaks, are uprooted to clear the way for irrigation equipment and longer rows for big machinery.

Wind erosion of the sandy soil involved was described this way by a witness who illustrated his critical remarks with photographs: [16]

"It has progressively built up a fence row until it is 6- to 15-feet high. When the old fence is built up in the sand you build another. In these two pictures overdrift is gradually sifting into the next field, it already has destroyed a large part of an alfalfa crop. It must be remembered that these drifting-like particles make up part of the area's topsoil.

"We can go through this area and we find where the shelter belt has been bulldozed out, we see pictures of what happens when winds come along. Some day that impersonal decisionmaking process will decide if it is no more economically feasible to produce on this land, and then the people left in that community will have to live with whatever is there, and our Government again perhaps will have to go on a planting program to preserve what is still left there."

One farm leader contended corporation managers are so pressed with demands for profits that they should not be trusted with either soil or water resources. His testimony was interrupted at that point by this exchange dealing with underground water exploitation, temporary status of the corporate farm operator, and public costs of restoring an exhausted water reource: [17]

"Question. Now, if a corporation gets into corporate farming and starts, for example, vast irrigation projects and is only concerned about the immediate profit for the next 5 or 10 years * * * may they not simply destroy the soil and deplete the water table and then walk off and leave it?

"Witness. I think that is true. It has already happened in many areas and this seems to be the pattern.

"Question. I conducted some hearings * * * on the Central Valley, Calif., project where we now have a Federal reclamation project costing $500 million. There were vast corporate landholders. One of the railroads is holding 55,000 acres, who have punched wells down 600 feet and drained the water table down to what's called the corcoran clay.

They soon were out of water, so they punched through the corcoran clay some 300 feet and drained the water table down there. It is down 1,200 feet and they're beginning to get brackish water in all parts of the Central Valley. So now we're engaged in a reclamation project, part of the objective of which is to spend some taxpayers' money to restore the water table and bring it above the corcoran clay again. Now, isn't this the kind of problem that we could run into with uncontrolled exploitation and use of the land by irrigation and otherwise?

"Witness. I certainly think so * * *"

It also was suggested that huge poultry and livestock feeding operations, which are concentrated in limited areas and produce odors and a high volume of manure, will create serious air and water pollution problems. Scientists calculate that a 10,000-head beef feedlot creates as much waste matter as a city of 160,000 persons.[18]

Public tension over waste disposal methods is sure to accompany development of these company operations, creating serious environmental quality problems for State and local governments.

The subcommittee concludes that serious resource policy questions have been raised regarding the likely impact of corporate farming on soil and water conservation. It is clear that too little is known about the problem. It also is clear that time is a critical factor in dealing with exploitation of resources that can be depleted in a generation or less. This policy area needs immediate attention.

III. IMPACT ON LOCAL SERVICES AND BUSINESS

Several months ago the daily newspaper in a small agricultural community in Kansas (pop. 8,483) published an editorial alerting its readers to the dangers of corporation farming. The Wellington Daily News, itself a small business with a farm-rural trade area readership, summed up its concern this way: [19]

"The thought of one giant corporation controlling all of the agricultural wealth of Sumner County would provide a lifetime of nightmares for our merchants. Small town insurance firms wouldn't have anyone to insure. Realtors wouldn't have anything to sell to anyone. Implement dealers could forget it. Petroleum dealers would go out of business or out of town, or like most of us, both."

There was considerable evidence submitted at the hearings to show that this is the likely impact of widespread company farming in the trade area of any small town or city directly tied to agriculture.

The large company farms, as a general practice, buy equipment and production supplies discounted and direct from either wholesalers or the factory, bypassing retail and dealer establishments in nearby towns and cities.

One example of direct buying was provided in the report of purchase of $250,000 in farm equipment by Shinrone Inc., which operates a large farm in Sac County, Iowa.[20] The equipment was purchased from manufacturing plants in Brantford, Canada, and in Detroit, Mich., and Algoma, Wis. The same witness reported corporation farming companies also play off local dealers against each other so low bids, if they are made locally, provide little or no profit.

Also obtained direct are credit, insurance, legal assistance, and other business services obtained locally by independent farm and ranch operators.

One witness [21] pointed out that many company farms are directly affiliated with large oil, tire and other makers of farm production supplies and thus find it doubly profitable to buy direct.

These company farm practices result in a competitive production cost advantage over independent operators and lost volume sufficient to drive small retailers, dealers and service establishments out of business. Especially hard hit are local implement dealers, farm supply stores, and feed and seed outlets.

Service establishments, highly important in small towns and cities, would be hit hard, too. A substantial drop in local demand will eventually force banks, law offices and similar service institutions to cut back or close entirely. The outlook was described this way by one rural banker witness: [22]

"The rural community lives from the gross income of the family farm or the small, closely held family farm corporation. Because towns and banks are in the business of serving people, the banker sees that the disappearance of these families would cause his town and his bank to disappear. * * * The fact remains that the small town can not exist without people on the land, no matter how productive a vast corporation farm may be."

Buying and financing practices of company farms also work against attempts by banks and other local institutions to keep money circulating in the community's trade area. A banker from Chippewa Falls, Wis., (pop. 11,708) told the subcommittee: [23]

"* * * it hurts our communities because they (company farms) have a tendency to purchase supplies, feed, fertilizer outside the service area of the community. They hurt us in our business of banking particularly in that financing automatically comes from the bank at their head office and, in turn, any excess deposits eventually will drift back into the home office and circulate in that monetary system rather than in the system in which its original origin was."

A study [24] of 190,000 farm families using supervised credit of the Farmers Home Administration in 1967 showed they grossed $3.2 billion and spent all of it locally. The breakdown showed $736 million spent for clothing, food and other consumer items; $1.7 billion for goods and services to produce crops and livestock, and $704 million to retire debts and buy new farm machinery.

Commenting on the close relationship the study showed between farm families and local business firms, the agency's administrator told the subcommittee:

"The managers of large-scale corporation farms deal directly with the wholesalers or even the manufacturers of the products they need * * * In an area where corporation farms dominate there is no place for the village farm supply dealer, the co-op grain elevator, the small banker. You simply can not have corporation farms and small business enterprises cheek and jowl. On the other hand, where family farms thrive, small businesses flourish, too."

The economic health of many small businesses in farm-rural communities already is substantially weakened by population attrition. Business volume provided by farm families has been dropping steadily in America's agricultural midsection, where roughly every third farmstead now is vacant.[25]

Although the subcommittee did not receive any testimony on the subject, it also is interested in the impact of corporation farming on franchise businesses, both independently-owned and otherwise. These small businesses are an important element in small towns and cities dependent on the agricultural economy. These include outlets of such companies as J. C. Penney, Western Auto, Gamble's, Woolworth's and Ben Franklin.

The long-term outlook for corporation farm purchase patterns was described recently by John A. Hopkin, finance at the University of Illinois.[26] He said corporate farms in the future will either be closely linked with certain suppliers or will set up their own supply subsidiaries.

A limited amount of research has been completed in an attempt to show the consequences to small business of sharp declines

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in the number of farm customers. It appears that a measurable farmer-customer relationship with businessmen exists.

The Department of Commerce, in a survey involving South Dakota,[27] showed the State had a net loss of 6,027 farm families in a five-year period ending in 1963. In the same period 1,101 businesses closed their doors in that State.

Farm-rural observers told the subcommittee this shows that one small business, on the average, is forced to close its doors every time six farm families leave a trading area. This rule of thumb, it was indicated, could be applied to most agricultural trade areas.

IV. IMPACT OF LAND PRICES AND AVAILABILITY

The land resource base has long been recognized as one of this country's most precious endowments. It has been developed through policy decisions designed both to conserve it and to accomplish social and economic objectives.

Congress since the 1850's has adopted policies to encourage families to settle on the land and to develop its agricultural potential. Family farming has been developed and protected since through such legislation as the Homestead Act, the Morrill Act, the Farm Credit Act and the Capper-Volstead Act.

Ownership and control of the land remain a most important consideration. The subcommittee, therefore, is attempting to determine the impact of corporation farming on both land prices and availability.

The issues involved include the effect of outside investment capital on land prices, the availability of land for expanding independent farm and ranch operations, and the question of whether the public interest is served when large land tracts are acquired by farming companies.

Evidence submitted at the hearings deals with land prices, corporate land acquisition practices, and the availability of good farm land. Little research has been done on land policy changes that appear to be taking shape. It is difficult, therefore, for the subcommittee to come to any significant conclusion.

Prices of good farmland have been going up steadily since World War II. But there is evidence that competition for good land in areas where large corporate farming operations have been started, or are being set up, is forcing prices up to unusually high levels.

Prices well above what appears justified by normal returns on investment are paid in assembling large holdings, some totaling 10,000 acres or more. Nonfarm investors appear able to pay $25 to $100 an acre more over the going price to acquire desired land parcels.

This makes it difficult for independent owners and operators to buy or rent additional land, either to get bigger or to put together economically viable units. This is especially true of younger operators with limited borrowing ability. It raises the possibility that high bids by outside interests are pricing land out of the market for most independent farmers and ranchers.

The former director of the Farmers Home Administration in Colorado testified that nonfarm capital has been a major factor in the "inflationary competition" for land. The competition for productive agricultural land, this farm-rural expert said, has driven present market values well above the present capacity to earn a reasonable return on investment.[28]

Recent data on this problem was submitted to the subcommittee by the chairman of a task force investigating corporation farming in Minnesota.[29] The task force found that more than half the acquisitions of farmland by business interests had taken place in the last 3 years. Purchases by 41 nonfarm investors during that period totaled more than 100,000 acres.

The researchers also found, in analyzing questionnaire returns, that 27 real estate dealers know of standing offers by outside companies or investors to buy large tracts of Minnesota farm land.

The standing offers are likely to result in purchases because they include a sizable premium over going market prices. Eleven real estate dealers reported a $25-an-acre premium offered for land in large tracts. Three reported a premium of $50 an acre. Five said the standing offer was $100 or more an acre over the going market price.

Land acquisition practices of one large corporation in northeast Colorado were described by one witness to show the likely impact on land prices.[30] Purchases involved were arranged by a real estate firm for Gates Farms Inc., a subsidiary of the Gates Rubber Co.

The unusual pattern, which involved water rights as well as cropland, was described this way:

"The expansion of underground water development by individual farmers and small corporations between 1960 and 1966, as a result of the introduction of new cash crops and mechanical irrigation methods, was very rapid.

"Then in 1967, a real estate broker began optioning land for an undisclosed principal. The option required the seller to establish the availability of ground water in a minimum amount of 1,000 gallons per minute under pumpage and to obtain a well permit from the State ground water commission.

"When the options were exercised, the undisclosed principal was identified as Gates Farms, a subsidiary of the Gates Rubber Co., a substantial conglomerate corporation. The already disordered development at this point began showing signs of panic. Some farmers obtained permits, drilled wells and capped them in order to protect their potential development rights.

"At the same time the Ground Water Commission, influenced to a considerable degree by local pressure, tightened its policies for granting permits. As a result a good many farmers can not now obtain permits, including some who had sold part of their land to the Gates Farms."

Studies by the Department of Agricultural Economics at the University of Minnesota show that 14 percent of land sales in that State in 1967 were to investor buyers, midway in the 11- to 17-percent range of the last 10 years. The possibility that this could sharply reduce the amount of land available to individual farm operators, however, is suggested in this comment from an expert witness.[31]

"Although still a relatively low figure, sales to investor buyers at the rate of 14 percent of all sales in each year could bring about a major change in the landownership pattern in the course of a relatively few years, if investors buy land but do not sell."

Concern over land availability in the future also involves the fact that farming companies are permanent entities, unbroken by death, retirement or other personal considerations. This comment by a witness makes the point.[32]

"* * * once the land is permitted to get into corporate hands it is going to be difficult to reverse the process and restore family ownership. A corporation is a "legal person" which may have a hundred year life or a perpetual life. In family farming there is a turnover in ownership, once in a lifetime. On the average there is a change of ownership at least once in each generation, either from the members of a family to a relative or from one private owner to another. But, since a corporation never dies, the land tends to remain in the corporate hands even though some of the stockholders may change from time to time. And I think this is a key point because how are the family farmers going to have access to land once that has gotten into corporate hands? Land which is swallowed up by the corporations is likely to be gone for good as far as family-type operators are concerned."

It seems clear, based on information submitted to the subcommittee, that corporation farming has considerable impact on land prices and availability.

The upward pressure on land prices, the insistence of acquiring the best land, and permanence of corporate ownership would seem to work against the traditional policy of supporting and protecting the independent farmer and rancher. There is no doubt that continuing this trend will erode, and eventually undermine, the position of the independent operator in the agricultural economy.

V. SOCIAL AND MORAL IMPLICATIONS

One of the most significant results of the study comparing Arvin and Dinuba was the conclusion that the family farm community had more and better schools, churches, recreational facilities, civic organizations and public services.

The hearings reflected a fear that these same things would be undermined in any community where company farming becomes dominant. The concern also involves prospects for a "company town" atmosphere in these communities with local government and public services eroded by the influence of absentee owners.

The problem deals, too, with such intangibles as community spirit and the need for good neighbors. One witness, a Kansas wheat farmer, put it this way: [33]

"In closing I wonder how many farm people realize what it would be like to have a 40,000-acre corporation farm for a neighbor. Do you think it would cast a vote for a school bond issue? Or support good roads down every section line? Or help you combine wheat if you were laid up and unable to work? Or support the church building fund drive?"

The threat of an eroded tax base was mentioned repeatedly. This drop in the amount of taxable property is expected to result from removal of family farm buildings from large tracts acquired by company farms and small business closeouts resulting when company farms take their business outside the community. One witness described the likely impact: [34]

"* * * declines in the tax base will make it more difficult to provide good education, police protection and other locally-controlled public services. If the towns industrialize, they may not feel these effects. But the open country residents will be especially vulnerable."

The same witness told the subcommittee that the change in the characteristics of the farm-rural population that would accompany corporation farming—hired managers and migrant workers becoming predominant—would erode the quality of local government. Here is his statement: [35]

"There could be strong tendencies toward local political apathy on the part of new farm population. Resident farm-owners have a sense of responsibility to hold offices and to participate in financing public services. The new farm employes may not see that they have much of a stake in local political participation. Moreover they will be few in number and are likely to be pressured by companies that employ them. Local political participation of the farm population may very likely decrease."

In addition to eroding the tax base, there are indications company farms also would be able, and anxious, to cut tax rates as well. The prospects for this reduction in support for locally-controlled public services are explored in this comment: [36]

Footnotes at end of article.

"With only a small population to contend with, many of whom will be employed by them, the farming companies will see little need to assume fiscal and other responsibilities for the local areas. This will be especially pronounced if nonfarm population does not increase. If it does, the townspeople might succeed in getting the companies to carry their share of the taxes. But even then, local politicians could be influenced by the farming companies."

The churches, which exert considerable influence in most farm-rural communities, also would be hard hit by the changes that company farming would bring. The same expert witness explores this possibility: [37]

"The local churches, especially those few that remain in small hamlets and in the open country, might close up. There will be fewer farm families to support them. Besides, many of these are tied to ethnic groups and extended families. Out-migrating members of the old ethnic groups of families may well be replaced with personnel with other (or perhaps no) ethnic ties and who will not be members of the local family groups. Churches depending on such groups are more apt to fail."

The evidence clearly shows that one of the social consequences of a shift to corporate farming is continued, and probably accelerated, farm-to-city migration. The cost of this upheaval has not been adequately measured. There is no doubt, however, that the price is substantial both in terms of human hardship and of public dollars to underwrite solutions to already critical urban problems.

Also involved are the human characteristics that many sociologists and religious leaders feel are most fully developed in a farm-rural setting. One witness, for example, said working on the land is desirable because it demands a capacity for orientation and adaptation, patient waiting, a sense of responsibility, and a spirit of perseverance and enterprise.[38]

These intangibles usually are dismissed, however, by social scientists and other researchers who contend they are difficult to quantify through empirical research. Admittedly it is difficult to reduce them to the statistics need for charts and graphs. These factors should be among those considered, however, in making policy judgments about corporation farming and other farm-rural policy choices.

The larger question of the kind of "citizen" a farming company becomes in a community is a critical consideration. One expert witness suggests that most corporations entering agriculture are likely to fail this important social test: [39]

"I see corporations appearing in agriculture that are not large enough to be socially responsible but are large enough to ignore the wishes of their communities. And I am afraid that we may emerge from this period of change having gotten the worst of both possible worlds, having traded effective and efficient small units of production which were not growing rapidly enough to keep pace with technological change for larger corporate units of production which were not large enough and well financed enough to be socially responsible and financially flexible."

It is clear to the subcommittee that these considerations are highly important in assessing the impact of corporation farming on the social and moral strength of farm-rural communities. Although much more research is needed, it appears a compelling case is made that the impact would be both considerable and highly undesirable from a public policy standpoint.

VI. IMPACT ON MARKET STRUCTURE

There is evidence that much of this country's corporation farming is a nearly invisible type operation aimed at control of farm commodities at the producer level and bypassing of traditional markets rather than direct operation of farms and ranches.

This is achieved through contracts with producers, plus some actual ownership and operation of feedlots and similar facilities. One common characteristic is that little or no corporation-owned land is involved.

The objective may be vertical integration of production and processing of a product within a single firm. It may be building a captive market for manufactured feed or some similar product. Or it may be having fat cattle or other meat animals directly available for slaughter when markets are strong.

Large nonfarm corporations using this approach can control sizeable volumes of farm products without acquiring large land tracts; investing in farm machinery, or establishing farming subsidiaries.

Most companies involved are either processors (packers, freezers, canners, etc.) or suppliers (mainly feed manufacturers). Heavy applications of technology also are usually programed in these operations (prepared feeds, growth stimulants, automatic feeders, etc.).

It is estimated that nonfarm corporations, including some of the largest feed companies, now control 98 percent of U.S. broiler production.[40] Companies also are involved in production of feed cattle, hogs, lambs, turkeys, eggs and vegetables.

This corporation-controlled production bypasses the regular market system, thus upsetting supply-demand factors that set prices. The result is a breakdown of markets for products where buyers and sellers no longer are numerous enough to impose competitive checks on each other. Markets in some instances are totally destroyed.

A witness with first hand experience as a contract grower explained to the subcommittee how nonfarm corporations destroyed the market by gaining control of virtually all broiler production: [41]

"Question. Are these mostly feed firms?

"Witness. There are quite a few * * * a producer or grower cannot grow broilers without first having a contract with a processor. There is no market at the grower level * * * it is reasonable to project that it will not be very many years when a half dozen firms will produce all of the broilers * * * through contracts with growers; these farmer producers are growers being no more than glorified hired men, deprived of management and financial risks.

"Question. How are they deprived of financial risks? A good percentage of them have gone bankrupt in my part of the country * * *

"Witness. Their feed company or the integrated firm furnishes the broiler to the farmer. All the farmer furnishes is the building and equipment. The firm furnishes the broilers and they furnish the feed and it's their chickens. When they want you to bring it in, you sell it.

"Question. But they set the price of the feed and they set the price they'll pay for the broiler?

"Witness. They set the price of the feed but I don't know where the market price of a broiler is set. It's their chicken and they just take it away. I can't sell it to anybody else.

"Question. They set the price that you're going to get for it; isn't that correct?

"Witness. Yes. These farmers will probably never receive the just wages and hours deserved, without becoming a labor union * * * the egg and turkey industries are fast following the route of broilers. I think you know that last year the turkey industry has really gone through the wringer, you might say, and the egg business the same. In the South they * * * call it a burnout. The firms that can stand the financial strain, will end up owning or controlling the egg and turkey industries."

One expert witness told the subcommittee that these attempts by corporations to control the product will, as they expand, gradually dry up open markets with prices set in these markets becoming less and less representative of supply-demand conditions. He also explained other expansion consequences: [42]

"Management will likely continue to gravitate from the hands of farmers to those of processors and suppliers and the farmer's role reduced further toward that of a laborer. Integrating companies may not completely take over the production of food and fiber by owning the land and capital and hiring the labor so long as they can earn more with their resources in other uses. Also, by using contract, integrating companies may be able to avoid some employee costs, such as social security, workmen's compensation, and possibly union wages, which would likely come with complete ownership of land and other production resources."

One farm leader [43] contended integrators and others contracting for production frequently are large enough to be a key factor in establishing local market prices. One of the most serious aspects of the entry of the corporation into farming, he stated, is its ability to "interfere with and manipulate" the market.

A critical statement also was submitted by a leading dairy economist [44] who contended there is more cause for concern as a result of contract farming than with outright corporate farmownership. He explained its market impact:

"When this approach is taken, the corporation offers a select group of farmers a modest income with reduced risk, but takes away from the farmer his managerial freedom and the possibility of a higher income in a competitive market. The production of those farms under contract to the corporation may be used in turn to force down prices to the remainder of agriculture."

It is clear from the testimony that contract farming and other approaches used by nonfarm corporations has an impact on the market system, ranging from total destruction in the broiler industry to lesser degrees in other areas. The extent to which it undermines the open market is not well documented. Much more public discussion and research is needed on this issue so obvious abuses can be curbed and the public interest protected.

VII. IMPACT OF FEDERAL TAX POLICIES

A number of witnesses criticized "tax loss farming" and other Federal tax advantages and contended they are the most important factor attracting corporation and other nonfarm investors into agriculture.

The subcommittee concludes from the limited evidence available that Federal tax policy is one of the main determining factors, if not the most important. It is clear that substantial capital gains, favorable depreciation rates on machinery and equipment, and tax losses written off against nonfarm income are returning sizable tax savings to absentee investors.

Independent operators earning a living entirely from farming or ranching make some use, of course, of capital gains and depreciation provisions. But they normally have little or no taxable nonfarm income against which to offset farming losses. The tax loss advantage, therefore, accrues almost entirely to outside investors.

The independent farmer normally is not as concerned with tax brackets as he is in managing his farm to maximize current income. The very wealthy operator, on the other hand, normally seeks to maximize capital gain in an attempt to cut his tax bite from 50 percent or more down to a maximum of 25 percent.

Widespread incidence of "tax loss farming"

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was clearly shown in the hearings, both for wealthy individuals using farm investments as a tax haven and for corporations whose principal business is farming.

Recent Internal Revenue Service figures [45] show a large proportion of the wealthy taxpayers involved in some phase of farming write off sizable losses against nonfarm income. They show, for example, that 119 individuals reporting incomes of $1 million or more in 1965 were involved in some phase of farming. Of this total, 103 wrote off farm losses against other income.

It is clear that this tax writeoff provision is widely used.[46] The IRS figures show that 680,000 of the 3 million farm income tax returns filed in 1965 had farm losses offsetting nonfarm income.

It was estimated this represented a loss of up to $400 million in Federal revenue. The subcommittee was told that much of this "loss" would appear later on returns as capital gains taxed at a much lower rate.

The Government also had data on the 17,578 corporations reporting farming as their principal business in 1965. The figures showed these corporations had $4.3 billion in gross receipts in the most recent tax year—roughly 10 percent of total farm gross income. Yet only 9,244 reported a profit for tax purposes. And the taxable income involved totaled a mere $199 million.

Favorable capital gains treatment also is a most important factor in the tax favoritism hit by farm-oriented witnesses. One expert witness,[47] singling out for criticism the 25-percent ceiling on the tax on long-term capital gains, called it a "graduated and progressive subsidy" to wealthy nonfarm investors moving into agriculture. He added these critical comments:

"There is nothing sacred about the 25-percent ceiling on the tax on long-term capital gains. As it stands now, this relatively low ceiling is an open invitation to speculation in land. It is difficult to avoid the conclusion that much of the recent interest in farm investments by nonfarm investors would fall away if the capital gains tax ceiling were raised, say, to 40 or 50 percent. This 25 percent limit on capital gains taxes is inconsistent with the principle of the progressive income tax and is distorting capital flows, with no clear benefit to the public interest."

One witness [48] submitted a copy of a magazine article that spells out how off-farm investors use Federal tax provisions to build tax-free wealth. A section of the article, carried under the subhead "How to 'Grow' Tax-Sheltered Fortunes in Cattle," spells out which tax provisions are used to write off investment expenses against personal income, "time" the income, and convert regular income to capital gains:

1. Depreciation on farm machinery and buildings, farm supply expenses, and all labor and management costs are deductible.

2. Expenditures for soil and water conservation and land clearing are deductible (in every other business costs of a similar character must be characterized).

3. Income from Commodity Credit Corporation loans is controllable, making it possible to choose the most convenient tax year in which to report the income.

4. Timber, farm buildings, livestock and unharvested crops sold with the land get capital gains treatment.

The article sums up ways investors write off expenses against personal income, use the investment credit, take profits taxable at capital gains rates, and accumulate a cattle operation sheltered indefinitely from the bite of Federal income taxes:

"* * * all expenses (except the cost of land) are deductible from ordinary income either as business expenses or by way of depreciation. So, while the herd is building up, you can use these deductions to offset other highly taxed income.

"* * * many of the expenses you will incur qualify for the 7-percent investment credit—producing an immediate dollar-for-dollar slash in your personal tax bill. These would include, for example, the cost of fences to contain the cattle, drain tiles to improve pasturage, paved barnyards and water wells, but not the cost of purchasing the cattle.

"* * * the herd builds up tax free * * * Simply trade off the calves produced by your herd for additional heifers, which will produce more calves * * * trade off for more heifers, and so on.

"* * * much of the income produced by the herd will be tax-sheltered, long-term capital gain. For example, you get long-term gain if you sell out the whole herd. Furthermore, if you've held them at least 12 months, you get a long-term gain on the sale of cattle culled from the breeding herd, even if they've been fully depreciated."

The beef cattle operation was called the classic illustration by one expert witness.[49] With most of the investment in land and a breeding herd, he pointed out, opportunities are maximized for appreciation in capital value and subsequent taxation of gain at not more than 25 percent. This advantage is progressively attractive to investors with annual incomes exceeding $25,000.

The same witness contended any attempt to help agriculture by income tax concessions contains an automatic bonus for bigness.[50] He added:

"Completely apart from any question of concessions to farmers, or favored tax treatment, the nature of the farm business creates certain attractions for the wealthy investor. To him, the primary advantage lies in the high ratio of durable assets to total assets in an agricultural investment. Assets that can be treated as capital, and taxed under capital gains provisions, are an invitation to the man of wealth to acquire them and seek ways to convert the largest possible amount of current income into an appreciation in his asset values."

Thus, the subcommittee finds, it is both capital gains and "tax loss farming" that attracts industrial corporations and other nonfarm interests into agriculture. Both must be dealt with if this trend is to be slowed or reversed.

VIII. SURPLUS LAND SALES AS A FACTOR

There is some evidence that Government surplus disposal policies have resulted in transfer of large-acreage surplus defense establishments to corporations and other nonfarm interests for farming, livestock feeding, and other agricultural purposes.

These abandoned installations are attractive to these nonfarm interests because they provide an easy way to obtain large land tracts, clear in most instances of farm buildings, hedgerows, terraces, and other deterrents to large-scale farming. They also have appeal because they no longer contain public roads or other right-of-way rights.

These military installations, usually dating from the 1940's, are normally sold as a unit after being declared surplus. It is impossible to sell this land to previous owners, who long ago obtained other farming units or moved to the city, or to find a way to break them up into units that could be purchased by individual farm operators.

Evidence was presented to the subcommittee on only one example.[51] It was the recent transaction involving the 27-year-old Hastings (Nebr.) Naval Ammunition Depot. A sizable portion was purchased by the city of Hastings under provisions of the State's Industrial Development Act. The city, according to the testimony, immediately entered into a lease-purchase agreement that turned it over to a corporation for a huge hog feeding operation.

Several members of the Nebraska Legislature tried unsuccessfully to amend the State's Development Act in time to stop revenue bond financing to the city that made the purchase possible. The amendment specifically would have barred issuance of bonds under the act for livestock production purposes.

Opponents of the Hastings transaction contended attempts by Government, both State and Federal, to provide new jobs by returning installations to the public fall short when corporations are allowed to take them over for agricultural purposes.

Although the Hastings situation involves the Defense Department, it is suggested that the Atomic Energy Commission and other Federal agencies also have been involved in transfers of large-acreage surplus installations to corporate interests. The subcommittee feels this is a policy area that should be explored further.

IX. SUMMARY OF REMEDIAL PROPOSALS

Many of the witnesses urged the subcommittee to consider specific proposals to meet the challenge posed by industrial corporations and other nonfarm interests moving into agriculture.

Several of the proposals have been before Congress in one form or another in recent years or considered by the Food and Fiber Commission, the Food Marketing Commission, or other studies authorized by Congress.

The changes proposed generally involve one of two approaches. One is strengthening the farmer and rancher, through such things as bargaining power and credit and better prices, so competition from nonfarm interests can be overcome. The other involves removing tax and other incentives encouraging nonfarm investors and adopting land use restrictions and other roadblocks to corporate entry into agriculture.

Also included are requests for various kinds of investigations into corporation farming and related issues.

Congress clearly has authority to act on many of the proposals (Federal tax policy, disposal of surplus military installations, etc.). Others involve policy decisions reserved to the States (land use regulations, irrigation well permits, etc.). Still others fall into undefined areas or those involving joint government action (soil conservation, air and water pollution, reporting procedures for publicly owned corporations, etc.).

These are the main proposals submitted:

1. Limit use of underground water for irrigation to quantities normally restored to these aquifers by natural recharge.

2. Control Government sales of large-acreage surplus defense establishments to prevent them from coming under control of corporations for farming, livestock feeding, or other agricultural purposes.

3. Tighten antitrust laws to assure competition, specifically making it illegal for a single corporation to produce, process, and retail farm products.

4. Enforce existing laws limiting use of public irrigation water to a specified number of acres per user and includes a similar limitation on all future Government water development projects.

5. Use the Government's subpena powers to determine (1) the names of stockholders of corporation farms; (2) whether company farms are involved in an effort to monopolize food processing, distribution and production, and (3) whether company farms violate antitrust laws in buying equipment, fertilizer, feed, and other production items direct and discounted.

6. Restrict farm size by limiting either the number of acres or volume of sales.

7. Increase the State homestead exemption on agricultural real estate where a farm family makes its home.

8. Require farm and ranch ownership registration (owner's name and address, property size and location, acquisition date and

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type of ownership) with farm companies required, in addition, to list stockholders with more than a 5-percent interest and report any ties to farm supply, processing or marketing firms.

9. Prohibit obstruction, boycott or intimidation of farmers organizing cooperatives or other collective efforts to increase bargaining power.

10. Provide authority and funds for continuing economic studies of the food and fiber industry structure by Government regulatory agencies, Federal economic research groups, and educational and private research institutions.

11. Enact legislation to assure parity prices and income protection, through Government payments and other assistance, to a family farm level of production with the Department of Agriculture defining family farm units on a county-by-county basis.

12. Enact Federal tax legislation to prohibit persons who are not bona fide farmers from using losses incurred in their farming operations as an offset to income from other sources.

13. Prohibit chain grocery stores and others engaged in food processing and distribution from operating feedlots and other agricultural facilities.

14. Enact a graduated land tax to discourage large land holdings by either individuals or corporations.

15. Enact a law prohibiting purchase of farm land by corporations with stockholders exceeding a certain number.

16. Empower county boards to set up farm land resources commissions directed to (1) regulate farm land transfers; (2) prohibit undesirable forms of agricultural enterprises that represent poor land use or are out of character with those existing in the county; (3) regulate public nuisances resulting from air and water pollution arising from feedlots, egg factories, and confinement types of dairy and livestock operations, and (4) licensing and regulating water use for irrigation.

17. Refine, expand, and adequately fund the farm credit system.

18. Extend and improve restraint of trade, monopoly and unfair trade practices laws that limit capacity and thrust of corporate growth and made at the expense of smaller independent enterprises.

APPENDIX

A. Summary of Arvin-Dinuba study[52]

Whether industrialization of farming is a threat not only to the family farm, but also to the rural society founded upon the family farm, is the specific subject of the present report. The purpose of this study is to test by contemporary field research the historic hypothesis that the institution of small independent farmers is indeed the agent which creates the homogeneous community, both socially and economically democratic.

The present inquiry consists of a detailed analysis and comparison of two communities, one where agricultural operations are on a modest scale, the other where large factory-like techniques are practiced. Both communities lie in the fertile southern San Joaquin Valley in the Great Central Valley of California, where highly developed and richly productive agriculture is characteristic. Limitations of time and resources dictated that no more than two communities be studied. Numerous other pairs might have been chosen which doubtless would have yielded comparable results.

The two communities studied naturally vary in some degree with respect to proportions of surrounding lands devoted to this or that crop, with respect to age, to depth of water lift for irrigation, etc., as well as with respect to the scale of the farm enterprises which surround them. Controls as perfect as are possible in the chemist's laboratory are not found in social organizations. Yet the approximation to complete control achieved by selection of the communities of Arvin and Dinuba, is surprisingly high. Other factors, besides the difference in scale of farming, which might have produced or contributed to the striking contrasts of Arvin and Dinuba have been carefully examined. On this basis the conclusion has been reached that the primary, and by all odds the factor of greatest weight in producing the essential differences in these two communities, was the characteristic difference in the scale of farming—large or small—upon which each was founded. There is every reason to believe that the results obtained by this study are generally applicable wherever like economic conditions prevail.

Summary of findings

Certain conclusions are particularly significant to an understanding of the importance of his place in a community. Not only does the small farm itself constitute small business, but it supports flourishing small commercial business.

Analysis of the business conditions in the communities of Arvin and Dinuba shows that—

(1) The small farm community supported 62 separate business establishments, to but 35 in the large-farm community; a ratio in favor of the small-farm community of nearly 2 to 1.

(2) The volume of retail trade in the small-farm community during the 12-month period analyzed was $4,383,000 as against only $2,535,000 in the large-farm community. Retail trade in the small-farm community was greater by 61 percent.

(3) The expenditure for household supplies and building equipment was over three times as great in the small-farm community as it was in the large-farm community.

The investigation disclosed other vast differences in the economic and social life of the two communities, and affords strong support for the belief that small farms provide the basis for a richer community life and a greater sum of those values for which America stands, than do industrialized farms of the usual type.

It was found that—

(4) The small farm supports in the local community a larger number of people per dollar volume of agricultural production than an area devoted to large-scale enterprises, a difference in its favor of about 20 percent.

(5) Notwithstanding their greater numbers, people in the small farm community have a better average standard of living than those living in the community of large-scale farms.

(6) Over one-half of the breadwinners in the small-farm community are independently employed businessmen, persons in white-collar employment, or farmers; in the large-farm community the proportion is less than one-fifth.

(7) Less than one-third of the breadwinners in the small-farm community are agricultural wage laborers (characteristically landless, and with low and insecure income) while the proportion of persons in this position reaches the astonishing figure of nearly two-thirds of all persons gainfully employed in the large-farm community.

(8) Physical facilities for community living—paved streets, sidewalks, garbage disposal, sewage disposal, and other public services—are far greater in the small-farm community; indeed, in the industrial-farm community some of these facilities are entirely wanting.

(9) Schools are more plentiful and offer broader services in the small-farm community, which is provided with four elementary schools and one high school; the large-farm community has but a single elementary school.

(10) The small-farm community is provided with three parks for recreation; the large-farm community has a single playground, loaned by a corporation.

(11) The small-farm town has more than twice the number of organizations for civic improvement and social recreation than its large-farm counterpart.

(12) Provision for public recreation centers, Boy Scout troops, and similar facilities for enriching the lives of the inhabitants is proportioned in the two communities in the same general way, favoring the small-farm community.

(13) The small-town community supports two newspapers, each with many times the news space carried in the single paper of the industrialized-farm community.

(14) Churches bear the ratio of 2 to 1 between the communities, with the greater number of churches and churchgoers in the small-farm community.

(15) Facilities for making decisions on community welfare through local popular elections are available to people in the small-town community; in the large-farm community such decisions are in the hands of officials of the county.

These differences are sufficiently great in number and degree to affirm the thesis that small farms bear a very important relation to the character of American rural society. It must be realized that the two communities of Arvin and Dinuba were carefully selected to reflect the difference in size of enterprise, and not extraneous factors. The agricultural production in the two communities was virtually the same in volume—$2½ million per annum in each—so that the resource base was strictly comparable. Both communities produce specialized crops of high value and high cost of production, utilizing irrigation and large bodies of special harvest labor. The two communities are in the same climate zone, about equidistant from small cities and major urban centers, similarly served by highways and railroads, and without any significant advantages from nonagricultural resources or from manufacturing or processing. The reported differences in the community may properly be assigned confidently and overwhelmingly to the scale-of-farming factor.

The reasons seem clear. The small-farm community is a population of middle-class persons with a high degree of stability in income and tenure, and a strong economic and social interest in their community. Differences in wealth among them are not great, and the people generally associate together in those organizations which serve the community. Where farms are large, on the other hand, the population consists of relatively few persons with economic stability, and of large numbers whose only tie to the community is their uncertain and relatively low-income job. Differences in wealth are great among members of this community, and social contacts between them are rare.

Indeed, even the operators of large-scale farms frequently are absentees; and if they do live in Arvin, they as often seek their recreation in the nearby city. Their interest in the social life of the community is hardly greater than that of the laborer whose tenure is transitory. Even the businessmen of the large-farm community frequently express their own feelings of impermanence; and their financial investment in the community, kept usually at a minimum reflects the same view. Attitudes such as these are not conducive to stability and the rich kind of rural community life which is properly associated with the traditional family farm.

FOOTNOTES

[1] These large corporations, including conglomerates, were cited by various witnesses (during the hearings or in material submitted for the record) as being engaged in farming: American Cyanamid, Bunge Inc., CBK

Inc., Del Monte, Gates Rubber Co., Goodyear Rubber Co., Gulf & Western, H. J. Heinz Co., International Systems & Controls Co., Jewel Tea Co., Libby, McNeill & Libby, Massey-Ferguson, Minute Maid Groves, Oppenheimer Industries, Pacific-Gamble-Robinson Co., Pillsbury Co., Ralston Purina, Swift & Co., Tenneco, and Textron Inc.

[2] "Corporation Farming," hearings before Subcommittee on Monopoly, Select Committee on Small business, U.S. Senate, 90th Cong., second sess., Ben H. Radcliffe, p. 23.

[3] Hearings, Elton Berck, p. 44.

[4] Ibid., Arnold Onstad, p. 264.

[5] Ibid., Ben H. Radcliffe, p. 24.

[6] Ibid., Prof. Philip M. Raup, p. 249.

[7] Report, "Small Business and the Community—A Study in Central Valley of California on Effects of Scale of Farm Operations," prepared by the Special Committee to Congress, December 23, 1946.

[8] See Appendix A for a summary of the Arvin-Dinuba study.

[9] Examples are the Minnesota Task Force on Corporation Farming, a citizens study group, with work described on pp. 263–269 of the hearing record; and a legislative council study, South Dakota Legislature, p. 20 of the same period.

[10] Ibid., Howard Bertsch, p. 99.

[11] Ibid., Douglas G. Marshall, p. 228.

[12] Ibid., Amer Lehman, pp. 102–103.

[13] Ibid., Amer Lehman, p. 105.

[14] Ibid., Howard Bertsch, p. 98.

[15] Ibid., Edwin Sommers, p. 219.

[16] Ibid., Gilbert Rohde, p. 202.

[17] Ibid., Tony T. Dechant, p. 11.

[18] Ibid., Arnold Onstad, p. 263.

[19] Ibid., Tony T. Dechant, p. 69.

[20] Ibid., Tony T. Dechant, p. 68.

[21] Ibid., Edwin Sommers, p. 219.

[22] Ibid., Pat DuBois, p. 71.

[23] Ibid., William Pickerign, p. 277.

[24] Ibid., Howard Bertsch, p. 96.

[25] Ibid., Keith C. Davison, p. 192.

[26] Ibid., Tony T. Dechant, p. 68.

[27] Ibid., Ben H. Radcliffe, p. 23.

[28] Ibid., Amer. Lehman, p. 106.

[29] Ibid., Arnold Onstad, p. 263.

[30] Ibid., Amer Lehman, p. 105.

[31] Ibid., Philip M. Raupe, p. 243.

[32] Ibid., Edwin Christianson, p. 206.

[33] Ibid., Philip Doyle, p. 112.

[34] Ibid., Douglas G. Marshall, p. 232.

[35] Marshall, *op. cit.*

[36] Marshall, *op. cit.*

[37] Marshall, *op. cit.*

[38] Ibid., Msgr. John G. Weber, p. 113.

[39] Ibid., Philip M. Raup, p. 241.

[40] Ibid., Albert Ebers p. 165.

[41] Albert Ebers, *op. cit.*

[42] Ibid, Paul L. Farris, p. 177.

[43] Ibid, Tony T. Dechant, p. 66.

[44] Ibid, Arthur Miller, p. 273.

[45] Ibid, Ben H. Radcliffe, pp. 24–25.

[46] The Internal Revenue Service figures show this 1965 breakdown: Individuals with $1 million or more income—119 engaged in farming with 103 writing off farm losses; $500,000 to $1 million—202 in farming with 170 reporting farm losses; $100,000 to $500,000—3,914 in farming with 2,874 reporting farm losses; $50,000 to $100,000—12,398 in farming with 7,424 reporting farm losses; $20,000 to $50,000—69,132 in farming with 30,380 reporting farm losses; $15,000 to $20,000—66,003 in farming with 23,843 reporting farm losses.

[47] Ibid, Philip M. Raup, p. 249.

[48] Ibid, Elton Berck, p. 49.

[49] Ibid, Philip M. Raup, p. 246.

[50] Raup, *op cit.*

[51] Ibid, Elton Berck, pp. 46–47.

[52] This brief report is taken from pp. 4–6 of the hearing record of the Subcommittee on Monopoly.

Mr. PELL. Mr. President, after considerable deliberation I have decided that I shall not vote for confirmation of Dr. Earl L. Butz as Secretary of Agriculture.

I have reached this decision reluctantly, for I believe as a general rule the President of the United States should be given wide latitude in selecting the administrators who will serve as members of his Cabinet.

In this case, however, I find the nominee to be basically unsympathetic and insensitive to two of the major problems which confront our society today—environmental quality and the problem of providing food for the disadvantaged members of our society.

In both of these areas, the Department of Agriculture has direct, major responsibilities, and it is important, I believe, that the head of the Department be a man who believes positively in programs to protect our environment and in programs of food distribution.

We have just gone through an experience with the Department of Agriculture in which it took the full force of the Senate and the House of Representatives to rescue the school lunch program from crippling, pennypinching, regulatory actions designed to thwart the will of Congress and to deny school lunches to millions of children.

We need a Secretary of Agriculture who believes positively in these programs, and Dr. Butz apparently does not. He has, for example, expressed some doubts about the extent of the food stamp program.

He has summarily dismissed the concern of environmental organizations over wholesale use of pesticides and chemical fertilizers.

These are matters that are of deep and legitimate concern to a large and increasing number of Americans. I regret very much that the nominee has not demonstrated a sensitivity to these concerns.

Mr. President, until today I have opposed in the Senate the confirmation of only one Cabinet appointment submitted by President Nixon. I voted against the confirmation of Walter Hickel as Secretary of the Interior, because of his demonstrated lack of concern, at that time, for environmental problems. I came to admire Secretary Hickel for his ability to learn in his post. He became an extremely effective and articulate defender of the environment, and I like to think that the confirmation process in the Senate played an important part in preparing him for that role.

If Dr. Butz is confirmed, I would hope that the concerns that I and others have expressed will impress upon him the importance with which many Americans view our food distribution and environmental programs.

I would hope also that Dr. Butz would make strenuous efforts to place the farm economy on a sounder basis—both for the sake of our farmers and for our taxpayers—and would come forward with proposals to reduce the continuing taxpayer burden of supporting the large farm subsidy program.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont has 9 minutes remaining and the Senator from Oklahoma has 1 minute.

Mr. AIKEN. I might ask whether any Senators who are supporting the nomination of Dr. Butz would like time. If not, if the Senator from Oklahoma will yield back his 1 minute, I will yield back the remainder of our time.

Mr. HARRIS. Will the Senator yield me his time? There are others who would like to speak against Dr. Butz.

Mr. AIKEN. I could not do that. We are going to hear the candidates from now until next November. I do not think anything new can be added. Although I would like to accommodate the Senator, I am a conservationist first and an accommodater second.

I yield back the remainder of our time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The vote cannot occur until 1 o'clock, except by unanimous consent.

Mr. HUGHES. I object.

Mr. HARRIS. Mr. President, if no one will speak on behalf of Dr. Butz on their side, may we have about 6 minutes of silence on their time? [Laughter.]

Mr. DOLE. Mr. President, I suggest the absence of a quorum, on our time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Who yields time?

Mr. HARRIS. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute to each side.

Mr. HARRIS. I yield myself 1 minute.

Mr. President, big, rich farmers and big corporations are taking over agriculture, not because they are more efficient, but because people like Dr. Butz have favored them over the years, and he will continue to favor them as Secretary of Agriculture, with the water irrigation laws, with our tax laws, our labor laws, the laws in regard to subsidies. All those laws subsidize the big, rich farmer and the corporate farmer, to the detriment of the little farmer. Let us cast a vote for the little farmer and against this nomination.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. Mr. President, I can only repeat what I said yesterday. The President is responsible for carrying out the programs established by Congress. He appoints his Secretaries and the heads of his departments to carry out the programs. If they do not go right then the President is to blame.

I have heard on this floor Orville Freeman being criticized for some things that went on, such as loss of income, and so forth, while he was Secretary of Agriculture, when Orville Freeman was not to blame.

That is true of every Secretary of Agriculture.

The Department of Agriculture has been in existence for 108 years and during that time no President has ever been denied the right to select his own Secretary.

If we are to establish a precedent now,

we will not only be making it more difficult for the present administration to improve the lot of the farm people of this country, but we will also be embarrassing future Presidents of one party or the other who might take up residence in the White House.

I do not want to embarrass any future President.

The PRESIDING OFFICER (Mr. HOLLINGS). Will the Senator from Vermont ask for the yeas and nays?

Mr. AIKEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. HOLLINGS). The hour of 1 o'clock having arrived, the question is, Will the Senate advise and consent to the nomination of Earl Lauer Butz to be Secretary of Agriculture?

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 Hawaii (Mr. INOUYE) is absent on official business.

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from Hawaii (Mr. INOUYE).

If present and voting, the Senator from Colorado would vote "yea" and the Senator from Hawaii would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Colorado (Mr. DOMINICK) is necessarily absent.

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

If present and voting, the Senator from Utah (Mr. BENNETT) would vote "yea."

On this vote, the Senator from Colorado (Mr. DOMINICK) is paired with the Senator from Hawaii (Mr. INOUYE). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Hawaii would vote "nay."

The yeas and nays resulted, yeas 51, nays 44, as follows:

[No. 428 Ex.]

YEAS—51

Aiken	Cotton	Mathias
Allen	Curtis	Packwood
Allott	Dole	Pearson
Anderson	Eastland	Percy
Baker	Ellender	Randolph
Bayh	Fannin	Roth
Beall	Fong	Schweiker
Bellmon	Goldwater	Scott
Bentsen	Griffin	Smith
Boggs	Gurney	Spong
Brock	Hansen	Stafford
Brooke	Hart	Stennis
Buckley	Hatfield	Stevens
Byrd, Va.	Hruska	Taft
Byrd, W. Va.	Javits	Thurmond
Case	Jordan, Idaho	Tower
Chiles	Long	Weicker

NAYS—44

Bible	Gravel	McClellan
Burdick	Harris	McGee
Cannon	Hartke	McGovern
Church	Hollings	McIntyre
Cook	Hughes	Metcalf
Cooper	Humphrey	Miller
Cranston	Jackson	Mondale
Eagleton	Jordan, N.C.	Montoya
Ervin	Kennedy	Moss
Fulbright	Magnuson	Muskie
Gambrell	Mansfield	Nelson
Pastore	Sparkman	Tunney
Pell	Stevenson	Williams
Proxmire	Symington	Young
Ribicoff	Talmadge	

NOT VOTING—5

Bennett	Inouye	Saxbe
Dominick	Mundt	

So the nomination was confirmed.

Mr. MANSFIELD. Mr. President, I move that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER (Mr. STEVENSON). The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

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. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. STEVENSON) laid before the Senate a message from the President of the United States submitting the nomination of Robert Anderson, of the District of Columbia, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Dahomey, which was referred to the Committee on Foreign Relations.

LEGISLATIVE SESSION

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

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

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate and in the galleries?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats and desist from conversations. There will be order in the galleries.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, it is my understanding that S. 2097 is to be laid before the Senate automatically. However, before that is done, I ask unanimous consent that I may have the floor for the purpose of yielding it to the Senator from North Dakota briefly.

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

VISIT TO THE SENATE BY VISITORS FROM MICRONESIA ATTENDING THE WHITE HOUSE CONFERENCE ON AGING

Mr. BURDICK. Mr. President, as chairman of the Subcommittee on Territories and Insular Affairs, I am delighted to advise the Senate of a number of visitors from the Trust Territory of the Pacific Islands who are representing the area, perhaps better known as Micronesia, at the White House Conference on Aging being conducted this week. It gives me particular pleasure to be able to welcome these distinguished delegates from Micronesia since I know many of them personally and have enjoyed their hospitality while visiting their respective districts and being a guest in their homes.

I know all of my colleagues join me in the hope that during this week the delegates from Micronesia, who represent traditional leadership, the elected leadership, and the administration of the territory, will come to have a better understanding of the United States and the operations of our Government.

The gentlemen who are here for the conference are:

Mr. Edward Capelle, Coordinator, Senior Opportunity Services, CAA, Marshall Islands District.

Chief Alper Domsin, Chief Magistrate, Kitti, Ponape District.

Mr. Dwight Heine, Special Consultant to the High Commissioner, Trust Territory Headquarters.

Mr. Kintoki Joseph, Coordinator, Community Action Agency, Truk District.

Chief Reklai Limisang, Paramount Chief, Palau District.

Chief Francisco Luktun, Civic Affairs Officer, Yap District.

Mr. Eskiel Moses, Student Nurse, Mariana Islands District.

Chief Ibedul Ngoriakl, Paramount Chief, Palau District.

Mr. Henry S. Pangelinan, Self-employed, Mariana Islands District.

Chief Andrew Roboman, President, Yap Islands Council, Yap District.

Mr. Ben Sablon, Self-employed, Mariana Islands District.

Representative Henry Samuel, Vice-Speaker, House of Representatives, Congress of Micronesia, Marshall Islands District.

Representative Joab Sigrah, Member, House of Representatives, Congress of Micronesia, Ponape District.

Mr. Norman Skilling, Chief Magistrate, Kusaie, Ponape District.

Mr. Kakwe Telinej, Retired, Marshall Islands.

Mr. Rosendo Tonga, Student, Community College of Micronesia, Ponape District.

Mr. Sabi William, Educator, Truk District.

Mr. William Allen, staff: Chief, Community Development Division, Trust Territory Headquarters.

Mr. Hilary Conrad, staff: Community Development Officer, Ponape District.

Mr. William Jackson, staff: Acting Program Development Officer, Community Development Division, Trust Territory Headquarters.

Mr. Isaac Ngiraeluolw, staff: Program Analyst, Office on Aging, Trust Territory Headquarters.

Mr. Luke Tman, staff: Chief, Civic Affairs Division, Trust Territory Headquarters.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished Senator from North Dakota on behalf of the joint leadership in welcoming our Micronesian friends to the Capital of the Nation.

Mr. SCOTT. Yes, indeed. We are delighted they are here.

THE PROGRAM

Mr. SCOTT. Mr. President, I would like to inquire of the distinguished majority leader as to the future business.

Mr. MANSFIELD. Mr. President, it has not been worked out as yet.

Mr. President, I yield to the distinguished Senator from Missouri.

DISTRICT OF COLUMBIA REVENUE ACT OF 1971

Mr. EAGLETON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 11341.

The PRESIDING OFFICER (Mr. STEVENSON) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 11341) to provide additional revenue for the District of Columbia, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. EAGLETON. Mr. President, I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. STEVENSON) appointed Mr. EAGLETON, Mr. INOUYE, Mr. STEVENSON, Mr. MATHIAS, and Mr. WEICKER conferees on the part of the Senate.

ORDER FOR H.R. 11589 TO BE HELD AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the message from the House on H.R. 11589, to authorize the foreign sale of certain passenger vessels, be held at the desk.

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

PROGRAM

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, the pending business is S. 2097, the so-called Drug Abuse Act.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate? Will the Chair please clear the well?

The PRESIDING OFFICER. The Senate will be in order. The well will be cleared. Senators will cease conversations and the staff will please be quiet.

Mr. MANSFIELD. Mr. President, to repeat, on the drug abuse measure there is a time limitation. That measure is to be followed by the conference report on OEO, which likewise has a time limitation. Hopefully we will wind up the day's work with S. 2824, the so-called fish inspection bill.

Tomorrow we will have the District of Columbia appropriation bill, to be followed by the supplemental appropriations. Hopefully we will have a chance to take up the voter registration bill in which the distinguished Senator from Wyoming (Mr. MCGEE), the distinguished Senator from Nebraska (Mr. HRUSKA), the distinguished Senator from Hawaii (Mr. FONG), the distinguished Senator from North Carolina (Mr. ERVIN), and others have an interest.

With these matters out of the way it is anticipated we will turn to the Supreme Court nominations with the understanding, of course, that in the consideration of those nominations conference reports and the like will be given prior consideration.

As far as the foreign aid bill is concerned, it is still in conference. I do not know what the effects will be of the continuing meeting between the conferees of both houses. So at the moment I am unable to say anything except that a stalemate exists.

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

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, I would hope we could lay before the Senate and begin debate on the two Supreme Court nominations sometime tomorrow after these privileged and otherwise scheduled matters have been disposed of. I think we are both anxious to do that.

Mr. MANSFIELD. I would agree, yes.

I do not know if the distinguished Senator from Maryland will be in a position to advise us as to his wishes on amending the American Revolutionary Bicentennial Commission measure.

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

Mr. MANSFIELD. I yield.

Mr. MATHIAS. I am prepared to go forward with that. The distinguished Senator from Massachusetts, who is the author of the bill, and the distinguished Senator from Nebraska, who is also interested in the matter, I think, are all agreed to go forward and that perhaps in 30 minutes it could be disposed of at any time the leadership can schedule it.

Mr. MANSFIELD. Would some time tomorrow be agreeable?

Mr. MATHIAS. I think the Senator from Massachusetts has some reservations about doing it tomorrow and had hoped it could be done today.

Mr. MANSFIELD. Maybe later today.

Mr. BROOKE. Yes.

Mr. MANSFIELD. Very well.

We are going into the Federal Aviation Act, in which the distinguished Senator from New Hampshire (Mr. COTTON) and the distinguished Senator from Washington (Mr. MAGNUSON) have an active interest, as well as the distinguished Senator from Nevada (Mr. CANNON) who likewise has a special interest.

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

Mr. MANSFIELD. I yield.

Mr. COTTON. I apologize. I just entered the Chamber. Did the Senator say that the fish bill is likely to come up later this evening?

Mr. MANSFIELD. Later this evening, if it meets with the approval of the Senator, who is very much interested in the measure.

Mr. COTTON. Oh, certainly.

Mr. SCOTT. Mr. President, I wish to make further comment that if it should happen that the conference report comes in on the tax bill and the conferees have come in with something which is generally acceptable and which perhaps has resolved those major differences, I would assume we would, as a privilege matter, take up the tax bill at the earliest possible moment.

If we find ourselves in a state of less than harmony we can let the bells ring and go home to hear them.

Mr. MANSFIELD. The Senator is correct.

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

Mr. MANSFIELD. I yield.

Mr. STEVENS. As I gather the time limitation, there is to be about 6½ hours before we would get to the fish inspection bill.

Mr. MANSFIELD. It depends on how much time is taken on the drug bill and the conference report on OEO. I understand the anticipated amendment to the drug bill will not be offered.

Mr. STEVENS. I did have other plans and I will be pleased to cancel them; but could some other bill come third today so we could start tomorrow on the fish inspection bill?

Mr. MANSFIELD. We are stuck and we have to do that.

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

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. I wish to register a little concern.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate so we can hear the leadership on both sides of the aisle?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRIFFIN. I know that the minority whip—and I am sure it is true in the case of the majority whip as well—has been trying to convey to the membership information concerning the schedule as it is announced.

On several occasions it was announced that the Supreme Court nominations would follow the disposition of the Butz nomination. More recently there have been some variations on this.

Now, the majority leader has mentioned that several bills as to which no time agreements have been reached will be called up after the Butz nomination and prior to the Supreme Court nominations. One of the matters is very controversial, to say the least. I am referring to the voter registration by mail.

If some of these bills are brought up I can conceive of debate going on for quite awhile on them. It bothers me because I thought it had been announced that the Supreme Court nominations would follow the disposition of the Butz nomination.

Mr. MANSFIELD. The Senator has a point. I can well understand it. But I am sure the Senator realizes also, being in the position of leadership that he is in, that a certain amount of flexibility has to be accorded, as a matter of course, to the joint leaders in the scheduling of legislation. I might add that time and time again I have announced that these nominees would likely be the very last order of business this session.

We will attempt, if possible, to get a time limitation on the voter registration bill, however. We do not intend to spend days and days on it this late in the session.

Mr. GRIFFIN. I am glad to have that assurance.

Mr. MANSFIELD. Maybe it could be worked out in a way that is not unsatisfactory.

Mr. SCOTT. I do not think it should be brought up in this session unless we get a time limitation. I would assume we could get one.

Mr. ERVIN. Mr. President, will the Senator yield

Mr. MANSFIELD. I yield.

Mr. ERVIN. Mr. President, for the information of the majority leader I would like to say that I would object to a time limitation on the Voter Registration Act. I think there will be quite a debate on the subject or on a motion to commit that to the committee which under the rules of the Senate has jurisdiction, and that would be either the Committee on Rules and Administration or the Committee on the Judiciary.

Furthermore, I have a number of amendments to that bill that I think I would have to discuss at some length.

Mr. MANSFIELD. That answers the question on the time limitation. Again I ask the Senate to understand the position of the leadership and I want to assure the Senate that this will not unduly delay the consideration of the nominations.

Mr. PERCY. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. PERCY. Mr. President, I wish to raise the question that I put yesterday to the assistant majority leader. Although he rendered a partial opinion he said he would defer until the majority leader was on the floor. Would it be possible to consider the two Supreme Court nominations en bloc so that either one of them could be discussed during the proceedings and then have a vote on both of them separately, but one following another?

I presume every Senator would want to be back for those votes, and some of us have commitments out of town, presuming we would have adjourned by December 4.

We will have to work out those commitments and be back here. But if a Senator is on the west coast or some distance from here, it might be easier to come back for one vote rather than two.

Mr. MANSFIELD. It is not unusual to consider nominations en bloc, but that is only the case when there is no trouble or concern.

In this matter, perforce, we will have to consider each separately and debate and vote on each separately and at an appropriate time I would assume the responsibility and make the decision as to which one will come up first.

Mr. PERCY. About how much advance notice will Senators have as to a time certain on the respective votes?

Mr. MANSFIELD. That is hard to say, because I daresay in one of these instances it will be impossible to begin arriving at an agreement covering a time certain to vote.

SHIFT IN WORLD MILITARY POWER BALANCE

Mr. THURMOND. Mr. President, today many people are worried, and properly so, about inflation, unemployment, drugs, and permissiveness in the lives and activities of our people. These are important, even critical issues, but their resolution will come to naught if we continue to permit our military power to dissipate.

Whether the American people want to hear it or not, those of us in public life have a responsibility to warn that the security of the United States is imperiled to a degree unparalleled in modern times. When people think about a threat to our security, they think of a nuclear attack.

The possibility of a nuclear holocaust engulfing the world rests mainly on two possibilities. First, the possibility that the Soviet leadership could fall into the hands of a paranoid or insane man who would push the buttons the Soviets control.

There is not a great deal we can do to prevent such an eventuality. The Soviets operate in a closed society, completely control their people and determine their leaders by intrigue and conspiracy. The best hope for insuring a more stable Soviet leadership is to involve them as much as possible in the real world and thereby force more responsibility into their political system.

The second possibility of a nuclear exchange turns on a confrontation between the major powers such as we witnessed during the Cuban missile crisis. At that time the U.S. missile superiority gave us a clear advantage.

If such a situation would arise today or in the next few years, the world would be in much greater danger. The reason is that the United States no longer has a clear strategic weapon advantage over the Soviets and a miscalculation is more likely to occur on the part of either side. Such a confrontation becomes more dangerous each day as the United States fails to respond to the fantastic Soviet buildup in the past few years.

This rapidly shifting balance of power and the dangers it brings must be understood by the American people. A conscious policy to allow the Soviets to catch up was undertaken during the McNamara years on the belief the Russians would never deal with us so long as they were in an inferior military position. The idea was to allow them to achieve parity, or equality, and then agreements could be reached which would slow the arms race. What has happened is that the Soviets have achieved parity and now are accelerating their military buildup seeking an advantage which they could use in the world arena.

A superiority, or even an impression of superiority, by the Soviets, would not only increase the possibility of a nuclear exchange, but could also wreck our free world alliances. The more probable result, assuming a nuclear exchange is less likely to occur, is that the Soviets will greatly expand their sphere of influence. This could be accomplished through economic and political means, backed by their new military power. Such an event could isolate the United States during the 1980's except for contacts in the Western Hemisphere.

The next question is when will such a power shift take place. The answer to that question may be soon forthcoming. Presently, many experts contend the Soviets have achieved a strategic parity with the United States based on their ICBM and submarine buildup.

This is clearly shown by contrasting the strategic, or long-range, offensive and defensive capability of the Soviets to that of the United States.

Consider this chart:

STRATEGIC OFFENSE

	Soviets	United States
1. Intercontinental ballistic missile launchers	1,500	1,054
2. Medium and intermediate range ballistic missile launchers	600	0
3. POLARIS-type submarine launched ballistic missile boats	20	41

Mr. President, I want to add here that the Soviets are building 22 Soviet subs in this type, which are now under construction, which will give them one more than we have:

	Soviets	United States
4. Heavy bombers	195	569
5. Medium bombers	1,150	0

STRATEGIC DEFENSE

1. Surface-to-air missile launchers	10,000	1,136
2. Anti-ballistic missile launchers	64	0
3. Fighter interceptors	3,300	599

These figures should sober anyone who can count. They result from the fact that, with the exception of Minuteman III and Poseidon missiles, the United States has the same strategic forces as in 1965.

Alarming signs that this situation may soon grow worse abound everywhere. For instance, the Soviets have more than 85 large holes at present ICBM sites and as yet have not filled these holes. The idea of digging large numbers of holes before filling them is new and poses the possibility of dramatic consequences. Any weapon placed in these holes could very well be newer and more powerful than its predecessors. The psychological impact of such additional missiles would be highly significant. One thing for certain is that it will give the Soviets a momentum which will be difficult to counter.

There is also the question of the psychological impact on this country and the world, should the Soviets clearly establish a missile superiority through some dramatic action. We can all remember the effect of sputnik passing over our soil regularly as it whizzed around the world each day.

That such a moment as I have described is approaching seems highly

possible. If the Soviet missile breakthrough does not provide it, something else will. The Soviets are presently outspending us in the area of research and are greatly advanced in preparation of such strategic weapons as the orbiting bomb.

Hard evidence of the shifting military balance of power is becoming clearer each week. The latest edition of the authoritative "Jane's Weapon Systems" notes that the Soviets are outstripping the United States in development of sophisticated weapons to an extent which may tip the relative balance between the two nuclear powers.

The only response this Nation can give is to strengthen our strategic weapons systems—the ICBM's, the submarine launched missiles and our bomber force. These systems must be given priority.

We can improve our strategic posture by taking action in the following areas:

First. Convert all 1,000 of our Minuteman II ICBM's to the more advanced Minuteman III version.

Second. Increase the number of our submarine launched ballistic missile—SLBM's—boats and convert all of the present SLBM's to the advanced Poseidon-type missiles. Present plans call for conversion of only three-fourths of our 41 boats.

Third. Accelerate the underwater launched missile system known as ULMS because it offers an invulnerability not achievable in land-based missiles.

Fourth. Accelerate the B–1 advanced manned bomber program to replace our aging B–52 bomber force. The old B–52's simply cannot handle the sophisticated defense systems and new delivery systems of the present and future. Our bomber force is also vital, because of its use in nonnuclear combat roles and because, when committed in a nuclear role, it can be recalled if necessary.

Fifth. Step up our research and development programs in order to develop the important new technology before any would-be aggressor could do so.

It should also be realized that the strategic missile game does not rest on numbers alone. Although the Soviets have more missiles in hand or in production, we presently enjoy some advantage through better accuracy and more warheads per missile. However, the technological skill which gives us this edge is something the Soviets may achieve at any time.

Despite the need to increase our strategic forces, we must maintain a modern and viable conventional or general force capability. Whether we want to think about it or not, the chances of any future fighting by U.S. forces are more likely to be in a conventional role. This could develop as Communist expansionists test our will to resist on the land of some third nation. The Nixon doctrine argues against U.S. manpower commitments in such engagements, but whether we can adequately deal with Communist expansion only through aid remains to be seen.

The general purpose force ledger is also weighted toward the Soviets as the following chart shows:

	Soviet	United States
1. Ground force personnel	2,100,000	1,200,000
2. Tanks (heavy and medium)	35,000	9,000
3. Tactical aircraft	5,000	4,600
4. Cruise missile subs	60	0
5. Attack subs	220	85
6. Major naval surface combatants	215	240

While a strong conventional or general purpose capability remains essential, it appears we must establish a strategic defense posture stronger than McNamara's policy of "assured destruction" or the stance in the present administration's policy of "realistic deterrence."

If history has taught us anything, it ought to be clear that the Soviets are as dangerous, unpredictable, and expansionistic as always. Communist states do not build military power unless they intend to use it.

U.S. security and foreign policy objectives will suffer if we permit the present shift in military power away from the United States to continue. Defense budgets must be increased to whatever extent necessary to insure that the United States not become second best.

The Nixon administration has reduced defense spending in the past few years and the Congress has cut even deeper. I have opposed these reductions both within the administration and Congress. The accomplishments of President Nixon in the foreign policy arena have been possible only becasue of our military strength. The President realizes this fact. Therefore, I expect that the fiscal year 1973 defense budget will be higher than past budgets in recognition of the realities of the Soviet buildup. When Secretary of Defense Melvin Laird comes before Congress in January to present the fiscal year 1973 budget, I expect he will ask for one of the largest defense budgets in history, based on the gravest threat we have ever faced. It will then be up to the Congress to examine this budget carefully and fund it to the fullest extent possible.

While the United States possesses only 6 percent of the world's population, we are nevertheless the free world leader. The defense burden we bear is small when one weighs it against the safety of our land and families. Thomas Paine once said:

> Those who expect to reap the blessings of freedom must undergo the fatigue of supporting it.

Those words are as true today as they were 200 years ago.

It is time to fully inform the people of our Nation that we are falling behind in our defense posture. It is time for the President to speak this warning as only he can do. The people will respond once they fully understand the peril which is rapidly overtaking us.

DRUG ABUSE OFFICE AND TREATMENT ACT OF 1971

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. Pursuant to the previous order, the Chair now lays before the Senate S. 2097, which the clerk will read by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse.

The Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations and the Committee on Labor and Public Welfare with amendments, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Drug Abuse Office and Treatment Act of 1971".

TITLE I—FINDINGS AND DECLARATION OF POLICY

SEC. 101. (a) The Congress hereby finds—

(1) that drug abuse is rapidly increasing in the United States and now afflicts urban, suburban, and rural areas of the Nation;

(2) that drug abuse seriously impairs individual, as well as societal, health and well-being;

(3) that drug abuse, especially heroin addiction, substantially contributes to crime;

(4) that the adverse impact of drug abuse inflicts increasing pain and hardship on individuals, families, and communities and undermines our institutions;

(5) that too little is known about drug abuse, especially the causes, and ways to treat and prevent drug abuse;

(6) that the success of Federal drug abuse programs and activities requires a recognition that education, training, treatment, rehabilitation, research, and law enforcement efforts are interrelated;

(7) that the effectiveness of efforts by State and local governments and by the Federal Government to control and treat drug abuse in the United States has been hampered by a lack of coordination among the States, and between States and localities, and among the Federal Government, the States and localities, and throughout the Federal establishment;

(8) that control of drug abuse requires the development of a comprehensive coordinated long-term Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitate victims of drug abuse; and

(9) that the increasing rate of drug abuse constitutes a serious and continuing threat to national health and welfare, requiring immediate and effective Federal Government response.

(b) The Congress declares that it is the policy of the United States and the purpose of this Act to focus the comprehensive resources of the Federal Government and bring them to bear on drug abuse with the immediate objective of significantly reducing the incidence of drug addiction and drug abuse in the United States within the shortest possible period of time consistent with a comprehensive coordinated long-term Federal strategy to combat drug abuse.

TITLE II—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

ESTABLISHMENT OF THE OFFICE

SEC. 201. (a) There is established in the Executive Office of the President an office to be known as the Special Action Office for Drug Abuse Prevention (hereinafter in this Act referred to as the "Office").

(b) There shall be at the head of the Office a Director of the Office (hereinafter referred

to as the "Director"). He shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for level II of the Executive Schedule (5 U.S.C. 5313).

(c) There shall be in the Office a Deputy Director of the Office who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for level IV of the Executive Schedule (5 U.S.C. 5315). The Deputy Director shall perform such functions as the Director from time to time assigns or delegates, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

(d) There shall be in the Office not to exceed six Assistant Directors who shall be appointed by the Director and shall be compensated at the rate now or hereafter provided for level V of the Executive Schedule (5 U.S.C. 5316).

CONCENTRATION OF FEDERAL EFFORT

SEC. 202. (a)(1) The Director shall provide overall planning and policy and establish objectives and priorities for all Federal drug abuse programs and activities relating to education, the preparation of any educational material, training, treatment, rehabilitation, and research, exclusive of diplomatic or international negotiations and the following law enforcement activities and proceedings:

(A) the investigation and prosecution of drug offenses:

(B) the impanelment of grand juries;

(C) programs or activities involving international narcotics control; or

(D) the detection and suppression of illicit drug supplies.

(2) The authority of the Director under this section shall also extend to the programs and activities associated with education, training, treatment, rehabilitation, and research functions performed by or in connection with law enforcement and international aspects of Federal drug abuse programs and activities;

(3) Pursuant to his responsibilities under this section, the Director, in addition to exercising this authority under section 202(e), shall—

(A) assist operating agencies in the development and promulgation of, and review regulations, guidelines, requirements, criteria, standards, and procedures in accordance with the policies, priorities, and objectives he establishes;

(B) recommend changes in organization, management, personnel, and standards which he deems advisable to implement the policies, priorities, and objectives he establishes;

(C) review related Federal legislation in the areas of health, education, and welfare providing for medical treatment or assistance, vocational training, or other rehabilitative services and, consistent with the purposes of this Act, assure that respective administering agencies construe drug abuse as a health problem eligible for funding, benefits, or services, where appropriate, within the purview of such laws;

(D) conduct and support evaluations and studies of (i) the performance and results achieved by Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities, (ii) the performance and results of other Federal drug abuse programs and activities that relate to the effectiveness of Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities, and (iii) of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered; and

(E) require departments and agencies engaged in Federal drug abuse programs and activities to submit such information and reports and to conduct such studies and surveys as the Director determines to be necessary to carry out the purposes of this title, and such departments and agencies shall submit to the Director such information, reports, studies, and surveys.

(b) In connection with drug abuse programs and activities conducted by any Federal department or agency, relating to law enforcement, border control, negotiation of written or unwritten agreements or understandings with foreign governments, or with other foreign governmental or nongovernmental persons or organizations of any kind, or with any international organization of any kind, the Director may make recommendations to the President, and shall consult with and be consulted by all responsible Federal departments and agencies regarding the policies, priorities, and objectives of such programs and activities.

(c) If the Director determines in writing that any program or activity referred to in section 202(a) or section 202(b) substantially impairs the effective operation of any other program or activity referred to in section 202(a) or 202(b), he shall submit in writing his findings and determinations on the matter to the President, who may direct the Federal department or agency conducting such a program or activity to do so under such policy guidelines as the President shall specify in order to assure the effective operation of such other program or activity.

(d) The Director shall coordinate Federal drug abuse programs and activities among Federal departments and agencies and between Federal drug abuse programs and activities and other Federal programs and activities which he determines may have an important bearing on the success of the entire Federal drug abuse effort.

(e) Pursuant to the responsibilities in this section, the Director shall—

(1) develop annually, and submit to the President of the United States and the Congress, prior to March 1 of each year, a written report on the activities of the Office, which report shall specify the objectives, activities, and accomplishments of the Office, and contain an accounting of funds expended pursuant to sections 205 and 207 of this title;

(2) in his discretion, support the development of new, and the expansion of effective drug abuse programs and activities by utilizing the sums available in the special fund established in section 205 of this title;

(3) whenever designated by the President, represent the Government of the United States in discussions and negotiations with foreign governments and before international organizations;

(4) convene, at his discretion, a council of officials representative of Federal departments and agencies, including intelligence agencies, responsible for drug abuse programs and activities to promote the purposes of this Act;

(5) using the sums available under section 205(c) of this title, develop and demonstrate new approaches, techniques, and methods to combat drug abuse, especially with respect to short-term and multiagency activities; and

(6) perform such other functions as the President may assign.

FUNDING AUTHORITY

SEC. 203. (a) In addition to his authority under section 202, the Director is authorized to (1) review and, if he deems necessary, modify the budget requests of Federal departments and agencies, and (2) make funds available from appropriations for program implementation to Federal departments and agencies and review implementation plans for each program for all Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities (exclusive of diplomatic or international negotiations and those law enforcement activities and proceedings enumerated in section 202(a)(1) (A), (B), (C), and (D)), including but not limited to such programs and activities under the following provisions of law:

(1) the Narcotic Addict Rehabilitation Act of 1966 including treatment and aftercare programs of the National Institute of Mental Health and the Bureau of Prisons of the Department of Justice;

(2) part D and part E (to the extent such parts pertain to drug abuse) of the Community Mental Health Centers Act including treatment, rehabilitation, and education projects administered by the National Institute of Mental Health;

(3) title I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 including treatment, rehabilitation, and education projects authorized by the Secretary of Health, Education, and Welfare;

(4) section 502(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, to the extent it pertains to public education programs not involving law enforcement within the Bureau of Narcotics and Dangerous Drugs of the Department of Justice;

(5) the Drug Abuse Education Act of 1970 administered by the Office of Education of the Department of Health, Education, and Welfare;

(6) section 222(a)(9) of the Economic Opportunity Act of 1964 and all other provisions of that Act, to the extent they pertain to drug abuse, including community treatment and rehabilitation projects administered by the Office of Economic Opportunity;

(7) section 306(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968, to the extent that it pertains to drug abuse, including treatment, rehabilitation, and education projects administered by the Law Enforcement Assistance Administration of the Department of Justice;

(8) the Manpower Development and Training Act of 1962, to the extent it pertains to drug abuse, including rehabilitation projects administered by the Department of Labor;

(9) the Public Health Service Act, to the extent it pertains to drug abuse, including service, research, and training programs administered by the Department of Health, Education, and Welfare;

(10) title 38 of the United States Code, to the extent such title pertains to drug abuse, including treatment and rehabilitation services conducted by the Veterans' Administration; and

(11) titles IV and V of this Act.

(b) The Director, with the approval of the President, shall exercise the authority under section 203(a) with respect to such other Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities as he determines appropriate.

(c) The authority of the Director to provide overall planning and policies and establish objectives and priorities granted under section 202(a) shall extend to the funding authority under this section.

TECHNICAL ASSISTANCE TO STATE AND LOCAL AGENCIES

SEC. 204. (a) The Director shall—

(1) coordinate or assure coordination of Federal drug abuse programs and activities with such programs of State and local governments; and

(2) provide for a central clearinghouse for Federal, State, and local governments, public and private agencies, and individuals seeking drug abuse information and assistance from the Federal Government.

(b) Pursuant to his responsibility under this section, the Director may—

(1) provide technical assistance—including advice and consultation relating to local programs, technical and professional assistance, and, where deemed necessary, use of task forces of public officials or other persons assigned to work with State and local governments—to analyze and identify State and local drug problems and assist in the development of plans and programs to meet the problems so identified;

(2) convene conferences of State, local, and Federal officals, and such other persons as the Director shall designate, to promote the purposes of this Act, and the Director is authorized to pay reasonable expenses incurred in the participation of individuals in such conferences;

(3) draft and make available to State and local governments model legislation with respect to State and local drug abuse programs and activities; and

(4) promote the promulgation of uniform criteria, procedures, and forms for grant or contract applications for drug abuse control and treatment proposals submitted by State and local governments and private organizations, institutions, and individuals.

(c) In carrying out his duties under subsection (b)(1) of this section, the Director is authorized—

(1) to take such action as may be necessary to request the assignment, with or without reimbursement, of any individual employed by any Federal department or agency and engaged in any Federal drug abuse programs and activities to serve as a member of any such task force; except that no such person shall be so assigned during any one fiscal year for more than an aggregate of ninety days without the express approval of the head of the Federal department or agency with respect to which he was so employed prior to such assignment;

(2) to assign any person employed by the Office to serve as a member of any such task force or to coordinate management of such task forces; and

(3) to enter into contracts or other agreements with any persons or organizations to serve on or work with such task forces.

SPECIAL FUND

SEC. 205. (a) There is hereby established a special fund (hereinafter referred to as the "fund") in order to provide additional incentives to Federal departments and agencies to develop more effective drug abuse programs and to give the Director the flexibility to encourage and respond quickly and effectively to the development of promising programs and approaches.

(b) The Director is authorized, subject to conditions which he shall impose, to transfer during any fiscal year sums appropriated to the fund to any Federal department or agency in order to—

(1) develop and demonstrate promising new drug abuse programs, activities, and approaches; and

(2) supplement and expand existing drug abuse programs and activities.

(c) Notwithstanding the transfer requirement in section 205(b), the Director may utilize not more than 10 per centum of such sums for research and demonstration purposes pursuant to section 202(e)(5).

ADDITIONAL AUTHORITIES

SEC. 206. (a) With respect to the drug abuse programs and activities referred to in section 203, when the President, after investigation by the Director, finds that such action is necessary to carry out the purposes of this Act, he shall prepare a reorganization plan in accord with the provisions of sections 902 to 913 of title 5, United States Code, or successor sections, for submission to the Congress pursuant to this subsection. Notwithstanding section 905(b) of title 5, United States Code, or successor sections, or the pendency of other reorganization plans, any plan submitted pursuant to this subsection may take effect as if it were the only plan pending before Congress in accord with sections 902 to 913 of title 5, United States Code, or successor sections if the plan is transmitted to the Congress before June 30, 1975.

(b) The Director may, for a period not to exceed thirty days in any one calendar year, provide for the exercise or performance of a management oversight review with respect to the authorities and responsibilities conferred by any of the statutory provisions identified in section 203, by an officer of any Federal department or agency other than the department or agency on whom such powers or functions are conferred by such provisions. Such officer shall submit a written report to the Director concerning his findings.

(c) The Director shall consult with and be consulted by the Attorney General of the United States with respect to classification of drugs within the schedules of controlled substances, consistent with the standards and criteria in part B of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

(d) The Director shall consult with and be consulted by responsible officials with respect to the classification of drugs in connection with international agreements and schedules.

(e) The Director shall consult with and be consulted by the Secretary of the Department of Health, Education, and Welfare, or his designee, with respect to the investigational new drug (IND) or new drug authority (NDA) status of drugs which have a potential for abuse or which might be used therapeutically for the treatment or rehabilitation of drug abuse or drug dependence, consistent with standards and criteria described in the Federal Food, Drug, and Cosmetic Act.

(f) The Director shall—

(1) advise the Civil Service Commission and other Federal agencies with respect to appropriate policies and services for the control and treatment of drug abuse among Federal civilian employees, assuring optimal use of existing resources. (1) The Civil Service Commission, cooperating with the Director, shall establish policies and services for the control and treatment of drug abuse among Federal civilian employees including employees of the United States Postal Service. Such policies and services shall make optimal use of existing resources. Federal civilian employees, including employees of the United States Postal Service, who are drug dependent shall retain the same employment and other benefits as other persons afflicted with serious health problems and illnesses, and shall not because of their drug dependence lose pension, retirement, medical, or other benefits. In lieu of sick leave status, a good faith attempt shall be made, during the employee's period of rehabilitation, to find appropriate work within the Federal Government which does not involve the national security or otherwise involve undue risk to the health or property of the employee or other persons; and persons.

(2) promote similar drug abuse control and treatment services in State and local governments and shall actively encourage labor and management to develop such services in private industry.

(g) The Director shall advise the Veterans' Administration in carrying out the intent of Congress that, notwithstanding any provisions of title 38 of the United States Code to the contrary, former members of the Armed Forces who served on active duty or active duty for training shall, without regard to the nature of their discharge or to whether the illness was service connected, receive treatment and rehabilitation services for drug dependency from the Veterans' Administration and other responsible agencies. Such services shall, pursuant to regulations promulgated by the Administrator of the Veterans' Administration, include inpatient treatment and outpatient services irrespective of any prior inpatient treatment, psychiatric care, counseling, vocational training, or other rehabilitative services, and the funding, setting up, or operation of residential halfway houses.

(h) Except as expressly authorized, nothing in the foregoing provisions of this title shall be construed as authorizing or permitting the Director to waive or disregard any requirement, including standards, criteria, or cost-sharing formulas prescribed by law with respect to Federal dug abuse programs or activities.

(i) Where funds are made available by more than one Federal department or agency to be used by an agency, organization, or individual to carry out a Federal drug abuse program or activity, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Director may order any such agency to waive any technical grant or contract requirement established as in the regulations which is inconsistent with the similar requirement of the other Federal agency or which the other Federal agency does not impose.

GRANTS AND CONTRACTS

SEC. 207. (a) In carrying out any of his functions under this title, the Director is authorized to make grants to any public or nonprofit private agency, organization, or institution, and to enter into contracts with any agency, organization, or institution, or with any individual, except that the Director shall first secure the advice and counsel of non-government individuals qualified to review the topic and type of activity proposed to be undertaken under such grant or contract.

(b) To the extent he deems it appropriate, the Director may require the recipients of a grant or contract under this section to contribute money, facilities, or services for carrying out the program and activity for which such grant or contract was made.

(c) Payments under this section, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, and in such installments and on such conditions as the Director may determine.

(d) Notwithstanding any other provision of law, any Federal department or agency may enter into grant or contractual arrangements with the Director and, pursuant to such a grant or contractual arrangement, may exercise any authority to use any personnel or facilities which would otherwise be avialable to such department or agency under such contract or grant for the performance by it of related functions.

PERSONNEL—SPECIAL PERSONNEL—EXPERTS AND CONSULTANTS

SEC. 208. (a) The Director may select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

(b) The Director may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, select, appoint, and employ not to exceed (1) fifteen officers and employees and pay them compensation without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, except that such compensation shall no exceed the maximum rate now or hereafter prescribed for GS–13 of the General Schedule by section 5332 of the United States Code, and (2) ten officers and employees and pay them com-

pensation without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, except that such compensation shall not exceed the maximum rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code.

(c) The Director may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code.

(d) The Director is authorized to accept and employ, in furtherance of the purpose of this Act or any Federal drug abuse control or treatment program or activity, voluntary and uncompensated services nowithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

TRANSITIONAL PROVISIONS

SEC. 209. (a) The President may authorize any person who immediately prior to the date of enactment of this title held a position in the executive branch of the Government to act as the Director of the Special Action Office for Drug Abuse Prevention until the Office of Director is for the first time filled pursuant to the provisions of this title or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Director.

(c) The President may authorize any person who serves in an active capacity under the foregoing provisions of this section to receive the compensation attached to the Office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of but not in addition to other compensation from the United States to which such person may be entitled.

(d) Except as otherwise provided by the Director, no Federal officer, department, or agency shall be deemed to be relieved of any responsibility that such officer, department, or agency may have had on the date of enactment of this title.

APPROPRIATIONS AUTHORIZED

SEC. 210. (a) For the purposes of carrying out the provisions of this title, except for the provisions of section 205, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1972, the sum of $5,000,000; for the fiscal year ending June 30, 1973, the sum of $10,000,000; for the fiscal year ending June 30, 1974, the sum of $12,000,000; and for the fiscal year ending June 30, 1975, the sum of $15,000,000.

(b) For the purpose of carrying out the provisions of section 205, there is hereby authorized to be appropriated the sum of $40,000,000 for each of the fiscal years ending June 30, 1972, June 30, 1973, June 30, 1974, and June 30, 1975.

(c) Any unexpected sums appropriated to the authority stated in subsection (a) or (b) of this section may be carried over without fiscal year limitation.

EFFECTIVE DATE; TERMINATION

SEC. 211. (a) The provisions of this title shall take effect thirty days after the Director or Acting Director first takes office or on such earlier date as the President may prescribe and publish in the Federal Register, except that any of the officers provided for in section 201 of this title may be nominated and appointed and any of the interim officers provided for by section 209 may be authorized to serve at any time after the date of enactment of this title.

(b) This title shall terminate on June 30, 1975, unless specifically extended by the Congress.

TITLE III—NATIONAL DRUG ABUSE STRATEGY

COMPREHENSIVE, COORDINATED LONG-TERM STRATEGY

SEC. 301. (a)(1) There shall be developed a comprehensive, coordinated long-term Federal strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government.

(2) The President shall direct the preparation of such strategy immediately upon enactment of this title.

(3) To develop the strategy, the President shall establish a Strategy Council whose membership shall include the Director of the Special Action Office for Drug Abuse Prevention, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense, the Administrator of Veterans' Affairs, and other officials as the President may deem appropriate, and the Director of the Special Action Office shall provide such services as are required to assure that the strategy is prepared.

(4) Such strategy shall be subject to review and written comment by those Federal officials participating in its preparation.

(5) The strategy shall then be determined and promulgated by the President no later than nine months after enactment of this title.

(b) The strategy shall consist of—

(1) an analysis of the nature, character, and extent of the drug abuse problem in the United States, including examination of the interrelationships between various approaches to solving the drug abuse problem and their potential for interacting both positively and negatively with one another;

(2) a comprehensive Federal drug abuse plan which shall specify the objectives of the Federal strategy and how all available resources, funds, programs, services, and facilities authorized under relevant Federal law should be used; and

(3) an analysis and evaluation of the major programs conducted, expenditures made, results achieved, plans developed, and problems encountered in the operations and coordination of the various Federal drug abuse programs and activities.

(c) To facilitate the preparation of such strategy, the Council shall—

(1) engage in the planning necessary to achieve the objectives of a comprehensive, coordinated long-term Federal strategy, including examination of the overall Federal investment to combat drug abuse;

(2) at the request of any member, require departments and agencies engaged in Federal drug abuse programs and activities to submit such information and reports and to conduct studies and surveys as are necessary to carry out the purposes of this title, and such departments and agencies shall submit to the Council and to the requesting member such information, reports, studies, and surveys;

(3) evaluate the performance and results achieved by Federal drug abuse programs and activities and the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered.

(d) The Federal strategy shall be reviewed and updated from time to time as the President deems appropriate, but the President shall determine and promulgate an updated strategy at least once in every calendar year following the initial promulgation of such strategy.

The amendments of the Committee on Labor and Public Welfare are as follows:

On page 30, line 4, after "(f)", strike out:

The Director shall—

(1) advise the Civil Service Commission and other Federal agencies with respect to appropriate policies and services for the control and treatment of drug abuse among Federal civilian employees, assuring optimal use of existing resources.

and insert:

(1) The Civil Service Commission, cooperating with the Director, shall establish policies and services for the control and treatment of drug abuse among Federal civilian employees including employees of the United States Postal Service. Such policies and services shall make optimal use of existing resources.

At the beginning of line 15, insert "including employees of the United States Postal Service,"; on page 31, line 1, after the word "other", strike out "persons; and" and insert "persons."; in line 3, after "(2)", insert "The Director shall"; in line 7, after "(g)", strike out "The Director shall advise the Veterans' Administration in carrying out the intent of Congress that, notwithstanding" and insert "Notwithstanding"; in line 17, after the word "of", strike out "the Veterans' Administration" and insert "Veterans' Affairs"; at the top of page 40, insert a new title, as follows:

TITLE IV—NATIONAL INSTITUTE ON DRUG ABUSE

ESTABLISHMENT OF INSTITUTE

SEC. 401. (a) There is established, in the National Institute of Mental Health, a National Institute on Drug Abuse (hereafter in this Act referred to as the "Institute") to administer the programs and authorities assigned to the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") by the remaining titles of this Act and by part D of the Community Mental Health Centers Act. The Secretary, acting through the Institute, shall, in carrying out the purposes of section 301 of the Public Health Service Act with respect to drug abuse, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of drug abuse and for the rehabilitation of drug abusers.

(b) The Institute shall be under the direction of an Administrator who shall be appointed by the Secretary and who shall conduct all the programs of the Institute hereinafter enumerated in accordance with the policies, priorities, objectives, guidelines, and, where appropriate, funding controls established by the Director of the Special Action Office.

(c) The programs of the Institute shall be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines.

REPORTS BY THE SECRETARY

SEC. 402. The Secretary shall—

(a) develop and submit to the Congress and the Director within ninety days after the effective date of this Act, a written plan for the administration and coordination of the various drug abuse programs and other programs (to the extent that such other programs provide for drug abuse education, prevention, treatment, rehabilitation, research or training services) within the Department. Such report shall list such programs and services, describe how they are to be administered so as to insure such coordination, and describe the steps taken or to be taken to insure that such programs will be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines. Action taken under this subsection shall be in accordance with the policies, priorities, objectives, and guidelines established by the Director; and

(b) submit to the Director for inclusion in the annual report required by section 202(e)(1) of this Act, a report describing the various existent model and experimental methods and programs for the treatment and re-

habilitation of drug abusers and the advantages of each, describing their indications of success or failure or both; making recommendations for future development of these areas; making such recommendations for community implementation of the treatment and rehabilitation methods as may be appropriate; and making such recommendation for legislation and administrative action in these areas as may be appropriate.

ADDITIONAL RESPONSIBILITIES OF THE SECRETARY

SEC. 403. The Secretary shall—

(a) operate an information center for the collection, preparation, and dissemination of all information relating to drug abuse, including information concerning State and local drug abuse treatment plans, and the availability of treatment resources, training and educational programs, statistics, research and other pertinent data and information;

(b) investigate and publish information concerning uniform methodology and technology for determining the extent and kind of drug use by an individual and effects which individuals are likely to experience from such use;

(c) gather and publish statistics pertaining to drug abuse and promulgate regulations specifying uniform statistics to be obtained, records to be maintained, and reports to be submitted on a voluntary basis by public and private departments, agencies, organizations, practitioners, and other persons with respect to drug abuse;

(d) review and provide in writing an evaluation of the adequacy and appropriateness of any provisions relating to the prevention and treatment of drug abuse and drug dependence contained in the comprehensive State health, welfare, and rehabilitation plans submitted to the Federal Government pursuant to Federal law, including, but not limited to, those submitted pursuant to section 5(a) of the Vocational Rehabilitation Act, sections 314(d)(2)(K) and 604(a) of the Public Health Service Act, section 1902 (a) of title XIX of the Social Security Act, and section 204(a) of part A of the Community Mental Health Centers Act.

On page 43, after line 8, insert a new title, as follows:

TITLE V—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—FORMULA GRANTS

AUTHORIZATION

SEC. 501. There are authorized to be appropriated $15 million for the fiscal year ending June 30, 1972, $30 million for the fiscal year ending June 30, 1973, $40 million for the fiscal year ending June 30, 1974, $45 million for the fiscal year ending June 30, 1975, and $50 million for the fiscal year ending June 30, 1976, for grants to States to assist them in planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective education, training prevention, treatment, and rehabilitation programs to deal with drug abuse. For purposes of this part, the term "State" includes the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

STATE ALLOTMENT

SEC. 502. (a) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated pursuant to section 501 for such year among the States on the basis of the relative population, financial need, and need for more effective education, training, prevention, treatment, and rehabilitation programs; except that no such allotment to any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) shall be less than $200,000.

(b) Any amount so allotted to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year, may be reallotted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under subsection (a) to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to any other of such four States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the State for the same period.

(c) At the request of any State, a portion of any allotment or allotments of such State under this part shall be available to pay that portion of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under this part, except that not more than 10 per centum of the total of the allotments of such State for a year, or $50,000, whichever is the least, shall be available for such purpose for such year.

STATE PLANS

SEC. 503. (a) Any State desiring to participate in this part shall submit a State plan for carrying out its purposes. Such plan must—

(1) designate a single State agency as the sole agency for the preparation, and administration of the plan, or designate such agency as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter in this section referred to as the "State agency") will have authority to implement such plan in conformity with this part and with Federal policy established under this Act;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of drug abuse and drug dependence, from different geographical areas of the State, to consult with the State agency in carrying out the plan;

(4) set forth, in accordance with criteria established by the Secretary, a detailed survey of the local and State needs for the prevention and treatment of drug abuse and drug dependence, including a survey of the health facilities needed to provide services for drug abuse and drug dependence, and a plan for the development and distribution of such facilities and programs throughout the State;

(5) provide for coordination of existing and planned treatment and rehabilitation programs and activities, particularly in urban centers, and require compliance with the plan and cooperation with other programs and activities as a condition for financial support under this title;

(6) provide a scheme and methods of administration which will supplement, broaden, and complement State health plans developed under section 314(d)(2) of the Public Health Act;

(7) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(8) provide that the State agency will make such reports, in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(9) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to the records specified in paragraph (7);

(10) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary an analysis and evaluation of the effectiveness of the prevention and treatment programs and activities carried out under the plan, and any modifications in the plan which it considers necessary;

(11) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event supplant such State, local, and other non-Federal funds; and

(12) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this part.

(b) Funds authorized under section 501 of this part may be used to develop the State plan required by subsection (a) of this section;

(c) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a) of this section.

ALLOCATION OF RESOURCES

SEC. 504. Funds authorized under section 501 of this Act which are not expended in developing or modifying the State plan shall be available only to—

(a) provide direct education, prevention, treatment, and rehabilitation services to those drug abusers who are in the areas of greatest need within the State, as evidenced by the State plan, or provide training of persons who will provide such services; and

(b) evaluate direct education, prevention, treatment, and rehabilitation services and the training of persons who will provide such services.

PART B—SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

PROGRAM AND AUTHORIZATION

SEC. 511. (a) The Secretary shall—

(1) make grants to public and private nonprofit agencies, organizations, or institutions

and enter into contracts with public and private agencies, organizations, institutions, and individuals to provide training seminars, educational programs, and technical assistance for the development of drug abuse prevention, treatment, and rehabilitation programs for employees in the private and public sectors;

(2) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, and institutions, to provide directly or through contractual arrangements for vocational rehabilitation counseling, education, and services for the benefit of persons in treatment programs and to encourage efforts by the private and public sectors of the economy to recruit, train, and employ participants in treatment programs;

(3) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions and individuals to establish, conduct, and evaluate model and experimental drug abuse prevention, treatment, and rehabilitation programs within state and local criminal justice systems;

(4) make grants to or contracts with groups composed of individuals representing a broad cross-section of medical, scientific, or social disciplines for the purpose of determining the causes of drug abuse in a particular area, prescribing methods for dealing with drug abuse in such an area, or conducting programs for dealing with drug abuse in such an area;

(5) make research grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public and private agencies, organizations, and institutions, and individuals for research efforts to discover, develop, or improve substances or technique for using substances for use in the prevention and treatment of drug abuse, including but not limited to, (A) a long-lasting blocking or antagonist drug for treatment of drug dependence; (B) improved detoxification agents; and (C) improved drug maintenance techniques or programs; and

(6) make grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to establish, conduct, and evaluate model and experimental drug abuse prevention and treatment programs.

(b) There are authorized to be appropriated $65 million for the fiscal year ending June 30, 1972; $170 million for the fiscal year ending June 30, 1973; $260 million for the fiscal year ending June 30, 1974, and $400 million for the fiscal year ending June 30, 1975, and $450 million for the fiscal year ending June 30, 1976, to carry out the purposes of this part. Any appropriated funds shall remain available until expended.

ADMINISTRATION OF GRANTS AND CONTRACTS

SEC. 512. In administering section 511:

(a) The Secretary shall require coordination of all applications for programs in a State and shall not give precedence to public agencies over private agencies, institutions, and organizations, or to State agencies over local agencies.

(b) Each applicant within a State, upon filing its application with the Secretary for a grant or contract under this section, shall submit a copy of its application for review by the State agency designated under section 503, if such agency exists. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of drug abuse under section 503. The State shall furnish the applicant a copy of any such evaluation. A State if it so desires may, in writing, waive its rights under this section.

(c) Approval of any application for a grant or contract by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria that—

(1) provide that the activities and services for which assistance under this section is sought will be substantially administered by or under the supervision of the applicant;

(2) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

(3) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

(4) provide for reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds.

PART C—ADMISSION OF DRUG ABUSERS TO HOSPITALS

EMERGENCY HOSPITAL TREATMENT

SEC. 521. (a) Drug abusers who are suffering from emergency medical conditions shall not be refused admission or treatment by any private or public general hospital which receives support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency solely because of their drug abuse or drug dependence.

(b) The Secretary is authorized to promulgate regulations establishing procedures to be used in determining whether section 521 (a) of this Act has been violated. Such procedures shall include an opportunity for the hospital concerned to bring its policy into conformity with section 521(a) of this Act before any sanction is imposed against it. In the event that, after such opportunity, a hospital continues to violate section 521(a) of this Act, the Secretary is authorized to suspend or revoke all or part of any support of any kind received by such hospital from any program administered by the Secretary, and to consult with the officials responsible for the administration of any other Federal program from which such hospital receives support of any kind, with respect to the suspension or revocation of Federal support for such hospital.

PART D—GENERAL

LEASING OF FACILITIES

SEC. 531. (a) Section 251(a) of the Community Mental Health Centers Act is amended (1) by inserting "or leasing" after "construction", and (2) by inserting "facilities for emergency medical services, intermediate care services, outpatient services, or" immediately before "posthospitalization facilities".

(b) Section 251(b) of the Community Mental Health Centers Act is amended by inserting "or leasing" after "construction".

RECORDS

SEC. 532. (a) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants or contracts entered into under the provisions of this Act under other than competitive bidding procedures.

PAYMENTS

SEC. 533. Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

On page 55, after line 17, insert a new title, as follows:

TITLE VI—THE NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

ESTABLISHMENT OF COUNCIL

SEC. 601. Section 217 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(e) The National Advisory Council on Drug Abuse shall consist of the Secretary, who shall be Chairman, the chief medical officer of the Veterans' Administration or his representative, and a medical officer designated by the Secretary of Defense, who shall be ex officio members. In addition, the Council shall be composed of twelve members who are appointed by the Secretary without regard to the civil service laws. These twelve appointed members of the Council shall represent a broad range of interests, disciplines, and expertise in the drug area and shall be selected from outstanding professionals and paraprofessionals in the fields of medicine, education, science, the social sciences, and other related disciplines, who have been active in the areas of drug abuse prevention, treatment, rehabilitation, training, or research.

"The Council shall:

"(1) advise, consult with, serve as a sounding board for, and make recommendations to the Secretary—

"(a) concerning matters relating to the activities and functions of the Secretary in the field of drug abuse, including but not limited to the development of new programs and priorities; the efficient administration of programs; and the supplying of needed scientific and statistical data and program information to professionals, paraprofessionals, and the general public; and

"(b) concerning policies and priorities relative to grants and contracts in the field of drug abuse which are made by the Secretary or by agencies and individuals responsible to him.

"(2) submit to the secretary and to the Director of the Special Action Office, for inclusion in the annual report required by section 202(e)(1) of this Act, a report which:

"(a) summarizes the activities of the Council,

"(b) summarizes their recommendations to the Secretary, their reasons therefor, and the extent to which their recommendations have been adopted, and

"(c) includes copies of resolutions and other appropriate official documents of the Council."

REVIEW BY COUNCIL OF CERTAIN GRANTS UNDER PART D OF COMMUNITY MENTAL HEALTH CENTERS ACT

SEC. 602. Section 266 of the Community Mental Health Centers Act is amended (1) by inserting "and part D" immediately after "(other than part C)", and (2) by adding immediately after the period in the second sentence the following: "Grants under part D of this title for such costs will undergo

such review as is provided by section 217(e) of the Public Health Service Act."

On page 57, after line 18, insert a new title, as follows:

TITLE VII—CONFIDENTIALITY OF RECORDS

CONFIDENTIALITY

SEC. 701. (a) All patient records prepared or obtained under this section or in connection with any treatment authorized pursuant to this Act and all information contained therein, shall remain confidential and may be disclosed, with the patients consent only, to medical personnel and then only for the purpose of diagnosis and treatment of the patient, or to Government or other officials only for the purpose of obtaining benefits due the patient as a result of his drug abuse or drug dependence. Disclosure may be made for purposes unrelated to such treatment or benefits upon an order of a court only after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information sought to be disclosed against possible harm of disclosure to the person to whom such information pertains, the physician-patient relationship, and to the treatment services, and may condition disclosure of the information upon any appropriate safeguards. No such records or information may be used to initiate or substantiate any action or charges against a patient or a former patient under any program pursuant to this title under any circumstances.

(b) Nothing in this section shall be construed to limit the use of information by persons engaged in research provided that the confidentiality of patient records is preserved by withholding names or other identifying characteristics thereof.

And, on page 58, after line 19, insert a new title, as follows:

TITLE VIII—GENERAL

SAVING PROVISION

SEC. 801. If any section, provison, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

REGULATIONS

SEC. 802. The Secretary may promulgate regulations pursuant to subchapter II of chapter 5 of title 5, United States Code, to implement this Act.

DESIGNATION OF CERTAIN POSITIONS IN ACTION

SEC. 803. Part C, title VIII of the Economic Opportunity Act of 1964 is amended by adding the following new section:

"SEC. 836. OFFICERS OF ACTION.—

"(a) There shall be at the head of Action the Director of Action. He shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314).

"(b) There shall be in Action a Deputy Director of Action who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). The Deputy Director shall perform such functions as the Director of Action shall from time to time assign or delegate, and shall act as Director of Action during the absence or disability of the latter or in the event of vacancy in the office of Director of Action.

"(c) There shall be in Action, two Associate Directors of Action one of whom shall be designated as Associate Director for Domestic and Antipoverty Programs, and one of whom shall be designated as Associate Director for International Programs who shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). Each Associate Director will be primarily responsible for the program operations of Action within his respective jurisdictional area. In addition, they shall perform such functions as the Director of Action shall from time to time assign or delegate.

"(d) There shall be in Action not to exceed four Assistant Directors who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316). Each Assistant Director shall perform such functions as the Director of Action shall from time to time assign or delegate.

"(e) The provisions of section 1(d) of Reorganization Plan Numbered I of 1971 are hereby superseded by the provisions of this section."

So as to make the bill read:

S. 2097

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 "Drug Abuse Office and Treatment Act of 1971".

TITLE I—FINDINGS AND DECLARATION OF POLICY

SEC. 101. (a) The Congress hereby finds—

(1) that drug abuse is rapidly increasing in the United States and now afflicts urban, suburban, and rural areas of the Nation;

(2) that drug abuse seriously impairs individual, as well as societal, health and well-being;

(3) that drug abuse, especially heroin addiction, substantially contributes to crime;

(4) that the adverse impact of drug abuse inflicts increasing pain and hardship on individuals, families, and communities and undermines our institutions;

(5) that too little is known about drug abuse, especially the causes, and ways to treat and prevent drug abuse;

(6) that the success of Federal drug abuse programs and activities requires a recognition that education, training, treatment, rehabilitation, research, and law enforcement efforts are interrelated;

(7) that the effectiveness of efforts by State and local governments and by the Federal Government to control and treat drug abuse in the United States has been hampered by a lack of coordination among the States, and between States and localities, and among the Federal Government, the States and localities, and throughout the Federal establishment;

(8) that control of drug abuse requires the development of a comprehensive coordinated long-term Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitate victims of drug abuse; and

(9) that the increasing rate of drug abuse constitutes a serious and continuing threat to national health and welfare, requiring immediate and effective Federal Government response.

(b) The Congress declares that it is the policy of the United States and the purpose of this Act to focus the comprehensive resources of the Federal Government and bring them to bear on drug abuse with the immediate objective of significantly reducing the incidence of drug addiction and drug abuse in the United States within the shortest possible period of time consistent with a comprehensive coordinated long-term Federal strategy to combat drug abuse.

TITLE II—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

ESTABLISHMENT OF THE OFFICE

SEC. 201. (a) There is established in the Executive Office of the President an office to be known as the Special Action Office for Drug Abuse Prevention (hereinafter in this Act referred to as the "Office").

(b) There shall be at the head of the Office a Director of the Office (hereinafter referred to as the "Director"). He shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for level II of the Executive Schedule (5 U.S.C. 5313).

(c) There shall be in the Office a Deputy Director of the Office who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for level IV of the Executive Schedule (5 U.S.C. 5315). The Deputy Director shall perform such functions as the Director from time to time assigns or delegates, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

(d) There shall be in the Office not to exceed six Assistant Directors who shall be appointed by the Director and shall be compensated at the rate now or hereafter provided for level V of the Executive Schedule (5 U.S.C. 5316).

CONCENTRATION OF FEDERAL EFFORT

SEC. 202. (a)(1) The Director shall provide overall planning and policy and establish objectives and priorities for all Federal drug abuse programs and activities relating to education, the preparation of any educational material, training, treatment, rehabilitation, and research, exclusive of diplomatic or international negotiations and the following law enforcement activities and proceedings:

(A) the investigation and prosecution of drug offenses;

(B) the impanelment of grand juries;

(C) programs or activities involving international narcotics control; or

(D) the detection and suppression of illicit drug supplies.

(2) The authority of the Director under this section shall also extend to the programs and activities associated with education, training, treatment, rehabilitation, and research functions performed by or in connection with law enforcement and international aspects of Federal drug abuse programs and activities;

(3) Pursuant to his responsibilities under this section, the Director, in addition to exercising this authority under section 202(e), shall—

(A) assist operating agencies in the development and promulgation of, and review regulations, guidelines, requirements, criteria, standards, and procedures in accordance with the policies, priorities, and objectives he establishes;

(B) recommend changes in organization, management, personnel, and standards which he deems advisable to implement the policies, priorities, and objectives he establishes;

(C) review related Federal legislation in the areas of health, education, and welfare providing for medical treatment or assistance, vocational training, or other rehabilitative services and, consistent with the purposes of this Act, assure that respective administering agencies construe drug abuse as a health problem eligible for funding, benefits, or services, where appropriate, within the purview of such laws;

(D) conduct and support evaluations and studies of (i) the performance and results achieved by Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities, (ii) the performance and results of other Federal drug

abuse programs and activities that relate to the effectiveness of Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities, and (iii) of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered; and

(E) require departments and agencies engaged in Federal drug abuse programs and activities to submit such information and reports and to conduct such studies and surveys as the Director determines to be necessary to carry out the purposes of this title, and such departments and agencies shall submit to the Director such information, reports, studies, and surveys.

(b) In connection with drug abuse programs and activities conducted by any Federal department or agency, relating to law enforcement, border control, negotiation of written or unwritten agreements or understandings with foreign governments, or with other foreign governmental or nongovernmental persons or organizations of any kind, or with any international organization of any kind, the Director may make recommendations to the President, and shall consult with and be consulted by all responsible Federal departments and agencies regarding the policies, priorities, and objectives of such programs and activities.

(c) If the Director determines in writing that any program or activity referred to in section 202(a) or section 202(b) substantially impairs the effective operation of any other program or activity referred to in section 202(a) or 202(b), he shall submit in writing his findings and determinations on the matter to the President, who may direct the Federal department or agency conducting such a program or activity to do so under such policy guidelines as the President shall specify in order to assure the effective operation of such other program or activity.

(d) The Director shall coordinate Federal drug abuse programs and activities among Federal departments and agencies and between Federal drug abuse programs and activities and other Federal programs and activities which he determines may have an important bearing on the success of the entire Federal drug abuse effort.

(e) Pursuant to the responsibilities in this section, the Director shall—

(1) develop annually, and submit to the President of the United States and the Congress, prior to March 1 of each year, a written report on the activities of the Office, which report shall specify the objectives, activities, and accomplishments of the Office, and contain an accounting of funds expended pursuant to sections 205 and 207 of this title;

(2) in his discretion, support the development of new, and the expansion of effective drug abuse programs and activities by utilizing the sums available in the special fund established in section 205 of this title;

(3) whenever designated by the President, represent the Government of the United States in discussions and negotiations with foreign governments and before international organizations;

(4) convene, at his discretion, a council of officials representative of Federal departments and agencies, including intelligence agencies, responsible for drug abuse programs and activities to promote the purposes of this Act;

(5) using the sums available under section 205(c) of this title, develop and demonstrate new approaches, techniques, and methods to combat drug abuse, especially with respect to short-term and multiagency activities; and

(6) perform such other functions as the President may assign.

FUNDING AUTHORITY

SEC. 203. (a) In addition to his authority under section 202, the Director is authorized to (1) review and, if he deems necessary, modify the budget requests of Federal departments and agencies, and (2) make funds available from appropriations for program implementation to Federal departments and agencies and review implementation plans for each program for all Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities (exclusive of diplomatic or international negotiations and those law enforcement activities and proceedings enumerated in section 202(a)(1)(A), (B), (C), and (D)), including but not limited to such programs and activities under the following provisions of law:

(1) the Narcotic Addict Rehabilitation Act of 1966 including treatment and aftercare programs of the National Institute of Mental Health and the Bureau of Prisons of the Department of Justice;

(2) part D and part E (to the extent such parts pertain to drug abuse) of the Community Mental Health Centers Act including treatment, rehabilitation, and education projects administered by the National Institute of Mental Health;

(3) title I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 including treatment, rehabilitation, and education projects authorized by the Secretary of Health, Education, and Welfare;

(4) section 502(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, to the extent it pertains to public education programs not involving law enforcement within the Bureau of Narcotics and Dangerous Drugs of the Department of Justice;

(5) the Drug Abuse Education Act of 1970 administered by the Office of Education of the Department of Health, Education, and Welfare;

(6) section 222(a)(9) of the Economic Opportunity Act of 1964 and all other provisions of that Act, to the extent they pertain to drug abuse, including community treatment and rehabilitation projects administered by the Office of Economic Opportunity.

(7) section 306(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968, to the extent that it pertains to drug abuse, including treatment, rehabilitation, and education projects administered by the Law Enforcement Assistance of the Department of Justice;

(8) the Manpower Development and Training Act of 1962, to the extent it pertains to drug abuse, including rehabilitation projects administered by the Department of Labor;

(9) the Public Health Service Act, to the extent it pertains to drug abuse, including service, research, and training programs administered by the Department of Health, Education, and Welfare.

(10) title 38 of the United States Code, to the extent such title pertains to drug abuse, including treatment and rehabilitation services conducted by the Veterans' Administration; and

(11) titles IV and V of this Act.

(b) The Director, with the approval of the President, shall exercise the authority under section 203(a) with respect to such other Federal drug abuse education, training, treatment, rehabilitation, and research programs and activities as he determines appropriate.

(c) The authority of the Director to provide overall planning and policies and establish objectives and priorities granted under section 202(a) shall extend to the funding authority under this section.

TECHNICAL ASSISTANCE TO STATE AND LOCAL AGENCIES

SEC. 204. (a) The Director shall—

(1) coordinate or assure coordination of Federal drug abuse programs and activities with such programs of State and local governments; and

(2) provide for a central clearinghouse for Federal, State, and local governments, public and private agencies, and individuals seeking drug abuse information and assistance from the Federal Government.

(b) Pursuant to his responsibility under this section, the Director may—

(1) provide technical assistance—including advice and consultation relating to local programs, technical and professional assistance, and, where deemed necessary, use of task forces of public officials or other persons assigned to work with State and local governments—to analyze and identify State and local drug problems and assist in the development of plans and programs to meet the problems so identified;

(2) convene conferences of State, local, and Federal officials, and such other persons as the Director shall designate, to promote the purposes of this Act, and the Director is authorized to pay reasonable expenses incurred in the participation of individuals in such conferences;

(3) draft and make available to State and local governments model legislation with respect to State and local drug abuse programs and activities; and

(4) promote the promulgation of uniform criteria, procedures, and forms for grant or contract applications for drug abuse control and treatment proposals submitted by State and local governments and private organizations, institutions, and individuals.

(c) In carrying out his duties under subsection (b)(1) of this section, the Director is authorized—

(1) to take such action as may be necessary to request the assignment, with or without reimbursement, of any individual employed by any Federal department or agency and engaged in any Federal drug abuse programs and activities to serve as a member of any such task force; except that no such person shall be so assigned during any one fiscal year for more than an aggregate of ninety days without the express approval of the head of the Federal department or agency with respect to which he was so employed prior to such assignment;

(2) to assign any person employed by the Office to serve as a member of any such task force or to coordinate management of such task forces; and

(3) to enter into contracts or other agreements with any persons or organizations to serve on or work with such task forces.

SPECIAL FUND

SEC. 205. (a) There is hereby established a special fund (hereinafter referred to as the "fund") in order to provide additional incentives to Federal departments and agencies to develop more effective drug abuse programs and to give the Director the flexibility to encourage and respond quickly and effectively to the development of promising programs and approaches.

(b) The Director is authorized, subject to conditions which he shall impose, to transfer during any fiscal year sums appropriated to the fund to any Federal department or agency in order to—

(1) develop and demonstrate promising new drug abuse programs, activities, and approaches; and

(2) supplement and expand existing drug abuse programs and activities.

(c) Notwithstanding the transfer requirement in section 205(b), the Director may utilize not more than 10 per centum of such sums for research and demonstration purposes pursuant to section 202(e)(5).

ADDITIONAL AUTHORITIES

SEC. 206. (a) With respect to the drug abuse programs and activities referred to in section 203, when the President, after investigation by the Director, finds that such action is necessary to carry out the purposes of this Act, he shall prepare a reorganization plan in accord with the provisions of sections 902 to 913 of title 5, United States Code, or successor sections, for submission to the Congress pursuant to this subsection. Notwith-

standing section 905(b) of title 5, United States Code, or successor sections, or the pendency of other reorganization plans, any plan submitted pursuant to this subsection may take effect as if it were the only plan pending before Congress in accord with sections 902 to 913 of title 5, United States Code, or successor sections if the plan is transmitted to the Congress before June 30, 1975.

(b) The Director may, for a period not to exceed thirty days in any one calendar year, provide for the exercise or performance of a management oversight review with respect to the authorities and responsibilities conferred by any of the statutory provisions identified in section 203, by an officer of any Federal department or agency other than the department or agency on whom such powers or functions are conferred by such provisions. Such officer shall submit a written report to the Director concerning his findings.

(c) The Director shall consult with and be consulted by the Attorney General of the United States with respect to classification of drugs within the schedules of controlled substances, consistent with the standards and criteria in part B of title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

(d) The Director shall consult with and be consulted by responsible officials with respect to the classification of drugs in connection with international agreements and schedules.

(e) The Director shall consult with and be consulted by the Secretary of the Department of Health, Education, and Welfare, or his designee, with respect to the investigational new drug (IND) or new drug authority (NDA) status of drugs which have a potential for abuse or which might be used therapeutically for the treatment or rehabilitation of drug abuse or drug dependence, consistent with standards and criteria described in the Federal Food, Drug, and Cosmetic Act.

(f)(1) The Civil Service Commission, cooperating with the Director, shall establish policies and services for the control and treatment of drug abuse among Federal civilian employees including employees of the United States Postal Service. Such policies and services shall make optimal use of existing resources. Federal civilian employees, including employees of the United States Postal Service, who are drug dependent shall retain the same employment and other benefits as other persons afflicted with serious health problems and illnesses, and shall not because of their drug dependence lose pension, retirement, medical, or other benefits. In lieu of sick leave status, a good faith attempt shall be made, during the employee's period of rehabilitation, to find appropriate work within the Federal Government which does not involve the national security or otherwise involve undue risk to the health or property of the employee or other persons.

(2) The Director shall promote similar drug abuse control and treatment services in State and local governments and shall actively encourage labor and management to develop such services in private industry.

(g) Notwithstanding any provisions of title 38 of the United States Code to the contrary, former members of the Armed Forces who served on active duty or active duty for training shall, without regard to the nature of their discharge or to whether the illness was service connected, receive treatment and rehabilitation services for drug dependency from the Veterans' Administration and other responsible agencies. Such services shall, pursuant to regulations promulgated by the Administrator of Veterans' Affairs, include inpatient treatment and outpatient services irrespective of any prior inpatient treatment, psychiatric care, counseling, vocational training, or other rehabilitative services, and the funding, setting up, or operation of residential halfway houses.

(h) Except as expressly authorized, nothing in the foregoing provisions of this title shall be construed as authorizing or permitting the Director to waive or disregard any requirement, including standards, criteria, or cost-sharing formulas prescribed by law with respect to Federal drug abuse programs or activities.

(i) Where funds are made available by more than one Federal department or agency to be used by an agency, organization, or individual to carry out a Federal drug abuse program or activity, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Director may order any such agency to waive any technical grant or contract requirement established as in the regulations which is inconsistent with the similar requirement of the other Federal agency or which the other Federal agency does not impose.

GRANTS AND CONTRACTS

SEC. 207. (a) In carrying out any of his functions under this title, the Director is authorized to make grants to any public or nonprofit private agency, organization, or institution, and to enter into contracts with any agency, organization, or institution, or with any individual, except that the Director shall first secure the advice and counsel of non-government individuals qualified to review the topic and type of activity proposed to be undertaken under such grant or contract.

(b) To the extent he deems it appropriate, the Director may require the recipients of a grant or contract under this section to contribute money, facilities, or services for carrying out the program and activity for which such grant or contract was made.

(c) Payments under this section, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, and in such installments and on such conditions as the Director may determine.

(d) Notwithstanding any other provision of law, any Federal department or agency may enter into grant or contractual arrangements with the Director and, pursuant to such a grant or contractual arrangement, may exercise any authority to use any personnel or facilities which would otherwise be available to such department or agency under such contract or grant for the performance by it of related functions.

PERSONNEL—SPECIAL PERSONNEL—EXPERTS AND CONSULTANTS

SEC. 208. (a) The Director may select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

(b) The Director may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, select, appoint, and employ not to exceed (1) fifteen officers and employees and pay them compensation without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, except that such compensation shall not exceed the maximum rate now or hereafter prescribed for GS–13 of the General Schedule by section 5332 of the United States Code, and (2) ten officers and employees and pay them compensation without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, except that such compensation shall not exceed the maximum rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code.

(c) The Director may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code.

(d) The Director is authorized to accept and employ, in furtherance of the purpose of this Act or any Federal drug abuse control or treatment program or activity, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

TRANSITIONAL PROVISIONS

SEC. 209. (a) The President may authorize any person who immediately prior to the date of enactment of this title held a position in the executive branch of the Government to act as the Director of the Special Action Office for Drug Abuse Prevention until the Office of Director is for the first time filled pursuant to the provisions of this title or by recess appointment, as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Director.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the Office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of but not in addition to other compensation from the United States to which such person may be entitled.

(d) Except as otherwise provided by the Director, no Federal officer, department, or agency shall be deemed to be relieved of any responsibility that such officer, department, or agency may have had on the date of enactment of this title.

APPROPRIATIONS AUTHORIZED

SEC. 210. (a) For the purposes of carrying out the provisions of this title, except for the provisions of section 205, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1972, the sum of $5,000,000; for the fiscal year ending June 30, 1973, the sum of $10,000,000; for the fiscal year ending June 30, 1974, the sum of $12,000,000; and for the fiscal year ending June 30, 1975, the sum of $15,000,000.

(b) For the purpose of carrying out the provisions of section 205, there is hereby authorized to be appropriated the sum of $40,000,000 for each of the fiscal years ending June 30, 1972, June 30, 1973, June 30, 1974, and June 30, 1975.

(c) Any unexpended sums appropriated pursuant to the authority stated in subsection (a) or (b) of this section may be carried over without fiscal year limitation.

EFFECTIVE DATE; TERMINATION

SEC. 211. (a) The provisions of this title shall take effect thirty days after the Director or Acting Director first takes office or on such earlier date as the President may prescribe and publish in the Federal Register, except that any of the officers provided for in section 201 of this title may be nominated and appointed and any of the interim officers provided for by section 209 may be authorized to serve at any time after the date of enactment of this title.

(b) This title shall terminate on June 30, 1975, unles specifically extended by the Congress.

TITLE III—NATIONAL DRUG ABUSE STRATEGY

COMPREHENSIVE, COORDINATED LONG-TERM STRATEGY

SEC. 301. (a)(1) There shall be developed a comprehensive, coordinated long-term Federal strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government.

(2) The President shall direct the preparation of such strategy immediately upon enactment of this title.

(3) To develop the strategy, the President shall establish a Strategy Council whose membership shall include the Director of the Special Action Office for Drug Abuse Prevention, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense, the Administrator of Veterans' Affairs, and other officials as the President may deem appropriate, and the Director of the Special Action Office shall provide such services as are required to assure that the strategy is prepared.

(4) Such strategy shall be subject to review and written comment by those Federal officials participating in its preparation.

(5) The strategy shall then be determined and promulgated by the President no later than nine months after enactment of this title.

(b) The strategy shall consist of—

(1) an analysis of the nature, character, and extent of the drug abuse problem in the United States, including examination of the interrelationships between various approaches to solving the drug abuse problem and their potential for interacting both positively and negatively with one another;

(2) a comprehensive Federal drug abuse plan which shall specify the objectives of the Federal strategy and how all available resources, funds, programs, services, and facilities authorized under relevant Federal law should be used; and

(3) an analysis and evaluation of the major programs conducted, expenditures made, results achieved, plans developed, and problems encountered in the operations and coordination of the various Federal drug abuse programs and activities.

(c) To facilitate the preparation of such strategy, the Council shall—

(1) engage in the planning necessary to achieve the objectives of a comprehensive, coordinated long-term Federal strategy, including examination of the overall Federal investment to combat drug abuse;

(2) at the request of any member, require departments and agencies engaged in Federal drug abuse programs and activities to submit such information and reports and to conduct studies and surveys as are necessary to carry out the purposes of this title, and such departments and agencies shall submit to the Council and to the requesting member such information, reports, studies, and surveys;

(3) evaluate the performance and results achieved by Federal drug abuse programs and activities and the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered.

(d) The Federal strategy shall be reviewed and updated from time to time as the President deems appropriate, but the President shall determine and promulgate an updated strategy at least once in every calendar year following the initial promulgation of such strategy.

TITLE IV—NATIONAL INSTITUTE ON DRUG ABUSE

ESTABLISHMENT OF INSTITUTE

SEC. 401. (a) There is established, in the National Institute of Mental Health, a National Institute on Drug Abuse (hereafter in this Act referred to as the "Institute") to administer the programs and authorities assigned to the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary") by the remaining titles of this Act and by part D of the Community Mental Health Centers Act. The Secretary, acting through the Institute, shall, in carrying out the purposes of section 301 of the Public Health Service Act with respect to drug abuse, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of drug abuse and for the rehabilitation of drug abusers.

(b) The Institute shall be under the direction of an Administrator who shall be appointed by the Secretary and who shall conduct all the programs of the Institute hereinafter enumerated in accordance with the policies, priorities, objectives, guidelines, and, where appropriate, funding controls established by the Director of the Special Action Office.

(c) The programs of the Institute shall be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines.

REPORTS BY THE SECRETARY

SEC. 402. The Secretary shall—

(a) develop and submit to the Congress and the Director within ninety days after the effective date of this Act, a written plan for the administration and coordination of the various drug abuse programs and other programs (to the extent that such other programs provide for drug abuse education, prevention, treatment, rehabilitation, research or training services) within the Department. Such report shall list such programs and services, describe how they are to be administered so as to insure such coordination, and describe the steps taken or to be taken to insure that such programs will be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines. Action taken under this subsection shall be in accordance with the policies, priorities, objectives, and guidelines established by the Director; and

(b) submit to the Director for inclusion in the annual report required by section 202(e)(1) of this Act, a report describing the various existent model and experimental methods and programs for the treatment and rehabilitation of drug abusers and the advantages of each, describing their indications of success or failure or both; making recommendations for future development of these areas; making such recommendations for community implementation of the treatment and rehabilitation methods as may be appropriate; and making such recommendations for legislation and administrative action in these areas as may be appropriate.

ADDITIONAL RESPONSIBILITIES OF THE SECRETARY

SEC. 403. The Secretary shall—

(a) operate an information center for the collection, preparation, and dissemination of all information relating to drug abuse, including information concerning State and local drug abuse treatment plans, and the availability of treatment resources, training and educational programs, statistics, research, and other pertinent data and information;

(b) investigate and publish information concerning uniform methodology and technology for determining the extent and kind of drug use by an individual and effects which individuals are likely to experience from such use;

(c) gather and publish statistics pertaining to drug abuse and promulgate regulations specifying uniform statistics to be obtained, records to be maintained, and reports to be submitted on a voluntary basis by public and private departments, agencies, organizations, practitioners, and other persons with respect to drug abuse;

(d) review and provide in writing an evaluation of the adequacy and appropriateness of any provisions relating to the prevention and treatment of drug abuse and drug dependence contained in the comprehensive State health, welfare, and rehabilitation plans submitted to the Federal Government pursuant to Federal law, including, but not limited to, those submitted pursuant to section 5(a) of the Vocational Rehabilitation Act, sections 314(d)(2)(K) and 604(a) of the Public Health Service Act, section 1902(a) of title XIX of the Social Security Act, and section 204(a) of part A of the Community Mental Health Centers Act.

TITLE V—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

PART A—FORMULA GRANTS

AUTHORIZATION

SEC. 501. There are authorized to be appropriated $15 million for the fiscal year ending June 30, 1972, $30 million for the fiscal year ending June 30, 1973, $40 million for the fiscal year ending June 30, 1974, $45 million for the fiscal year ending June 30, 1975, and $50 million for the fiscal year ending June 30, 1976, for grants to States to assist them in planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective education, training prevention, treatment, and rehabilitation programs to deal with drug abuse. For purposes of this part, the term "State" includes the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

STATE ALLOTMENT

SEC. 502. (a) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated pursuant to section 501 for such year among the States on the basis of the relative population, financial need, and need for more effective education, training, prevention, treatment, and rehabilitation programs; except that no such allotment to any State (other than the Virgin Islands, American Samoa, Guam, and the Trust territory of the Pacific Islands) shall be less than $200,000.

(b) Any amount so allotted to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year, may be reallotted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under subsection (a) to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to any other of such four States which have need therefor, on such basis as the Secretary deems

equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the State for the same period.

(c) At the request of any State, a portion of any allotment or allotments, of such State under this part shall be available to pay that portion of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under this part, except that not more than 10 per centum of the total of the allotments of such State for a year, or $50,000, whichever is the least, shall be available for such purpose for such year.

STATE PLANS

SEC. 503. (a) Any State desiring to participate in this part shall submit a State plan for carrying out its purposes. Such plan must—

(1) designate a single State agency as the sole agency for the preparation, and administration of the plan, or designate such agency as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter in this section referred to as the "State agency") will have authority to implement such plan in conformity with this part and with Federal policy established under this Act;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and treatment of drug abuse and drug dependence, from different geographical areas of the State, to consult with the State agency in carrying out the plan;

(4) set forth, in accordance with criteria established by the Secretary, a detailed survey of the local and State needs for the prevention and treatment of drug abuse and drug dependence, including a survey of the health facilities needed to provide services for drug abuse and drug dependence, and a plan for the development and distribution of such facilities and programs throughout the State;

(5) provide for coordination of existing and planned treatment and rehabilitation programs and activities, particularly in urban centers, and require compliance with the plan and cooperation with other programs and activities as a condition for financial support under this title;

(6) provide a scheme and methods of administration which will supplement, broaden, and complement State health plans developed under section 314(d)(2) of the Public Health Act;

(7) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(8) provide that the State agency will make such reports, in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(9) provide that the Comptroller General of the United States or his duly authorized representatives shall have access for the purpose of audit and examination to the records specified in paragraph (7);

(10) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary an analysis and evaluation of the effectiveness of the prevention and treatment programs and activities carried out under the plan, and any modifications in the plan which it considers necessary;

(11) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event supplant such State, local, and other non-Federal funds; and

(12) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions and purposes of this part.

(b) Funds authorized under section 501 of this part may be used to develop the State plan required by subsection (a) of this section;

(c) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a) of this section.

ALLOCATION OF RESOURCES

SEC. 504. Funds authorized under section 501 of this Act which are not expended in developing or modifying the State plan shall be available only to—

(a) provide direct education, prevention, treatment, and rehabilitation services to those drug abusers who are in the areas of greatest need within the State, as evidenced by the State plan, or provide training of persons who will provide such services; and

(b) evaluate direct education, prevention, treatment, and rehabilitation services and the training of persons who will provide such services.

PART B—SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

PROGRAM AND AUTHORIZATION

SEC. 511. (a) The Secretary shall—

(1) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to provide training seminars, educational programs, and technical assistance for the development of drug abuse prevention, treatment, and rehabilitation programs for employees in the private and public sectors;

(2) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, and institutions, to provide directly or through contractual arrangements for vocational rehabilitation counseling, education, and services for the benefit of persons in treatment programs and to encourage efforts by the private and public sectors of the economy to recruit, train, and employ participants in treatment programs;

(3) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions and individuals to establish, conduct, and evaluate model and experimental drug abuse prevention, treatment, and rehabilitation programs within State and local criminal justice systems;

(4) make grants to or contracts with groups composed of individuals representing a broad cross-section of medical, scientific, or social disciplines for the purpose of determining the causes of drug abuse in a particular area, prescribing methods for dealing with drug abuse in such an area, or conducting programs for dealing with drug abuse in such an area;

(5) make research grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public and private agencies, organizations, and institutions, and individuals for research efforts to discover, develop, or improve substances or techniques for using substances for use in the prevention and treatment of drug abuse, including but not limited to, (A) a long-lasting blocking or antagonist drug for treatment of drug dependence; (B) improved detoxification agents; and (C) improved drug maintenance techniques or programs; and

(6) make grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to establish, conduct, and evaluate model and experimental drug abuse prevention and treatment programs.

(b) There are authorized to be appropriated $65 million for the fiscal year ending June 30, 1972; $170 million for the fiscal year ending June 30, 1973; $260 million for the fiscal year ending June 30, 1974; and $400 million for the fiscal year ending June 30, 1975; and $450 million for the fiscal year ending June 30, 1976, to carry out the purposes of this part. Any appropriated funds shall remain available until expended.

ADMINISTRATION OF GRANTS AND CONTRACTS

SEC. 512. In administering section 511:

(a) The Secretary shall require coordination of applications for programs in a State and shall not give precedence to public agencies over private agencies, institutions, and organizations, or to State agencies over local agencies.

(b) Each applicant within a State, upon filing its application with the Secretary for a grant or contract under this section shall submit a copy of its application for review by the State agency designated under section 503, if such agency exists. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of drug abuse under section 503. The State shall furnish the applicant a copy of any such evaluation. A State if it so desires may, in writing, waive its rights under this section.

(c) Approval of any application for a grant or contract by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the applications substantially meets a set of criteria that—

(1) provide that the activities and services for which assistance under this section is sought will be substantially administered by or under the supervision of the applicant;

(2) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

(3) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant; and

(4) provide for reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section, and will in no event supplant such State, local, and other non-Federal funds.

PART C—ADMISSION OF DRUG ABUSERS TO HOSPITALS

EMERGENCY HOSPITAL TREATMENT

SEC. 521. (a) Drug abusers who are suffering from emergency medical conditions shall

not be refused admission or treatment by any private or public general hospital which receives support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency solely because of their drug abuse or drug dependence.

(b) The Secretary is authorized to promulgate regulations establishing procedures to be used in determining whether section 521(a) of this Act has been violated. Such procedures shall include an opportunity for the hospital concerned to bring its policy into conformity with section 521(a) of this Act before any sanction is imposed against it. In the event that, after such opportunity, a hospital continues to violate section 521(a) of this Act, the Secretary is authorized to suspend or revoke all or part of any support of any kind received by such hospital from any program administered by the Secretary, and to consult with the officials responsible for the administration of any other Federal program from which such hospital receives support of any kind, with respect to the suspension or revocation of Federal support for such hospital.

PART D—GENERAL

LEASING OF FACILITIES

SEC. 531. (a) Section 251(a) of the Community Mental Health Centers Act is amended (1) by inserting "or leasing" after "construction", and (2) by inserting "facilities for emergency medical services, intermediate care services, outpatient services, or" immediately before "posthospitalization treatment facilities".

(b) Section 251(b) of the Community Mental Health Centers Act is amended by inserting "or leasing" after "construction".

RECORDS

SEC. 532. (a) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants or contracts entered into under the provisions of this Act under other than competitive bidding procedures.

PAYMENTS

SEC. 533. Payments under this Act may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

TITLE VI—THE NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

ESTABLISHMENT OF COUNCIL

SEC. 601. Section 217 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(e) The National Advisory Council on Drug Abuse shall consist of the Secretary, who shall be Chairman, the chief medical officer of the Veterans' Administration or his representative, and a medical officer designated by the Secretary of Defense, who shall be ex officio members. In addition, the Council shall be composed of twelve members who are appointed by the Secretary without regard to the civil service laws. These twelve appointed members of the Council shall represent a broad range of interests, disciplines, and expertise in the drug area and shall be selected from outstanding professionals and paraprofessionals in the field of medicine, education, science, the social sciences, and other related disciplines, who have been active in the areas of drug abuse prevention, treatment, rehabilitation, training, or research.

"The Council shall:

"(1) advise, consult with, serve as a sounding board for, and make recommendations to the Secretary—

"(a) concerning matters relating to the activities and functions of the Secretary in the field of drug abuse, including but not limited to the development of new programs and priorities; the efficient administration of programs; and the supplying of needed scientific and statistical data and program information to professionals, paraprofessionals, and the general public; and

"(b) concerning policies and priorities relative to grants and contracts in the field of drug abuse which are made by the Secretary or by agencies and individuals responsible to him.

"(a) concerning matters relating to the Director of the Special Action Office, for inclusion in the annual report required by section 202(e)(1) of this Act, a report which:

"(a) summarizes the activities of the Council,

"(b) summarizes their recommendations to the Secretary, their reasons therefor, and the extent to which their recommendations have been adopted, and

"(c) includes copies of resolutions and other appropriate official documents of the Council."

REVIEW BY COUNCIL OF CERTAIN GRANTS UNDER PART D OF COMMUNITY MENTAL HEALTH CENTERS ACT

SEC. 602. Section 266 of the Community Mental Health Centers Act is amended (1) by inserting "and part D" immediately after "(other than part C)", and (2) by adding immediately after the period in the second sentence the following: "Grants under part D of this title for such costs will undergo such review as is provided by section 217(e) of the Public Health Service Act.

TITLE VII—CONFIDENTIALITY OF RECORDS

CONFIDENTIALITY

SEC. 701. (a) All patient records prepared or obtained under this section or in connection with any treatment authorized pursuant to this Act and all information contained therein, shall remain confidential and may be disclosed, with the patients consent only, to medical personnel and then only for the purpose of diagnosis and treatment of the patient, or to Government or other officials only for the purpose of obtaining benefits due the patient as a result of his drug abuse or drug dependence. Disclosure may be made for purposes unrelated to such treatment or benefits upon an order of a court only after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information sought to be disclosed against possible harm of disclosure to the person to whom such information pertains, the physician-patient relationship, and to the treatment services, and may condition disclosure of the information upon any appropriate safeguards. No such records or information may be used to initiate or substantiate any action or charges against a patient or a former patient under any program pursuant to this title under any circumstances.

(b) Nothing in this section shall be construed to limit the use of information by persons engaged in research provided that the confidentiality of patient records is preserved by withholding names or other identifying characteristics thereof.

TITLE VIII—GENERAL

SAVING PROVISION

SEC. 801. If any section, provision, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

REGULATIONS

SEC. 802. The Secretary may promulgate regulations pursuant to subchapter II of chapter 5 of title 5, United States Code, to implement this Act.

DESIGNATION OF CERTAIN POSITIONS IN ACTION

SEC. 803. Part C, title VIII of the Economic Opportunity Act of 1964 is amended by adding the following new section:

"SEC. 836 OFFICERS OF ACTION.—

"(a) There shall be at the head of Action the Director of Action. He shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314).

"(b) There shall be in Action a Deputy Director of Action who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). The Deputy Director shall perform such functions as the Director of Action shall from time to time assign or delegate, and shall act as Director of Action during the absence or disability of the latter or in the event of vacancy in the office of Director of Action.

"(c) There shall be in Action, two Associate Directors of Action one of whom shall be designated as Associate Director for Domestic and Antipoverty Programs, and one of whom shall be designated as Associate Director for International Programs who shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). Each Associate Director will be primarily responsible for the program operations of Action within his respective jurisdictional area. In addition, they shall perform such functions as the Director of Action shall from time to time assign or delegate.

"(d) There shall be in Action not to exceed four Assistant Directors who shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316). Each Assistant Director shall perform such functions as the Director of Action shall from time to time assign or delegate.

"(e) The provisions of section 1(d) of Reorganization Plan Numbered I of 1971 are hereby superseded by the provisions of this section."

The PRESIDING OFFICER. On this bill there is a time limitation of 2 hours, to be equally divided between the Senator from Iowa (Mr. HUGHES) and the Senator from Illinois (Mr. PERCY), with a limitation of 30 minutes on amendments in the first degree and 20 minutes on amendments in the second degree.

PRIVILEGE OF THE FLOOR

Mr. PERCY. The Senate is now taking up a bill of which I am a principal sponsor and floor manager for the minority, S. 2097, the Drug Abuse Office and Treatment Act of 1971. In connection with my floor responsibilities, I ask

unanimous consent that Mr. Stuart M. Statler, minority counsel to the Subcommittee on Executive Reorganization, be permitted to remain on the floor with me throughout the period allotted for debate, discussion and vote on this measure.

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

Mr. HUGHES. Mr. President, I ask unanimous consent that Mr. Wade Clarke and Mr. Julian Granger, of the staff of the Subcommittee on Alcohol and Narcotics, Mr. Hendrick Gideonse, Mr. Al From, and Mr. Tim McCarthy be given the privilege of the floor during the consideration of this bill.

Mr. RIBICOFF. And Mr. Robert Wager of the staff of the Government Operations Committee.

Mr. HUGHES. And Mr. Robert Wager.

Mr. McCLELLAN. And also Mr. James Calloway of the staff of the Government Operations Committee.

Mr. HUGHES. And Mr. Calloway.

Mr. President, I ask unanimous consent that the chief counsel of the Government Operations Committee be allowed access to the floor during the consideration of the bill also.

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are ordered.

Mr. HUGHES. Mr. President, I yield myself such time as I may require.

The Labor and Public Welfare Committee has recommended that amendments be made adding titles IV through VIII to the titles reported by Government Operations. These titles would include provisions for the establishment of a National Institute on Drug Abuse, the development of State and local prevention and treatment programs and formation of a National Advisory Council on Drug Abuse to advise the Secretary of Health, Education, and Welfare.

That committee has also recommended several agreed-upon changes in the earlier titles of the bill. The Labor and Public Welfare Committee reported the bill favorably, with the recommended amendments, on November 23. I would like to ask the senior Senator from Connecticut if he would accept the amendments recommended by the Labor and Public Welfare Committee.

Mr. RIBICOFF. Mr. President, I have reviewed the amendments proposed by the Committee on Labor and Public Welfare, and find them acceptable. They further strengthen and improve the bill. I have discussed them with Chairman McCLELLAN, with the ranking minority member (Mr. JAVITS), and with the Senator from Illinois (Mr. PERCY). We find them acceptable, and, on behalf of the Committee on Government Operations, I accept the amendments en bloc.

Mr. HUGHES. I thank the Senator from Connecticut, and yield him whatever time he may require.

Mr. RIBICOFF. Mr. President, the bill we consider today is a piece of landmark legislation. It is a major bipartisan effort to combat one of our greatest national problems—drug abuse.

The Nation has been justly alarmed by the growing menace of drug abuse. The problem is not confined to one area of the country or a single segment of society. It is pervasive, affecting cities, suburbs and rural areas, civilians and military personnel. It particularly affects the Nation's youth.

I have long been concerned with the problem of drug abuse, and so when this bill was jointly assigned to my Subcommittee on Executive Reorganization and Government Research and Senator MUSKIE's Subcommittee on Intergovernmental Relations, I moved for immediate hearings.

The bill which we brought out of these hearings and the long, bipartisan negotiations which followed them, responds to the need for better organization and increased funds for drug abuse programs. We have added several innovative provisions, not included in the original bill and our final product is a great improvement over the bill as introduced.

We have provided that it attacks the drug problem on a broad spectrum—law enforcement, prevention, treatment, and rehabilitation. It is a constructive bill which I believe will lead to controlling the problem of drug abuse throughout the Nation.

Mr. President, S. 2097, as amended, has two sections. The first section, containing titles I, II, and III, was drafted and will be managed on the floor by the Government Operations Committee. The second section, containing titles IV, V, VI, VII, and VIII, was drafted by the Committee on Labor and Public Welfare and will be managed on the floor by that committee.

Despite this division of labor, the bill is a coordinated, bipartisan effort by two committees to deal with the problem of drug abuse.

Several Senators played major roles in constructing the bill in its present form. On the Government Operations Committee the Chairman (Senator McCLELLAN), Senator MUSKIE, Senator PERCY, Senator JAVITS, Senator GURNEY, and I worked together to shape the provisions of the bill. From the Committee on Labor and Public Welfare Senator HUGHES and Senator JAVITS, as ranking members of the Subcommittee on Alcoholism and Narcotics, made major contributions to the legislation.

The origins of this bill can be found in S. 1945, introduced by Senator MUSKIE on May 25 of this year; S. 2097, introduced for the administration on June 18, following the President's comprehensive drug message, by Senator PERCY and 15 bipartisan cosponsors; and S. 2217, introduced June 30 by Senator HUGHES with Senators JAVITS and MUSKIE as cosponsors.

The administration bill and Senator MUSKIE's bill were assigned jointly to the Subcommittees of the Committee on Government Operations which Senator Muskie and I chair. We began hearings quickly, taking 6 days of testimony, and directing inquiries to all the States, the District of Columbia, and 20 large cities.

Testimony was given by several Senators, including the Chairman of the Committee on Government Operations, a Congressman, the Governor of Georgia, representatives of State and local drug abuse programs, doctors and researchers, and former victims of drug abuse. We received 49 replies from States and the District of Columbia, and nine replies from cities in response to our letter of inquiry. One State response, that from Governor William A. Egan of Alaska, came in after the hearing record was printed and I ask unanimous consent that it be printed after my remarks so that it will be available along with the responses of the other States.

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

(See exhibit 1.)

Mr. RIBICOFF. Witness after witness testified to the tremendous expansion in the amount of drug abuse, the increase in the types of abuse, and the extent to which new population groups have become increasingly and heavily involved.

The availability of drugs on the virtually open illicit market was well described by some of the younger witnesses before us who themselves had been drug abusers. One young lady told us, for example, that it was easier to get heroin than liquor, and a returned GI from Vietnam told us heroin was easier to get than a clean glass of water. We were also told that in urban neighborhoods it was possible to get drugs from almost anyone, including police officers and, further, that the image of the older, gangster drug pusher needed to be replaced by a picture of a widely dispersed and fluid drug distribution network involving persons who are peers to the users themselves.

The range of drugs being abused is long and well known: marijuana, amphetamines, barbiturates, heroin, cocaine, LSD, mescaline. We have all become familiar in this country, some of us painfully familiar, with the names. Furthermore, we heard testimony which suggests that we are on the threshold of a new era of drug proliferation as the work now being done for legitimate scientific, medical, or pharmacological purposes discovers new psychoactive substances.

Testimony also made it very clear that the characteristics of those abusing drugs have changed radically in the last few years. Once largely confined to the inner city poverty areas where, like all other problems there, it could be conveniently ignored by the rest of society, drug abuse now substantially involves young, middle class residents of the suburbs, college students, and military personnel. In fact, it is quite clear that one of the most compelling forces behind the President's initiative was the disclosure of widespread use of heroin among GI's in Vietnam.

The problems addressed in S. 2097 are complicated. They do not stand by themselves, but are linked to the larger issues afflicting our society. We considered many proposals. We engaged in extensive deliberation. Before we were done the administration bill was substantially and significantly altered. As a result we believe this legislation is a major advance in the national effort to control and treat drug abuse.

The purpose of titles I, II and III of

S. 2097 is to establish a Special Action Office for Drug Abuse Prevention in the Executive Office of the President and to develop a comprehensive, coordinated, long-term national strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government.

The Special Action Office for Drug Abuse Prevention would have major responsibilities. For drug abuse programs and activities dealing with education, the preparation of educational materials, training, treatment, rehabilitation, and research, the Office would provide overall planning and policy, establish objectives and priorities, review and, if necessary, modify budget requests, review implementation plans, and make appropriations available. With respect to these same programs and activities, the Director of the Office would be able to require the submission of information, evaluate their performance and results, assist in the development and review regulations, criteria, guidelines, requirements, standards, and procedures, and make recommendations regarding changes in management, organization, personnel, and standards.

These provisions represent significant changes in the powers requested in the original version of S. 2097.

In several respects the powers sought in the original bill were unprecedented. Authority was requested for the President to extend the life of legislation and to transfer appropriations from one program to another, transfer programs from one agency to another, and replace personnel. We felt there were insufficient reasons for conferring these kinds of powers on the President and Director. Furthermore, the requested powers would have infringed on powers reserved to Congess and conflicted with provisions of the Civil Service system.

On the other hand, the evidence presented convinced us that some powers not ordinarily exercised were called for if the existing confusing, uncoordinated situation in the executive branch was to be corrected and renewed vigor and direction imparted to the programs against drug abuse. The solution we finally decided upon was to define sharply the planning, policy, priority, and objective-setting responsibilities for the education and treatment approaches and then to extend additionally to the Director only those powers and responsibilities now exercised by the White House or the Office of Management and Budget.

A second major change we made in the original S. 2097 is to give the Director authority to make recommendations to the President concerning law enforcement and international aspects of Federal drug abuse programs and activities as well as to consult with the Justice and Treasury Departments, intelligence agencies and all other Federal departments and agencies with respect to international control and law enforcement policies, priorities, and objectives relating to drug abuse. Further, when the Director determines that the operation of any Federal drug abuse program or activity impairs the effectiveness of any other Federal drug abuse program or activity, a mechanism is provided whereby the Director may formally notify the President of such a problem for his resolution. These important provisions were added to the bill by the committee.

It is no secret that there has been antagonism and competition between proponents of law enforcement and medical approaches to the control, prevention and treatment of drug abuse. With the notable exception of the Attorney General, who asserted that there were only a few points of cross-action between law enforcement and treatment, all the witnesses, in one fashion or another, pointed out the positive and negative effects which different approaches to law enforcement or treatment had upon one another.

Examples of the interrelationship between law enforcement and treatment approaches are numerous. Various ways of carrying out law enforcement, for example, appear to certain population groups to be expressions of the very shortcomings of our society which are among the larger social issues which underlie certain forms of drug abuse. Some approaches to treatment are considered by others to be questionable because of the potential risk of poor control over narcotic substances, increasing the availability of new drugs on the streets. The fact that possession of heroin is a felony in many States means that on conviction an addict is automatically denied access to nearly half the jobs in the Nation, a significant deterrent to effective rehabilitation. The confusion between medical approaches to treatment and criminal definitions of drug taking behavior is another problem.

The manner and order in which supplies of illicit drugs are controlled, may have direct effects on the types of drugs being used and the nature of the demand for places in drug treatment programs and facilities. We heard evidence, for example, that successful efforts to cut off marihuana supplies during Operation Intercept, led directly to an increase in heroin use, since that substance was still freely available, even though marihuana supplies had been effectively interdicted for a while. A recent report suggests much the same mechanism was at work in Vietnam and is a partial explanation of the rapid increase in heroin use there.

The consistency with which these views came up and the clear consensus that emerged led us to conclude that to deal with the problem of drug abuse in this country, the full range of approaches to its control and prevention had to be addressed.

These same concerns led us to make a second major addition to the bill. Title III creates a mechanism whereby a national strategy against drug abuse shall be developed. The President is directed to prepare such a strategy through the establishment of a Strategy Council composed of the Director of the Special Action Office, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense, the Administrator of the Veterans' Administration and such other officials as the President may designate. The Director of the Special Action Office is authorized to provide whatever services are necessary to prepare the strategy.

The strategy will contain an analysis of the nature, character, and extent of the drug abuse problem including an examination of the interrelationships between various approaches to solving the problem and their potential for interacting positively and negatively with one another. It is to include a comprehensive Federal plan specifying the objectives of the strategy and how all available resources, funds, programs, services, and facilities authorized under relevant Federal law should be used. Finally, the strategy shall contain an analysis and evaluation of the programs conducted, results achieved, and problems encountered by all Federal agencies.

The Council is authorized to engage in the planning necessary to achieve the objectives of the strategy. It shall require departments and agencies to submit such information as any member of the Council may request. Finally, it is required to evaluate the performance and results achieved by all Federal drug abuse programs and activities. The bill provides for review of the strategy by those participating in its development and for periodic updating at least once a year.

In addition to the responsibilities I have already outlined, the Director possesses other important powers that cut across all drug abuse programs and activities. He is empowered to coordinate all Federal drug abuse programs and activities with one another and with other Federal programs and activities which might have an important bearing on the success of the entire Federal drug abuse effort. He is authorized to perform coordination and technical assistance functions regarding State and local drug abuse programs and activities.

The Director would also be required to submit an annual report on the activities of the Office, particularly with respect to his use of grant and contract funds and transfers of moneys which he might effect. Using a special fund, provisions for which the committee added to the original bill, he would be authorized to develop or support new approaches, demonstrations, techniques, and methods for achieving the purposes of the act. He could also use the fund to increase the size of ongoing programs which have proven themselves effective. He is empowered at the President's discretion to represent the Government of the United States in discussions and negotiations with foreign governments and before international organizations. To carry out the purposes of the act he may convene a council of Federal officials representative of the departments and agencies responsible for Federal drug abuse programs and activities.

These additional provisions should substantially enhance his position as the focal point for the national program against drug abuse. They give promise of aiding the development and implementation of the national strategy. They provide incentives to develop new approaches and expand effective ones that are already ongoing. In addition to these provisions, we have also defined congres-

sional policy respecting the manner in which the Veterans' Administration and the Civil Service treat drug abusers and provided a special reorganization authority to the President respecting the drug abuse programs over which the Special Action Office has budgetary authority. This authority, based directly on the provisions contained in the Executive Reorganization Act of 1949, as amended will assure that for the 4-year life of the Office, program transfers may be made promptly.

The appropriation figures were arrived at with a view to carrying out the Director's functions with the greatest effectiveness. For each of the 4 years of the life of the Office, we have authorized appropriations of $40 million for the special fund, an amount which is approximately 10 percent of the total currently budgeted for drug abuse programs and activities and approximately 2½ percent of the total that will be authorized when this bill is passed. For the activities of the Office itself we have authorized amounts of $5, $10, $12, and $15 million for the 4 successive years. We think these sums are adequate for the responsibilities of the Office, and the special fund authorization should make it a substantial lever in redirecting old programs and expanding effective ones.

Clearly we have made significant changes in the original bill. Committee action has improved the bill and made it a substantially different measure. We have increased the scope of the office, differentiated the powers according to the areas of responsibility, and confined them to those appropriate for a White House office. We have provided for the development of a national strategy against drug abuse. I ask unanimous consent to insert after my remarks a brief summary I have prepared of the diffferences between the original bill and the one the Committee has reported.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibits.)

Mr. RIBICOFF. We have given the Director of the Special Action Office responsibilities with a scope as broad as the problem and the full range of approaches to its solution. We expect the Director to range widely and with energy over all areas in which he has duties and responsibilities.

We have carefully defined the Director's powers. His responsibilities are differentiated, however. We expect him to respect the differences between prescription and recommendation, for example, that we have provided as between treatment programs and law enforcement. But we expect him to carry out his functions actively and fully as broadly as the bill itself is written.

One responsibility of great importance will be the activities he carries out in connection with the development of the comprehensive, coordinated Federal strategy against drug abuse. We believe that the Director, as the President's highest level adviser on drug policy, will play a key role in the discussions of the strategy council, but we also intend that his service role to the council should be as active as he believes necessary.

We expect the Director to play a major role in defining what kinds of studies and reports and what kinds of information and data are needed. We expect him to insure that responsibilities of this kind are carried out by the departments and agencies administering drug abuse programs and activities.

Having studied the drug problem in depth these past 6 months, it is obvious how little we know about it and how, when we examine it carefully, its characteristics are quite different from the presuppositions we started with. We know far too little about the reasons why drugs are abused. We know far too little about the patterns and mechanisms of abuse. We know very little about the ways in which illicit supplies are distributed internationally. We know a little more but still not enough about the physiological and psychological effects of single and multiple drug use and abuse.

An example of the kind of knowledge we need much more of is contained in a recent report prepared for the Drug Abuse Council by Dr. Norman Zinberg on the rehabilitation of heroin users in Vietnam.

In his paper Dr. Zinberg, who testified before the two subcommittees in July, describes the social and group-oriented culture of drug taking in Vietnam, a significant difference from the classic picture of the loner ghetto user. He raises as a consequence some provocative questions about the future effect of this form of drug abuse on the domestic scene when the GI's return.

The kind of rethinking Dr. Zinberg was forced to do as a result of his careful examination of the drug and rehabilitation cultures will be repeated as more intensive empirical studies of drug abuse are undertaken.

Finally, I came to the conclusion, as did, indeed, all of us who actively worked on the bill, that rhetoric which talks about epidemics and crusades is inappropriate and counterproductive. Fear and emotion are not going to resolve the issues here, nor lead to productive solutions. In different forms the drug problem has existed in this country for a very long time. It will not yield to effective prevention and control simply by a new burst of zealous energy. What we need is a major sober, rational effort, filled with compassion and committed to the long pull.

I believe we have before us a bill which is a major step forward in the effort against drug abuse and will do the kind of job I have just outlined.

It covers the ground which needs to be covered. It creates an Office with high visibility to express the full extent of our concern. The language we have used is reserved because we understand how serious the problem is, how deeply it is tied to other problems of our society, and how unlikely it is to yield to quick solutions or emotional terminology.

The Director's powers are substantial. They will enable him to give renewed direction to education, treatment, rehabilitation, and research programs and to eliminate overlap, and improve their coordination. He can play an important role in the development of law enforcement policies and has authority to identify conflicts between law enforcement programs and treatment programs if and when they occur.

Most important, the development of a national strategy will assure that at the highest levels of government issues which have undermined the effort against drug abuse will receive considered attention. For the first time the policy basis for controlling and preventing drug abuse will receive the kind of comprehensive treatment that it needs.

The bill before us is a good one. It provides the authority needed to begin the job that needs doing. I urge its passage.

EXHIBIT 1

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, Alaska, November 18, 1971.

Hon. ABRAHAM RIBICOFF and Hon. EDMUND S. MUSKIE,
Committee on Government Operations,
U.S. Senate, Washington, D.C.

DEAR SENATOR RIBICOFF AND SENATOR MUSKIE: This is in further reply to your letter of August 6, 1971, concerning joint hearings on S. 1945 and S. 2097 which would establish a new White House office to coordinate programs concerned with drug abuse. A response to your letter was deferred until this time because while our drug abuse programs have not reached the proportions felt in other states, recent experience has given rise to great concern. Recent planning and commencement of some programs have provided the answer to some of the questions posed in your letter.

The following answers are provided through coordination with the Alaska Department of Health and Social Services.

1. Describe your State's narcotic drug abuse treatment and rehabilitation programs(s). If possible, please include information on each of the following:

(a) organization;
(b) purposes;
(c) scope of activities;
(d) budget (1968–1971);
(e) Federal assistance (if any);
(f) number of persons treated and rehabilitated;
(g) results to date;
(h) planning and evaluation methods;
(i) relationship to local and private programs; and
(j) relationship to other State drug and nondrug programs.

Answer. Alaska faces a growing problem in drug abuse. I am vitally concerned with the problem and have designated drug abuse and drug abuse related problems as a primary issue for Fiscal Year 1973. At the present time, the Task Force is engaged in an in-depth study of the issue with a view towards developing budget and legislative proposals. Additionally, I have designated the Department of Heath and Social Services as the single drug authority for Alaska in order that the State might be responsive to Federal grant proposals as well as develop a united and coordinated State-wide program for treatment and prevention.

The Task Force is currently holding regular meetings, securing data, talking with and seeking the counsel of former users and abusers, and studying existing programs. State monies to date have been used in an educational approach to prevention, primarily through the Alaska Department of Education. A small Federally funded program has just gotten underway in Fairbanks and it is much too early to report any results from program activities.

The Greater Anchorage Area Borough Health Department and the Alaska Psychiatric Institute are cooperating in a joint program effort directed toward the treatment

and rehabilitation of persons suffering from the abusive use of drugs. Application is being made for $200,000 of Federal monies to assist in the financing of this program.

Present treatment resources for drug abusers consist primarily of a free open door clinic located in Anchorage and physicians throughout Alaska.

In addition to the planned demonstration project for the Greater Anchorage Area Borough, it is also planned to seek Federal monies for the establishment of drug abuse programs through the community mental health centers and our State-operated regional mental health clinics. It is hoped that those programs, facilities, methods, and techniques that have been helpful and successful in the demonstration project will be implemented in the community's program.

A research and evaluation component has been built into the demonstration project and should prove useful in screening out those program aspects that have little or no value in the restoration process of helping this high-risk group. The programs that are planned for Alaska would enlist, encourage, and utilize the help of all private treatment facilities and volunteer citizens and citizen groups.

2. What is your estimate of the number of heroin addicts in your State for each year from 1968 to 1971? (Please explain the method used in calculating the totals.)

Answer. Statistical data is incomplete for most of the State. Some statistics for the Anchorage area were furnished by the Anchorage Police Department. The figure given by the police for known addicts is 300 for the Anchorage area with another probable 300 who are at present unknown or unemerged.

3. What is the State program's major goals for 1971 and 1976?

Answer. Alaska's goals for 1971 include the completion and submission of the application for the demonstration project for the Anchorage area which involves 43 per cent of Alaska's entire population. Alaska recognizes the importance of the development of a data gathering system which is vital to meaningful planning and efforts will be made towards the establishment of such a system.

By 1976 Alaska hopes to have adequate treatment and rehabilitative services available to all persons who suffer from drug abuse and who desire to help. A meaningful public educational and informational program is essential, especially in the public school systems. It is felt that the best preventive approach must involve education and family life programs designed to promote good mental health.

Hopefully, Alaska will have made some good progress toward drying up the sources of supply, but the most effective method would involve greatly reducing the number of customers and potential customers.

4. How much assistance and what kinds of assistance will you need from the Federal Government to achieve these goals?

Answer. The Federal Government must make drug abuse program monies available to those states who endeavor to find solutions to the very complex and highly complicated social problem of drug addiction. The Federal Government is in the best position to gather, coordinate, interpret, and disseminate information and data and to conduct research and centralize bodies of training knowledge.

5. What are the most important areas—prevention, treatment and rehabilitation, research and training, or law enforcement—in which the Federal Government should be concentrating its efforts at this time?

Answer. Treatment and rehabilitation are essential for current victims and sufferers who desire and respond to help and continued efforts must be made to seek methods and techniques to reach and help those who presently have not responded. Demonstration projects must have the flexibility to be creative and innovative in their aproaches to reach the "unreachable" and treat the "untreatable."

Treatment and rehabilitation, which is primarily a case by case method, is in reality reading with the symptoms of an individual and a society who thus far have not adjusted to each other, for whatever the reason. Research should be aimed at solutions to that dilemma.

The task of law enforcement and the judicial system cannot merely concern itself with sources of supply and lawbreakers, but must become advocates of treatment and rehabilitation, and not punishment and lengthy sentences of imprisonment.

6. What do you consider the major problems today with Federal drug abuse programs, and what better mechanisms can you suggest for delivering Federal assistance to the States?

Answer. There appear to be some shortcomings with Federal treatment programs. Current literature seems to reveal the efficacy of the smaller, more intimate treatment facility. It seems that Federal assistance can better be utilized at a more local level. Some decentralization would be accomplished if more decision-making powers were granted at the regional level where a more intimate knowledge and a clearer picture of a state's problems, needs, and probable solutions exist.

7. By what means and by whom are drug abuse prevention, treatment, rehabilitation, research, training, and law enforcement programs coordinated in the State government?

Answer. The single state authority will have coordination responsibility for those functions that are not directly under its jurisdiction; law enforcement is an example of this kind of coordination function.

8. Describe some of the most innovative approaches to drug abuse treatment and rehabilitation which you are funding or operating.

Answer. At this point in time the State of Alaska has limited experience in, and is not directly funding, substantial drug abuse treatment or rehabilitation programs.

9. Have you funded, operated, or evaluated any methadone maintenance treatment projects, and if so, what have you discovered that might be useful to other States and to the Federal Government?

Answer. We do not have any direct experience with a methadone program, although this is a possible consideration for the demonstration project.

10. Do you support the bills S. 1945 and S. 2097, or the general idea of a White House Office to coordinate Federal drug abuse programs? Please include your suggestions on what should be such an office's

(a) functions;

(b) scope of authority;

(c) relationship to State and local programs.

Answer. The drug abuse problem exists in such proportion throughout the nation that the Federal Government must assume the leadership in seeking solutions to one of our gravest social problems. The establishment of an agency at the Federal level, such as outlined in bills S. 1945 and S. 2097, would appear consistent with the assumption of a leadership role.

a. The Federal Government should definitely serve as the focal point for data gathering and the dissemination of research and other information to the various states. The Federal Government is in the best position to be the forerunner in research.

b. The scope of authority of the Federal Government would hopefully fall into three main areas:

1. establishment of guidelines for use of Federal monies and a uniform reporting system;

2. advisory capacity to program formations, needed research, needed legislation, and training programs;

3. set precedent in establishing legislation that stresses rehabilitative and treatment rather than punishment which all too often is the approach of law enforcement and the judicial system.

c. The Federal Government must be the major source of monies if the problem is going to be attacked on a nationwide basis.

I hope that this information will be of help to you and your Subcommittee.

Thank you for the opportunity to state my thinking and to present something of the situation and needs in Alaska.

Sincerely,

WILLIAM A. EGAN,
Governor.

EXHIBIT 2

COMPARISON BETWEEN ORIGINAL AND AMENDED S. 2097

SCOPE

Original

Education, training, treatment, rehabilitation, research—"treatment side" only.

Amended

Education, training, treatment, rehabilitation, research—plus limited powers over law enforcement, international control.

Original

No provision.

Amended

Calls for a National Strategy integrating law enforcement and treatment.

POWERS

Original

President extends life of Act.

Amended

No provision.

Original

Replace personnel.

Amended

No provision.

Original

Transfer monies from program to program.

Amended

No provision.

Original

Direct operation of programs.

Amended

No provision.

Original

Provide overall planning and policies and establish objectives and priorities on treatment side.

Amended

Same.

Original

Prepare and make available appropriations for treatment side.

Amended

Review and modify budget requests and make appropriations available for treatment side.

Original

Transfer programs without Congressional approval.

Amended

Transfer programs only with Congressional approval.

Original

No provision.

Amended

Recommend and consult on law enforcement and international controls.

Original

No provision.

Amended

Consult on classification of drugs and IND and NDA drug status.

SPECIAL PROVISIONS

Original

No provision.

Amended

Special fund to provide additional support for successful programs and encourage innovation and demonstrations.

Original

No provision.

Amended

Technical assistance to State and local governments to assist them in assessing their drug problem and meeting these problems.

Original

No provision.

Amended

Policy defined for Civil Service and Veterans' Administration respecting drug abuse.

ADDED BY HUGHES' SUBCOMMITTEE

Original

No provision.

Amended

Drug abuse institute in NIMH.

Original

No provision.

Amended

Grant program for treatment and rehabilitation programs in States and localities.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the amendments of the Committee on Labor and Public Welfare to the substitute amendment of the Committee on Government Operations be agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are adopted en bloc.

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

Mr. RIBICOFF. I yield.

Mr. BYRD of West Virginia. I thank the distinguished Senator for yielding, and I ask unanimous consent that the time I utilize not be charged against either side.

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

PROGRAM—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I have discussed this matter with the distinguished assistant Republican leader; and, at the direction of the distinguished majority leader, I ask unanimous consent that upon the disposition of the OEO conference report this afternoon, the Senate proceed immediately to the consideration of S. 2824, the so-called fish inspection bill.

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object—Senator Nelson is not on the floor. Senator Nelson was very deeply troubled about the fact that we put the conference report on the poverty bill after the drug abuse bill. I happen to be a factor in both, and I speak only out of a sense of responsibility.

Does not the Senator feel that he had better talk to Senator NELSON first?

Mr. BYRD of West Virginia. No, because this bill would come after the conference report is disposed of.

Mr. JAVITS. I beg the Senator's pardon. I thought he had said "after." I am sorry.

Mr. BYRD of West Virginia. No. Following disposition of the conference report on the OEO, the Senate will proceed to the consideration of S. 2824.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a time limitation on the District of Columbia appropriation bill of 1 hour, to be equally divided between the distinguished manager of the bill, the Senator from Hawaii (Mr. INOUYE), and the distinguished ranking Republican member of the committee, the Senator from Illinois (Mr. PERCY); that time on any amendment thereto be limited to 30 minutes, to be equally divided between the mover of such amendment and the manager of the bill; that time on any amendment in the second degree, motion, appeal, or point of order, with the exception of nondebatable motions, be limited to 10 minutes, to be equally divided between the mover of such and the manager of the bill (Mr. INOUYE).

Mr. GRIFFIN. Mr. President, reserving the right to object—and I do not intend to object—I want to invite the attention of the distinguished majority whip to the matter of the Bicentennial Commission. I think there was agreement that it could be disposed of in 30 minutes, and it was of interest to the Senator from Massachusetts (Mr. BROOKE) that, if possible, that could follow on the disposition of the fish inspection bill. I do not know whether the Senator may have forgotten that.

Mr. BYRD of West Virginia. Mr. President, I had forgotten it, and I appreciate its being recalled to my mind by the distinguished assistant Republican leader.

I ask unanimous consent that upon the disposition of S. 2824, the fish inspection bill, the Senate proceed to the consideration of S. 1857, a bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; that time on that bill be limited to 30 minutes, to be equally divided between the distinguished Senator from Massachusetts (Mr. BROOKE) and the distinguished majority leader or his designee; that time on any amendment thereto be limited to 30 minutes, to be equally divided between the mover of such and the distinguished Senator from Massachusetts (Mr. BROOKE); that time on any amendment come out of the 30 minutes allotted to the bill; and that action on the bill be completed today.

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

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that rule XII be considered to have been waived prior to the unanimous consent order that was entered regarding the Bicentennial Commission resolution.

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

Mr. GRIFFIN. The other request is pending, but there is no objection to it. Has the Chair ruled on the District of Columbia appropriation bill?

Mr. BYRD of West Virginia. Mr. President, I repeat my request on the District of Columbia appropriation bill: That time thereon be limited to 1 hour, to be equally divided between the distinguished ranking Republican member, the Senator from Ohio (Mr. PERCY), and the distinguished manager of the bill, the Senator from Hawaii (Mr. INOUYE); that time on any amendment thereto be limited to 30 minutes, to be equally divided between the manager of the bill, Mr. INOUYE, and the mover of such amendment; that time on any amendment in the second degree, motion, appeal, or point of order, with the exception of nondebatable motions, be limited to 10 minutes, to be equally divided between the mover of such and the distinguished manager of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia, I ask unanimous consent that on tomorrow, immediately following the recognition of the two leaders under the standing order, the Senate proceed to the consideration of the District of Columbia appropriation bill.

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

DRUG ABUSE OFFICE AND TREATMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse.

Mr. McCLELLAN. Mr. President, S. 2097 represents America's foremost commitment to develop, through a White House Special Office for Drug Abuse Prevention, a comprehensive and coordinated long-term Federal strategy against illegal drug traffic as well as creating new and invigorating old health programs to rehabilitate the victims of drug abuse.

I commend those members of the Committee on Government Operations who have worked so diligently to have this measure reported. Six days of hearings were held by Senator ABRAHAM RIBICOFF'S Subcommittee on Executive Reorganization and Government Research and Senator EDMUND MUSKIE'S Subcommittee on Intergovernmental Relations. The fruits of their labor—along with those of our ranking minority members, Senators PERCY and JAVITS—augur a major breakthrough in curtailing those pernicious parasites who deal in the trafficking of harmful substances and in curing those innocent victims who have fallen prey to these instruments of destruction.

I also wish to pay the same compliments and express my appreciation to those members of the Labor and Public Welfare Committee who have made such valuable contributions to this measure and for expeditiously processing it in order that it might be brought to the floor.

The pending measure represents a truly bipartisan commitment to halt the scourge of drug abuse. And rightfully so, Mr. President, for this pestilence affects all Americans—rich or poor, black or white, residents of our inner cities, suburbs or rural communities. The ravages

of drug abuse have already taken an irreparable toll and succumbed countless victims. We cannot afford to continue a lackadaisical or haphazard approach to this immense national problem.

The cost of flagrant drug abuse is devastating to our Nation. Beyond the physical pain and miseries—which exact an incalculable human toll—there is an incalculable price being paid in dollars for the addict to cope with his insatiable appetite. The hard statistics of addiction are shocking, cruel, and pathetic. They sound their own clarion call for action and relief. They—more than any words or rhetorical utterances—speak for the cogent need to make S. 2097 a part of America's arsenal against drug abuse.

There are at least 330,000 addicts in this country, but some experts say that the true figure is more than likely as high as 1 million users and addicts.

In the past 2 years, 16,000 American servicemen have been discharged for drug-related reasons—as many as 30,000 American troops in Vietnam are reportedly heroin users.

Drug addiction is the greatest, single cause of death among young people between the ages of 15 and 35 in New York City—where over half of the Nation's drug addicts reside. This great metropolitan area has lost more lives from drug overdoses in the past 8 years than the entire State of New York has lost to the war in Vietnam.

Fifty percent of the property crimes committed in our major cities are drug related, according to expert reports.

The economic cost to this Nation is believed to run as high as $10 billion per year—and may, in fact, be much higher—from drug abuse.

The social impact of addiction cannot be quantified, but it is staggering and disheartening. The addict's frantic search to satisfy his craving affects everyone within his reach, spreading fright and violence—tearing apart the fabric of a free and law abiding society—pulling asunder the fibers of national progress and growth. The pusher penetrates his poisonous fangs not only into the addict's life blood, but into the very life blood of society itself.

The drug-user's habit is freedom's bane. The corrupt, subrosa and ugly elements in this land prey upon the drug victim—just as he preys upon innocent victims on the streets of his habitat. Organized crime has grown fat from its perpetuation of this disease—annually reaping, by some estimates, up to $5 billion from illegal drug enterprises. The underworld and its syndicated operations have spread their vicious tentacles into every facet of the narcotics scene.

Our courts and jails—our entire criminal justice system—are hard pressed to aedquately cope with the burgeoning demands and overloads this terrible twilight world of drugs has wrought. We are, indeed, Mr. President, faced with a national tragedy—which threatens to reach epidemic proportion unless we act now to crush the purveyors of this sickness.

S. 2097 offers an effective vehicle to reverse the corresponding proliferation and availability of drugs and the number of drug abusers. The bill changes our position as on-lookers and witnesses to such devastation—to fighters—and hopefully—conquerors of this major social ill.

It would, in title II, create a Special Action Office for Drug Abuse Prevention in the White House with authority to plan, develop and coordinate our Nation's war on narcotics addiction. The Director of this office is empowered to establish priorities—to set out the objectives of our national drug campaign—and to supervise their implementation. He would be entrusted with the vital task of utilizing and concentrating America's drug fighting resources to best advantage.

Equally important, the Director would be responsible for allocating moneys from a special fund to carry forward critically needed research for new approaches, cures and understandings of the drug problem.

Title III of this bill also fills a long standing void in our efforts to stop drug abuse. It would create a mechanism—a Strategy Council—by which the President would promulgate the strategy he feels is imperative to combat narcotic abuse. Such strategy would be developed by the Council, which would be comprised of various Cabinet members, the Director of the Special Action Office and other appropriate officials.

In addition, a National Institute on Drug Abuse would be created within the National Institute of Mental Health as a vehicle to administer its drug programs. And, further, a National Advisory Council on Drug Abuse would be set up to make the relationship between our scientific community and drug programs more effective.

S. 2097 seeks an authorization of $202 million—over the present and next 3 fiscal years—to accomplish the goals of the Special Action Office. An additional $1.5 billion authorization is provided through fiscal 1976 for grants to State and public and private organizations for their drug abuse programs and activities.

Mr. President, S. 2097 is urgently needed—and needed now. I am confident that it will help us meet—and overcome—the devastating effects of drug abuse and its grave threat to our people and our society.

Mr. President, after S. 2097 was reported to the Senate, it came to my attention that possibly there should be an exemption for the Federal Bureau of Investigation from the provisions of section 206(f)(1) of the bill. That section presents some problems for law enforcement agencies, and I believe that some form of exemption should be made for agencies such as the FBI. But rather than delay passage of the bill—and I had intended to offer an amendment—I am willing to let this bill be passed in its present form and I am hopeful that appropriate language can and will be worked out on the House side. This matter can then be properly resolved in the subsequent conference on the bill.

I do believe this to be a serious matter, and request my colleagues who will be on the conference committee to give the matter their earnest attention.

Mr. HUGHES. Mr. President, if the Senator will yield, the chairman has discussed this matter with me, and our staffs have discussed it. We have worked on possibilities of acceptable language and an effort at compromise, and I believe, as the chairman does, that if it is possible to pass this bill today and it goes to the House of Representatives, and they make a change, in conference we can work out acceptable language which will be agreeable to everyone, and I am willing to work toward that goal in that fashion.

Mr. McCLELLAN. I thank the Senator, and I appreciate his yielding so that I was able to make my remarks at this time.

I ask unanimous consent that my remarks follow the remarks of the distinguished Senator from Iowa, and also those of the distinguished Senator from Connecticut. I requested to be allowed to make my statement at this time, because I cannot be present during further debate or discussion of this matter; I must go to a meeting of the Appropriations Committee. However, I did want to express my strong approval of S. 2097, and commend those who have worked so diligently to bring this product to the floor for action today.

Mr. HRUSKA. Mr. President, as one with a longstanding and deeply rooted interest in the problems of drug abuse, I offer my sincere congratulations to the members of the Committees on Government Operations and Labor and Public Welfare for the important national service they have performed in reporting out S. 2097, the Drug Abuse Office, Control, and Treatment Act of 1971.

I take extreme personal satisfaction in the manner in which the Congress has responded in the last 2 years to the severe and growing drug abuse problem. Last year our labors produced the Comprehensive Drug Abuse Prevention and Control Act of 1970, broadly hailed as one of the most sweeping legislative reforms ever to take place in the field of law enforcement. While it also contains provisions for education and rehabilitation, this act is primarily devoted to the difficult task of controlling dangerous substances and elimination of the illicit traffic in drugs of abuse.

With the enactment of the bill now before us, an event which I am sure will occur shortly, we will have completed the legislative cycle—at least for the immediate future. HEW Secretary Richardson aptly pointed out before the Government Operations Committee that the drug abuse problem is imbedded in the larger social issues which confront the Nation. Only with the resolution of these issues will we truly put to rest difficulties such as the one we deal with today.

As legislators we are seldom totally satisfied with bills on which we are required to pass judgment. So it is with S. 2097 and the reaction of this Senator to its provisions. It is a good bill, basically, and titles I through III are generally responsive to the President's statement of June 17, 1971. As for the remaining titles, I would have no quarrel with the need to further refine, expand, and coordinate the contribution of the Department of HEW to drug abuse prevention, treatment, and rehabilitation.

Nevertheless, I do have some concerns. I do not intend to take the time to elaborate on every one of these, for the sum total of them is insufficient to make me

do other than support S. 2097. This is a highly necessary bill, and its enactment will stand as a principal accomplishment of the 92d Congress.

One of my concerns, as a member of the Judiciary Committee, is the effect of this bill on law enforcement. It would be a backward step if we were to inadvertently take away with this bill some of what we accomplished last year in the Comprehensive Drug Abuse Prevention and Control Act. I therefore had some initial reservations about sections 206 (c) and (d), which involve the Director of the Special Action Office in the drug classification process. A delicate equation was worked out last year for the classification and scheduling of dangerous substances, and an added ingredient could throw the system out of balance. Upon reflection, however, and with due regard for the overall role of the Director in the national drug abuse strategy, I am hopeful that the Director's participation by consultation will not prove objectionable.

I had a similar concern regarding subsection 202(a)(3)(D) of the bill, which gives the Director authority to evaluate the performance and results of "other Federal drug abuse programs" over which he has no policy control. The following subsection (E) requires the Director to ask all drug abuse agencies to report to him or make studies as necessary to the bill. These provisions could, on their face, permit a Director so inclined to substantially involve himself in law enforcement activities of the Bureaus of Customs and Narcotics and Dangerous Drugs, for example.

I am considerably reassured by the language of the report by the Government Operations Committee in this regard, which reiterates that this authority only extends to law enforcement or international efforts as they directly affect policy areas within the jurisdiction of the Special Action Office. I believe this clarification is most valuable.

Another provision about which I have serious misgivings is contained in subsection 701(a). I appreciate the need for confidentiality of records, and would not quarrel with the principle. However, the last sentence in this section is to my mind an unnecessary restriction on possible prosecutions. To say that a patient or former patient can under no circumstances ever have anything in his records used against him—even under court order—goes too far. I believe this section and the entire bill would be better off with this last sentence deleted.

Finally, I can appreciate the FBI's concern, as reported by Senator McCLELLAN, over the impact of subsection 206(F)(1) on the Bureau. They appear to have a valid point, and I am hopeful an exception can be worked out.

I hope my remarks do not appear to represent the voice of discord in an otherwise harmonious effort. This is not intended. As I indicated at the outset, I fully support this bill as an important step forward. I recognize the effort and expertise that went into its preparation, and I am mindful of the unanimous vote of support provided by the members of both reporting committees. Nevertheless, I am hopeful my remarks will serve a useful purpose in recording the legislative history of S. 2097.

Mr. PERCY. Mr. President, it is with genuine satisfaction that I speak today on behalf of legislation that I introduced for the administration just 5 months ago to overcome the progressively worsening situation in this country involving pervasive use of illicit drugs and the crushing dependency that so many of our citizens endure as a result.

While it would be premature to say we have, in this legislation before us—the Drug Abuse Office and Treatment Act of 1971 (S. 2097)—a cure-all for the problem, we most certainly have begun an auspicious undertaking which represents the best thinking of some of the most expert and enlightened people in the field.

The Federal Government, until recently, has not organized for a concerted drive against the factors which nurture the wholesale demand for drugs that gnaws at our society. Efforts to reduce drug demand have been appended, almost as an afterthought, to programs aimed at mental illness, poverty, and crime. Consequently, the focus of these efforts has been clouded. We have examined use factors within particularly subcultures or geographic areas, but have not addressed ourselves to the pervasive conditions in our society as a whole which give rise to what has become a nationwide demand—and for that reason a national tragedy.

For example, only residents of specific inner-city areas qualify for Model Cities-funded drug treatment programs; only individuals with poverty-level incomes are eligible for education and treatment programs conducted by the Office of Economic Opportunity. Middle class communities or communities which suffer from nonopiate drug problems frequently find themselves without any prospect of Federal assistance.

State and local authorities all to often are at a loss as to which Federal agency to turn to for needed help. Resources for drug control efforts are inefficiently channeled in the absence of central direction. How much of the duplicative projects of the Bureau of Narcotics and Dangerous Drugs and the National Institutes of Mental Health might have avoided? How much needed research has gone unexplored?

Finally, programs of training, rehabilitation, research, education, treatment and prevention are commonly subordinated to primary agency mandates in terms of management direction, placement of high caliber personnel, and funding.

Establishment of one single office at the highest level of government, responsible for coordinating the nightmare of Federal programs and approaches to the drug problem will assure that countless Federal agencies are no longer working at cross-purposes—that treatment, prevention, and law-enforcement efforts will be conducted in the proper balance under a comprehensive program. The genesis of this idea is to be found in President Nixon's June 17, 1971, comprehensive message on drug abuse, in which he said:

> Despite the magnitude of the problem, despite our very limited success in meeting it, and despite the common recognition of both circumstances, we nevertheless have thus far failed to develop a concerted effort to find a better solution to this increasingly grave threat. At present, there are nine Federal agencies involved in one fashion or another with the problem of drug addiction. There are anti-drug abuse efforts in Federal programs ranging from vocational rehabilitation to highway safety. For this manner our efforts have been fragmented through competing priorities, lack of communication, multiple authority, and limited and dispersed resources. The magnitude and the severity of the present threat will no longer permit this piecemeal and bureaucraticly dispersed effort at drug control. If we cannot destroy the drug menace in America, then it will surely in time destroy us.

Accordingly, S. 2097, of which I am the principal sponsor, statutorily authorizes a Special Action Office for Drug Abuse Prevention, presently directed by Dr. Jerome H. Jaffe pursuant to an Executive order, to function through June 30, 1975, to coordinate the national effort against drug abuse and to concentrate the resources of the Nation toward that purpose. The legislation also provides for the development, for the first time, of a comprehensive, coordinated, long-term national strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government. Finally, provision is made for a major commitment of new grant-in-aid funds—more than $1.5 billion over 5 years—to the States for program planning and to localities as special or emergency circumstances require.

I am particularly gratified that an issue as critical and potentially volatile as drug abuse—an issue which raises sensitive concerns involving the relationship of law enforcement to treatment for dependency—has not been sacrificed to narrow partisan interests in the face of the upcoming national elections. Principal supporters of the bill include Senator JOHN McCLELLAN, Senator ABRAHAM RIBICOFF, Senator EDMUND MUSKIE, Senator JACOB JAVITS, Senator HAROLD HUGHES, and Senator GURNEY.

Fifty-one additional Senators from both major parties and from each end of the political spectrum have joined as cosponsors. They are: Mr. MANSFIELD, Mr. SCOTT, Mr. BYRD of West Virginia, Mr. GRIFFIN, Mr. ALLEN, Mr. ALLOTT, Mr. BAYH, Mr. BEALL, Mr. BELLMON, Mr. BENNETT, Mr. BOGGS, Mr. BROCK, Mr. BROOKE, Mr. BUCKLEY, Mr. CASE, Mr. CHILES, Mr. COTTON, Mr. CRANSTON, Mr. COOPER, Mr. DOLE, Mr. DOMINICK, Mr. EAGLETON, Mr. ERVIN, Mr. HANSEN, Mr. HARRIS, Mr. HATFIELD, Mr. HUMPHREY, Mr. JACKSON, Mr. JORDAN of Idaho, Mr. KENNEDY, Mr. MATHIAS, Mr. METCALF, Mr. MILLER, Mr. MONDALE, Mr. MUNDT, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PELL, Mr. RANDOLPH, Mr. ROTH, Mr. SAXBE, Mr. SCHWEIKER, Mr. STAFFORD, Mr. STEVENSON, Mr. TAFT, Mr. TOWER, Mr. TUNNEY, Mr. WILLIAMS, and Mr. YOUNG.

The measure was worked out in close cooperation with the Nixon administration and has the enthusiastic backing of the President.

The Special Action Office will provide

overall planning and policy, and establish objectives and priorities for Federal drug abuse programs and activities dealing with education, the preparation of educational materials, training, treatment, rehabilitation and research, including such programs and activities in the Departments of Health, Education, and Welfare, Justice, Labor, Agriculture, Defense, and State, and in the Office of Economic Opportunity, the Veterans' Administration and the Civil Service Commission.

With respect to most of these same programs and activities, the Director may modify budget requests; review program plans and make appropriations available for their implementation; require the submission of information and reports; evaluate program performance and results; assist in the development of, and review regulations, criteria, guidelines, requirements, standards, and procedures; and make recommendations regarding changes in management, organization, personnel, and standards.

The Director may also make recommendations to the President concerning law enforcement and international aspects of Federal drug abuse programs, and he shall consult with and be consulted by all responsible Federal departments and agencies with respect to their policies, priorities, and objectives. Upon determining that the operation of any federal drug abuse program or activity impairs the effectiveness of any other federal drug abuse program or activity, the Director may formally notify the President of such a problem for his resolution.

In addition, by the terms of the bill, the Director will:

Develop or support the development of promising new approaches, demonstration projects, techniques and methods for combating drug abuse through use of a special fund of $40 million yearly;

Conduct on-site management oversight reviews of agency programs and activities;

Consult with, and be consulted by the Attorney General on the scheduling of drugs under the Comprehensive Drug Abuse Prevention and Control Act of 1970; other responsible officials on the classification of drugs in connection with international agreements and schedules; and the Secretary of Health, Education, and Welfare on the investigational new drug (IND) and approved new drug authority (NDA) status of drugs which may be beneficial in the treatment of drug abuse;

Advise the Civil Service Commission on policies and procedures for control and treatment of drug abuse among Federal employees, treating drug dependent persons the same as other persons with serious health problems; and promote employee programs in State and local governments and in private industry;

Advise the Veterans' Administration in carrying out the intent of Congress that all veterans receive treatment and rehabilitation services for drug abuse without regard for the nature of their discharge and without regard to whether their drug dependency was service-connected. Such services will include inpatient and out-patient care irrespective of any prior in-patient treatment, psychiatric care, counseling, vocational training, or other rehabilitation services, and the funding, setting up, or operation of residential halfway houses; and

Represent the U.S. Government, at the President's discretion, in drug abuse discussions and negotiations with foreign governments and before international organizations.

As noted, S. 2097 also provides for the development by a strategy council and promulgation by the President of an integrated, long-term national strategy for all drug abuse programs and activities of the Federal Government. Members of the Strategy Council will be the Director of the Special Action Office, the Attorney General, and the Secretaries of the Departments of Health, Education, and Welfare, State, and Defense, and the Administration for Veterans' Affairs.

The strategy is to contain an analysis of the nature, character, and extent of the drug abuse problem, including an examination of the interactions of various approaches and modalities in solving the problem. The strategy will include a comprehensive Federal plan specifying objectives, and how all available drug abuse resources, funds, programs, services and facilities authorized under relevant Federal law should be used. It will also involve an analysis of the programs conducted, results achieved, and problems encountered by all Federal agencies involved.

The Council should prove especially helpful in areas where treatment programs impact upon programs involving the investigation and prosecution of drug offenses and the detection and suppression of illicit drug supplies. Traditionally each of these areas has been separately dealt with and often considered the private domain of the officials responsible for carrying out congressionally mandated programs. But the time has come for the doctors to start talking to the cops. Issues of mutual interest must be mutually worked out, to the satisfaction of both, if the problem of drug abuse is to be resolved.

I anticipate, therefore, that the Council will concern itself with such critical issues as the use of agents on college campuses; the efficacy of controlled maintenance on addictive drugs in reducing crime, the importance of obtaining epidemiologic data, even at the risk of compromising arrests, relating to "user" and "pusher" patterns in copping areas; the relationship between law enforcement efforts aimed at cutting off marihuana supplies and the movement upward to hard drug usage; and whether, in the first instance, our society, through its laws, will continue to regard drug-dependent persons as criminals to be imprisoned, or as individuals suffering an illness who desperately need to be treated.

The Council is authorized to engage in the planning necessary to achieve the objectives of the strategy; to require departments and agencies to submit such information and reports as any member of the Council may request; and to evaluate the performance and results attained by all Federal drug abuse programs and activities.

The strategy will be reviewed, updated, and its implementation assessed by those participating in its development on an annual basis.

In sum, the accelerating rate of drug abuse signals an imminent threat to the Nation's health and welfare, necessitating an immediate and effective Federal response encompassing both effective law enforcement against illicit drug trafficking and effective programs to treat and rehabilitate those who become drug dependent. By providing for a comprehensive strategy and by establishing an office directly under and reporting to the President with direct responsibility for all Federal programs of drug abuse prevention and treatment, S. 2097 will go a long way toward correcting the organizational impediments to an effective approach.

Within that context, we can proceed to quarantine the parasitic dependency on hard drugs that is afflicting our cities and our suburban and rural areas, feeding upon crime, festering on individual and societal well-being, preying upon our youth, ravaging our educational and military institutions, and inflicting irreparable pain and hardship upon families and communities across the country.

Though I leave myself open to the charge of believing impossible things, I am mindful of an interchange in Lewis Carrolls' Alice's Adventures in Wonderland where Alice summarily dismisses such belief; to which the Queen replies:

> I daresay you haven't had much practice . . . When I was your age I always did it for half an hour a day. Why sometimes I've believed as many as six impossible things before breakfast.

Unless we consider the impossible as well as the possible as we draw from our collective experiences and failures in combatting drug abuse, we are left with the prospect of still greater failure. The approach the President and Congress have taken through this measure posits extraordinary authority and resources in a position to do the most good for the great number of our citizens urgently in need of it.

The alternative is simply to forecast more of the same—more personal despair and societal anguish from continuing drug abuse—bemoaning its occurrence as we retire to the sidelines, smug in the accuracy of our prediction.

I am confident that as a result of the priority attention the Congress and the President now place on the problem, we will be able to better comprehend the root causes of addiction and deal with them accordingly.

Mr. President, while the distinguished Senator from New York is in the Chamber, I should like to pay particular tribute to the principal cosponsors. I believe we have 57 cosponsors of the proposed legislation. The principal supporters of it have been the chairman of the Government Operations Committee, the Senator from Arkansas; the Senator from Connecticut (Mr. RIBICOFF); chairman of the subcommittee that handled the

measure, who has a deep interest in this field and has done an outstanding job; and the Senator from New York (Mr. JAVITS), who had a dual role, both as ranking Republican member of the Committee on Labor and Public Welfare and the ranking Republican member on the Executive Reorganization Subcommittee of the Committee on Government Operations.

His own deep interest in the field of drug abuse and the great problems faced in his own State of New York, particularly the city of New York, and his knowledge and experience in that field, have added immeasurably to the work of our committee.

The distinguished Senator from Maine (Mr. MUSKIE) and the distinguished Senator from Iowa (Mr. HUGHES) whose expertise and devotion in the field, not only of alcoholic abuse but also drug control, have made possible this legislation. Without the coordinated cooperation bipartisanly offered by the cosponsors of this legislation—the principal cosponsors of this measure particularly—we simply would not be on the floor of the Senate with this legislation today. It has been handled in a most expeditious manner, with only one objective, and that was to arrive at the best possible legislation we could present to the Senate.

Also I should mention, on behalf of all of us, our deep appreciation to the members of the staffs of each of the Senators on the respective committees which have handled this work and worked closely with the White House, the Special Action Office for Drug Abuse Prevention, and the Justice Department. They have worked out some knotty problems which have enabled us to bring this legislation before the Senate, legislation which has virtually the unanimous support. I think it has the unanimous support of the Senate—as will be evidenced by the vote to be cast.

In particular, I would like to single out Stuart M. Statler, minority counsel to the Subcommittee on Executive Reorganization, who has ably assisted me throughout the deliberations on this bill, Brian Conboy and Jay Cutleo representing Senator JAVITS, Wade Clarke representing Senator HUGHES, Robert Wager and Henrik Gideanse representing Senator RIBICOFF, Alvin From representing Senator MUSKIE, Jim Calloway and Tom Gunn representing Senator MCCLELLAN, and Tim MacCarthy representing Senator GURNEY.

Mr. President, I ask unanimous consent to add as cosponsors of this legislation, in addition to those already listed, the names of Senators MANSFIELD, COOPER, YOUNG, HATFIELD, BAYH, and BENTSEN.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered.

Mr. PERCY. Mr. President, I also ask unanimous consent to have printed in the RECORD a summary outline of the background, provisions, and purposes of this legislation, and a statement on the highlights of Nixon administration activities in the drug field, together with a report on nonvictim crime in San Francisco, recently published by the San Francisco Committee on Crime. While I do not make any judgment as to the efficacy of the recommendations and conclusions set forth therein. I feel that this well-documented report should be widely circulated and read.

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

S. 2097

PURPOSE OF ACT

(i) To statutorily establish a Special Action Office for Drug Abuse Prevention with exceptional authority in the Executive Office of the President to function through June 30, 1975, for the purpose of coordinating the Nation's effort against drug abuse.

(ii) To develop for the first time a comprehensive, coordinated, long-term national strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government.

FINDINGS

Drug abuse is rapidly increasing in the United States and now afflicts urban, suburban, and rural areas of the Nation;

Drug abuse seriously impairs individual, as well as societal, health and well-being;

Drug abuse, especially heroin addiction, substantially contributes to crime;

The adverse impact of drug abuse inflicts increasing pain and hardship on individuals, families, and communities and undermines our institutions;

Too little is known about drug abuse, especially the causes, and ways to treat and prevent drug abuse;

The success of Federal drug abuse programs and activities requires a recognition that education, training, treatment, rehabilitation, research, and law enforcement efforts are interrelated;

The effectiveness of efforts by State and local governments and by the Federal Government to control and treat drug abuse in the United States has been hampered by a lack of coordination among the States, and between States and localities, and among the Federal Government, the State and localities, and throughout the Federal Establishment;

Control of drug abuse requires the development of a comprehensive coordinated long-term Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitate victims of drug abuse; and

The increasing rate of drug abuse constitutes a serious and continuing threat to national health and welfare, requiring immediate and effective Federal Government response.

BACKGROUND

The genesis of S. 2097, as amended, is to be found in President Nixon's June 17, 1971 comprehensive message on drug abuse, his decision to establish a Special Action Office for Drug Abuse Prevention by Executive Order, and the announcement of his intention to seek statutory authority confirming and extending, his order and defining the powers and responsibilities of the Director of that Office.

Senator Charles H. Percy introduced S. 2097, cosponsored by a bipartisan group of fifteen Senators, on June 18, 1971. (Forty-two additional Senators subsequently cosponsored the bill.) Joining Senator Percy, who is acting ranking minority member of the Government Operations Committee, principal cosponsors of the bill are: Senator John McClellan, Chairman, Government Operations Committee; Senator Abraham Ribicoff, Chairman, Subcommittee on Executive Reorganizations; Senator Edmund Muskie, Chairman, Subcommittee on Intergovernmental Relations; Senator Jacob Javits, ranking minority member of the Subcommittee on Executive Reorganization, and of the Committee on Labor and Public Welfare to which S. 2097 will be referred; Senator Harold Hughes, Chairman, Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare; and Senator Edward Gurney, ranking minority member, Subcommittee on Intergovernmental Relations.

The Subcommittee on Executive Reorganization and Government Research, and the Subcommittee on Intergovernmental Relations jointly held six days of hearings on S. 2097 and S. 1945 (introduced by Senator Muskie) on July 7, 8, 9, 15, 16, and 30. Testimony was heard from Senators McClellan and Percy, Congressman Scheuer of New York, major Administration spokesman including Attorney General John Mitchell, HEW Secretary Elliot Richardson, and Deputy Defense Secretary David Packard, and Director-Designate Jerome Jaffe, as well as the Governor of Georgia, representatives of State and local drug abuse prevention and treatment programs, researchers and doctors who have studied the drug abuse problem, and persons who have in the past been victims of drug abuse.

S. 2097, as reported out of the Committee on Government Operations, constitutes a major bipartisan effort, was worked out in close cooperation with the Administration and has the enthusiastic support of the President.

SUMMARY OF DELIBERATIONS

The Government Operations Committee has added important new provisions, improved the balance between scope and powers of the Special Action Office, and adopted the best features of other proposals advanced by Members of the Senate.

The original bill was changed in three ways. The scope of the bill was expanded to include all the programs and activities dealing with drug abuse. For example, the Committee and the Administration have made it clear that the Department of Defense programs are covered along with other education, training, treatment, rehabilitation, and research programs and activities. Provision is also made for significant authority with respect to these same areas as they involve law enforcement and related activities. The bill, however, defines different powers with respect to these different areas.

A second major change was to modify the powers proposed for the Special Action Office to conform more closely to those properly held by an operation in the Executive Office of the President. The powers of the Special Action Office do not interfere with long-standing Congressional prerogatives and powers respecting program administration and funding.

Third, S. 2097, as amended, calls for the development of a national strategy against drug abuse. A mechanism is established to assure the linking together in harmonious fashion of all programs, activities and disciplines which need to be orchestrated to counter the drug crisis that besets the Nation. The strategy will provide a means by which narrower concerns can be left behind as the Nation moves to a comprehensive, coordinated, long-term approach to problems of drug abuse.

RESPONSIBILITIES OF SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Provide overall planning and policy, establish objectives and priorities for drug abuse programs and activities dealing with education, the preparation of educational materials, training, treatment, rehabilitation and research, including such programs and activities in HEW, OEO, Justice, VA, Civil Service, Defense, and State.

With respect to most of these same programs and activities, modify budget requests; review program implementation plans and make appropriations available; require the submission of information and reports; eval-

uate program performance and results; assist in the development of, and review regulations, criteria, guidelines, requirements, standards, and procedures; and make recommendations regarding changes in management, organization, personnel, and standards.

Make recommendations to the President concerning law enforcement and international aspects of Federal drug abuse programs and activities and consult with and be consulted by all responsible Federal departments and agencies with respect to their policies, priorities, and objectives. Upon determining that the operation of any Federal drug abuse program or activity impairs the effectiveness of any other Federal drug abuse program or activity, the Director may formally notify the President of such a problem for his resolution.

Additional responsibilities:

Coordinate all Federal drug abuse programs and activities with one another and with other Federal programs and activities which might have an important bearing on the success of the entire Federal drug abuse effort, and perform coordination and technical assistance functions relating to State and local drug abuse programs and activities.

Submit an annual report on the activities of the SAO, concentrating on the use of grant and contract fund.

Develop or support through use of a Special Fund of $40 million yearly, the development of promising new approaches, demonstration projects, technique and method for combatting drug abuse.

Conduct on-site management oversight review of agency program and activities in connection with SAO's funding authority responsibilities.

Consult with, and be consulted by the Attorney General in the scheduling of drugs under the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Consult with, and be consulted by responsible officials on the classification of drugs in connection with international agreements and schedules.

Consult with, and be consulted by the Secretary of Health, Education, and Welfare on the investigational new drug (IND) and approved new drug authority (NDA) status of drugs which may be beneficial in the treatment of drug abuse.

Advise the Civil Service Commission on policies and procedures for control and treatment of drug abuse among federal employees, treating drug dependent persons the same as other persons with serious health problems; and promote employee programs in State and local governments and in private industry.

Advise the Veterans Administration in carrying out the intent of Congress that all veterans receive treatment and rehabilitation services for drug abuse without regard for the nature of their discharge and without regard to whether their drug dependency was service-connected. Such services will include in-patient and out-patient care irrespective of any prior in-patient treatment, psychiatric care, counselling, vocational training, or other rehabilitation services, and the funding, setting up, or operation of residential half-way houses.

At the President's discretion, represent the United States government in drug abuse discussions and negotiations with foreign governments and before international organizations.

Convene a council of Federal officials representative of departments and agencies responsible for Federal drug abuse programs and activities to carry out the purposes of this Act.

NATIONAL STRATEGY AGAINST DRUG ABUSE

The President is directed to prepare a national strategy through the establishment of a high-level Strategy Council, consisting of the Director of the Special Action Office, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense and such other officials as the President may designate. The Director of the Special Action Office is authorized to provide whatever services are required in the preparation of such strategy. Thus, in that capacity, the Director will have a key role in pulling together the information, reports, studies, and evaluations which will form the basis of the Council's deliberations.

The strategy is to contain an analysis of the nature, character, and extent of the drug abuse problem, including an examination of the interrelationships between various approaches to solving the problem and their potential for interacting positively and negatively with one another. The strategy will include (i) a comprehensive Federal plan specifying the objectives of the strategy and how all available drug abuse resources, funds, programs, services and facilities authorized under relevant Federal law should be used; and (ii) an analysis and evaluation of the programs conducted, results achieved, and problems encountered by all Federal agencies involved.

The Council is authorized to engage in the planning necessary to achieve the objectives of the strategy; to require departments and agencies to submit such information and reports as any member of the Council may request; and to evaluate the performance and results achieved by all Federal drug abuse programs and activities.

The strategy will be reviewed, updated, and its implementation assessed by those participating in its development at least once a year.

GRANT PROGRAM

S. 2097 provides for a large-scale commitment of *new* Federal funds totaling more than $1.5 billion over five years to be administered by a newly created National Institute on Drug Abuse (within the National Institute of Mental Health of HEW) in conjunction with the policy guidelines of the Director of the Special Action Office for Drug Abuse Prevention. The program has two facets:

(i) A formula grant program to aid States in planning, establishing, maintaining, coordinating, and evaluating projects for the development of drug abuse prevention and treatment programs. Appropriated funds would be allotted among the States on the basis of a formula which would take account of the State's population, financial need, and need for prevention and treatment programs. Amounts authorized to be appropriated are: $15 million for fiscal 1972; $30 million for fiscal 1973; $40 million for fiscal 1974; $45 million for fiscal 1975; and $50 million for fiscal 1976.

(ii) A Special Emphasis grant program authorizing grants to or contracts with public and private agencies, organizations, institutions and individuals for projects of special significance. Activities might include training seminars and educational programs for employees in the private and public sectors; vocational rehabilitation counseling, education, and services for persons in treatment and rehabilitation programs within State and local criminal justice systems; multidisciplinary groups to analyze drug problems in specific areas and propose and implement solutions to such problems; research grants to discover, develop, or improve substances or techniques for using substances in the prevention and treatment of drug abuse; and model and experimental drug abuse prevention and treatment programs. Amounts authorized to be appropriated are: $65 million for fiscal year 1972; $175 million for fiscal year 1973; $260 million for fiscal year 1974; $400 million for fiscal year 1975 and $500 million for fiscal year 1976.

HIGHLIGHTS OF NIXON ADMINISTRATION ACTIVITIES IN THE DRUG FIELD

July 14, 1969.—The President announced comprehensive Federal and model State narcotics legislation; directed the Secretary of State and the Attorney General to explore international narcotics control; directed the Bureau of Customs to guard the Nation's borders; directed the Attorney General to create special investigative units; directed the Secretary of Health, Education and Welfare and the Attorney General to initiate authoritative education programs; and directed the Secretary of HEW to expand research.

August 1969.—United States and Turkey Agricultural Development and Control Loan Agreement provided $3 million to Turkey to allow them to buy up Turkish poppy crops. The monies could also be used to fund a 700-man enforcement force in Turkey.

September 1969.—Operation Intercept at Mexican border designed to stop the flow of marihuana and dangerous drugs into the United States from Mexico was initiated.

October 10–11, 1969.—John Ingersoll, Director, Bureau of Narcotics and Dangerous Drugs, delivered Presidential letters to President Pompidou and Prime Minister Demirel expressing personal Presidential concern over the need to curtail international trafficking in drugs.

December 3, 1969.—White House Conference on Drug Abuse for Governors.

March 9, 1970.—Attorney General Mitchell met with the Attorney General of Mexico. The Attorney General indicated his concern and the concern of the President to the Attorney General of Mexico concerning the need to curtail international trafficking of dangerous drugs. This concern was reemphasized in repeated meetings on August 20, 1970 and March 29, 1971.

March 11, 1970.—The President announced $3.5 million Office of Education National Drug Education Training Program (as of June 1, 1971, 150,000 teachers and 75,000 students and community leaders have trained); creation of the National Clearinghouse for Drug Abuse Information; publication of authoritative book on drugs; modification in Law Enforcement Assistance Administration to allow large cities to apply for funds for drug education; development by Advertising Council of expanded public service campaign on drug abuse; intensified professional training in prevention and treatment of drug abuse; and expanded by $1 million the marihuana research program.

April 9, 1970.—White House Conference on Drug Abuse for Television Producers.

August 1970.—Egil Krogh, Deputy Assistant to the President for Domestic Affairs made an inspection tour of Vietnam to determine the extent and severity of the drug problem there.

September 1970.—John Ehrlichman, Assistant to the President for Domestic Affairs made an inspection tour of Vietnam to determine the extent and sevreity of the drug problem there.

October 1970.—The United States submitted to the United Nations amendments to Single Convention on Narcotic Drugs of 1961. The amendments were designed to strengthen the treaty on international drug trafficking.

October 14, 1970.—White House Conference on Drug Abuse for Radio Executives.

October 27, 1970.—Comprehensive Drug Abuse Prevention and Control Act of 1970, was signed. This law consolidates and revises all of the various Federal narcotic, marihuana and dangerous drug laws and also incorporates a number of innovative approaches to the problem of effective drug control. The law contains a system of drug control whereby all controlled substances are classified. Streamlined procedures enable the Attorney General to alter the degree of regulatory control imposed over a drug and in some instances, to alter the severity of a

penalty imposed for an offense involving a particular drug.

October 1970.—Convened an interagency committee to recommend national drug abuse program objectives.

November 1970.—Convened a private sector panel of scientists to recommend national drug abuse program objectives.

November 1970.—The Secretary of HEW established Federal Drug Abuse Prevention Coordination Committee. This Committee was designed to coordinate, as an intergovernmental agency, all current drug prevention programs.

November 25, 1970.—The Veterans Administration announced opening of five drug treatment centers in January—the first of thirty-two that were established by October 1971.

February 21, 1971.—The United States signed the Convention of Psychotropic Substances. This Convention must yet be approved by the Senate. It deals primarily with hallucinogenic drugs such as LSD.

February 26, 1971.—Protocol creating Franco-American Intergovernmental Committee on Drug Control was signed by Attorney General Mitchell and French Minister of Interior Marcellin.

March 26, 1971.—White House Conference on Drug Abuse for Religious Leaders.

May 1971.—John Ingersoll, Director, Bureau of Narcotics and Dangerous Drugs made an inspection tour of Vietnam to determine the extent and severity of the drug problem there. As a result of this mission and the two missions listed above, the U.S. government is now consulting with the Vietnamese government in an effort to curtail drugs in that country.

May 3, 1971.—The Commissioner of Customs implemented 100% inspection of all military and civilian mail, passengers, baggage and cargo from South Vietnam and Thailand.

May 26, 1971.—Greater restrictions on availability of amphetamines were jointly announced by the Departments of Health, Education and Welfare, and Justice.

June 3, 1971.—The President met with Cabinet members whose departments have responsibility in drug control and the Joint Chiefs of Staff to emphasize the need for action.

June 14, 1971.—The President met with senior State Department officials, Cabinet members and U.S. Ambassadors to 5 countries to underline the importance of dealing decisively with international narcotics trafficking.

June 17, 1971.—The President sent an Omnibus Drug Control Package to Congress. This package included:

—a request for an additional $155 million in drug abuse prevention funds in addition to the FY 1972 request of $216 million.

—legislation to create a Special Action Office for Drug Abuse Prevention within the Executive Office of the President. (Executive Order 11599 was issued setting up this agency on an interim basis pending legislation.)

—a stepping up of existing worldwide efforts along with new steps to secure international cooperation to control narcotic traffic.

The President named Dr. Jerome H. Jaffe, Director of the State of Illinois Department of Mental Health Drug Abuse Program as a Special Consultant on Narcotics and Dangerous Drugs and Director of the Special Action Office for Drug Abuse Prevention.

June 18, 1971.—Urine screening of all servicemen departing Vietnam was instituted.

June 30, 1971.—The Turkish Government issued a decree banning the growth of opium poppy after June 30, 1972.

July 17, 1971.—Dr. Jerome H. Jaffe reported his findings to President Nixon after returning from a visit to Vietnam.

August 6, 1971.—Effective this date new controls were put on amphetamines and methamphetamines by moving them from Schedule III to Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

August 26, 1971.—Dr. Jaffe announced plans for a series of fact finding visits to major urban areas of the nation.

September 7, 1971.—The President announced the establishment of a Cabinet Committee on International Narcotics Control.

September 12–29, 1971.—Six Civilian Treatment Specialists provide on site technical assistance to Vietnam drug treatment programs.

September 26, 1971.—Twenty Army treatment specialists arrive in Vietnam for one year tours after a special 10 day training course with the Illinois Drug Abuse Program. Information and advice given on arrival by the six civilian specialists.

October 3–9, 1971.—President Nixon proclaims this week as National Drug Abuse Prevention Week.

October 3–5, 1971.—Dr. Jaffe made the first of 10 State fact-finding tours to Dallas, Houston, and San Antonio, Texas.

October 4, 1971.—The first Drug Abuse Prevention Stamp issued in Dallas, Texas, in conjunction with Drug Abuse Prevention Week.

October 17–20, 1971—Dr. Jaffe visited California in the second of a series of State fact-finding tours.

October 31.—

November 1, 1971.—Drug Abuse Workshop for 165 military treatment specialists at Fort Sam Houston, Texas, conducted by joint Special Action Office for Drug Abuse Prevention—Department of Defense faculty.

THE SAN FRANCISCO COMMITTEE ON CRIME: A REPORT ON NONVICTIM CRIME IN SAN FRANCISCO—PART III, DANGEROUS DRUGS AND NARCOTICS

JULY 19, 1971.

Hon. JOSEPH L. ALIOTO,
Mayor of the City and County of San Francisco, City Hall, San Francisco, Calif.

DEAR MR. MAYOR: On behalf of the San Francisco Committee on Crime, we submit to you, as the Committee's Eleventh Report, a report on Dangerous Drugs and Narcotics. The Committee's term of existence, under the resolutions of the Board of Supervisors creating it, came to an end at the close of June 30, 1971, but this Eleventh Report was adopted before June 30th. The Committee's principal funding came from the Ford Foundation, and, as we informed you in our Tenth Report, Ford Foundation extended the period of its grant to July 31, 1971, to permit an orderly winding up and the publication and distribution of the Committee's reports. Because this Eleventh Report, although adopted before June 30th, has been released after that date, only funds received from Ford Foundation have been used for its publication and distribution; no funds from the City have been used for that purpose.

All the previous reports of the Committee have been unanimous or virtually so. This is not true of the Eleventh Report. That report consists of two sections, in addition to a preliminary discussion, one on *marijuana* and the other on *heroin*. The section on heroin has been adopted by the virtually unanimous action of all members of the Committee participating. The section on marijuana has been adopted by a vote of not quite ⅔ of the participants. A ⅔ vote on *any* of the important and difficult subjects with which this Committee has dealt would be a notable achievement; it is particularly notable with respect to a subject so charged with emotion and fears as dangerous drugs and narcotics.

Yet, *in a very real sense, there is unanimity, unanimity that the present marijuana laws are too rigorous and repressive.* Attached to the report are two minority reports which speak for themselves. One minority report states that "it is not necessarily in agreement with the existing laws and procedures which may be too punitive with respect to adults who use or possess small mounts of marijuana"; the other minority report believes that the present laws are "unreasonable" as respects the severity of punishment for such offenses as the possession of small amounts." And these suggestions for amelioration come on top of the fact that California law was amended to ameliorate the penalties in 1969.

The minority reports were received as the Committee Report was about to go to the printer, and therefore the Report itself does not respond. Some brief comment, however, is in order.

The present restrictive criminal laws on marijuana were adopted in the 1930's. It was then believed that marijuana made its users into dangerous criminals. No one who has looked into that subject even slightly any longer believes that. The present fears about marijuana are, largely, of two kinds: (1) That its use leads to the use of "harder" drugs, and (2) that it makes its users "amotivational", that is, that it reduces its users to a state of passive vegetation. The Report fully discusses these two questions. The consensus at the present time is that the deleteriousness of marijuana, or its extent, remains largely unestablished. Those who oppose change in the law do not appear to contend that if those laws were not already in effect it would now be appropriate to enact them in the present state of knowledge. The view of one minority report is that, as the laws are on the books, they should stay there in view of the uncertainty of knowledge. The majority of the Committee believes that these laws that would not have been adopted on the basis of present knowledge ought not be retained.

The further statement in one minority report, that the Committee has not gathered enough data on the subject, is completely unwarranted, and it is rejected out-of-hand by the Chairman, the staff, and the majority of the Committee. The present literature is abundant and fairly uniform in its conclusions, which, as the Report states, add up to a Scotch verdict. As late as Friday, July 2, 1971, at the Commonwealth Club, Dr. Leo Hollister of the Veterans Administration Hospital at Palo Alto reported the state of present knowledge about the pharmacological aspects of marijuana quite in accord with the majority report.

Another reason for dissent expressed in the minority reports is the belief that the repeal of present laws on marijuana may be regarded in some areas as an approval of the use of the drug and might lead to the spread of its use. The majority of the Committee does not dismiss that objection lightly; the Report discusses it with care and gives it the weight it deserves. One minority report speaks of the Committee report as recommending "legalization" of marijuana as respects adults; the recommendation, of course, is for regulating the sale, possession and use relative to adults by a system adapted from the control of alcoholic beverages.

We realize that previous portions of our report on non-victim crime, such as those dealing with prostitution and pornography, have been carelessly read by portions of the public, including those who should know better. The Committee thoroughly deplores prostitution and has the utmost detestation for pornography. Yet our reports have been carelessly interpreted as an endorsement of these vices. We resign ourselves to a like misinterpretation that the Committee approves the use of marijuana, despite our reiteration that we disapprove of the use of marijuana and encourage all non-criminal processes to prevent it.

In the last analysis, the basic question is exactly the same as this Committee emphasized with respect to every type of non-

victim crime. That question is simply this: Is the criminal process the correct and effective way by which society should seek to meet a problem; are the resources of society best spent on the criminal process? We have said that the law cannot successfully make criminal what a substantial portion of the public does not want made criminal, and we know that a vast number of the citizenry—perhaps an overwhelming number of the younger generation—cannot understand and will not accept the marijuana laws. We have said that not all the ills or aberrancies of society are the concern of government; that when the government acts, it is not inevitably necessary that it do so by means of criminal processes; that every person should be free of the coercion of criminal law unless his conduct injures others or damages society; that when criminal law seeks to express a sense of public outrage, it should be sure that its sense of outrage is that of substantially the public as a whole. We have said that there is a matter of priorities in the expenditures of the energies and resources of criminal law enforcement. If we are correct in all these statements—and we are convinced that we are—then we are convinced that the conclusions expressed in the majority report are also correct, and that only formless fears deter the minority members from following to its rational end their own belief that the present law needs some change.

Inasmuch as the reports and recommendations of this Committee on matters entirely within the hands of this City have yet to be put into effect, the Committee is not so sanguine as to believe that its recommendations on marijuana, the control of which lies in the State and National sphere, will be speedily adopted. We submit the Committee Report and the minority reports in the hope that they will, at least, encourage and focus thoughtful consideration.

The control of heroin lies even more largely in federal hands, and our report on that subject is confined to an analysis and delineation of the difficulties and to pointing out the matters to which serious attention should be given.

With this Eleventh Report, the work of the San Francisco Committee on Crime comes to an end.

Respectfully,

MOSES LASKY,
WILLIAM H. ORRICK, JR.,
Co-Chairmen.

SAN FRANCISCO COMMITTEE ON CRIME

INTRODUCTION

This is the third in a series of reports by the Committee on "non-victim crimes" in San Francisco. The first report on this subject dealt with basic principles and public drunkenness. The second report discussed gambling, sexual conduct and pornography. This report covers "drugs and narcotics," concentrating on laws concerning marijuana and heroin.

Throughout our examination of laws dealing with "non-victim crime," we have been guided by the seven "basic principles" set out and discussed in some detail in Part I of this Report. We list those principles again, for they are referred to in this Report. Readers interested in the origins of these guidelines can return to Part I of this Report, which is available in local bookstores and through the Public Library. Our principles are:

1. The law cannot successfully make criminal what the public does not want made criminal.

2. Not all the ills or aberrancies of society are the concern of the government. Government is not the only human institution to handle the problems, hopes, fears or ambitions of people.

3. Every person should be left free of coercion of criminal law unless his conduct impinges on others and injures others, or if it damages society.

4. When government acts it is not inevitably necessary that it do so by means of criminal processes.

5. Society has an obligation to protect the young.

6. Criminal law cannot lag far behind a strong sense of public outrage.

7. Even where conduct may properly be condemned as criminal under the first six principles, it may be that the energies and resources of criminal law enforcement are better spent by concentrating on more serious things. This is a matter of priorities.

The only aspect of drug and narcotic use that comes within the assigned task of this Committee or within the area of its competence is to determine the part to be played by criminal law. We cannot pass on morals.

In 1960 in California, 4,245 adults were arrested for violating laws on marijuana; in 1969 there were 38,670, an increase of over 800%. In 1960 there were 910 arrests of juveniles under the same laws; in 1969 there were about 16,000, an increase of more than 1650%. For dangerous drugs the increase was even greater, both for adults and juveniles.[1]

Other available data are equally startling. In January of this year, the Federal Department of Health, Education and Welfare (H.E.W.) reported that 31% of American college students had used marijuana by 1970, and that in that year, 42% of the students in the San Mateo County High School system asserted that they had used marijuana. H.E.W. summarized a study showing that 40% of college-age residents of San Francisco who were not in school had tried marijuana by 1969.[2]

Professor John Kaplan of the Standard Law School has estimated that in 1968 state and local government agencies in California spent $72 million enforcing the marijuana laws.[3]

In 1969, 14% of all felony arrests in San Francisco were for violating the marijuana laws,[4] but 38% of all so arrested were released without prosecution,[5] doubtless because the District Attorney's Office believed that it had insufficient legally admissible evidence. Since 1969, State Law has permitted District Attorneys to charge either a felony or a misdemeanor for possession of marijuana.[6] In San Francisco, a defendant is ordinarily charged with a misdemeanor if he has no prior record of drug or narcotic convictions and he has been arrested for possessing not more than a "lid" (about one ounce) of marijuana. About 15% of all Municipal Court cases in San Francisco[7] involve either possession of marijuana or "visiting a place" where marijuana is being used.

Someone has said that statistics are used the same way a drunk uses a light standard, for support and not for illumination. Advocates for the repeal of criminal laws on marijuana and other drugs point to statistics like the foregoing as demonstrating that criminal law does not deter the use of these drugs. Another explanation would be that the social and economic conditions of the 1960's produced an upsurge of use that might have been even greater but for criminal laws. All that is speculation. We cite the statistics for the neutral purpose of showing the gravity of the problem, the enormous drain on law enforcement money and manpower, and the lack of satisfactory effect of all this effort.

CLEARING THE UNDERBRUSH

This subject of drugs and narcotics is the most difficult to analyze and resolve of all those discussed in our Report on "Non-Victim Crime." A major difficulty is that the discussion in the literature is bedeviled with hyperbole, emotion, irrational argument and pedantic quibble.

On the threshold, we note that to categorize the subject as non-victim crime is itself to vault to a conclusion over thorny obstacles. "Drugs and narcotics" are placed in that category because the user acts voluntarily. But whatever may be said about using drugs, the act of *selling* is not non-victim conduct in the case of a drug like heroin which addicts the user; one deprived of either physiological or mental power to resist is no longer a "voluntary" participant. Thus whether the act of *selling* can be categorized as non-victim conduct depends upon the nature and effect of a particular drug. Nor is it all crystal clear that the act of use is non-victim conduct; society can be the victim in several ways. For example, we said in Part I of this Report on Non-Victim Crime that:

If it could be shown that the use of marijuana threatens to reduce the next generation to a state of passive vegetation, devoid of the drive that made this nation the haven of all peoples, no stranger reason would be needed for seeking to eradicate the use of the weed by almost any means.

This states a possibility. No evidence yet discovered by us shows it to be a probability, but the reported use of heroin among the troops in Vietnam could pose a worse threat to the future of the country. The use of drugs and narcotics could also be an injury to society in ways less sweeping than that of the destruction of a generation of youth. For example, it would be so if its use were frequently to induce violent or aggressive behavior toward others. It would also be so if drug use were to make ordinary and gainful employment by the user difficult or impossible, for society would then have loaded upon its back the costs of support and medical care.

Discussion is also handicapped by the extreme positions taken by partisans on the one side or the other. At the one extreme, users are assailed as immoral or indecent, as "freaks" or misfits or as a disgrace to society. This kind of reaction gets one nowhere; the law would have no business whatever trying to prohibit adults from using drugs to get "high" or to alter their perceptions unless injury to society were also present. At the other extreme, society is itself assailed as the very *cause* of the abuse of drugs. It is argued that, while people resort to drug abuse for a variety of reasons, psychological or psychotic illness, or to find new experiences, or to do what their peers do, the unifying explanation is that drug abuse represents an attempt to reconcile serious contradictions between self and society. It is no accident, we are told, that until recently heroin was a problem confined to the ghettos of this country, and that, when young people are asked why they turn to drugs, their reply is almost uniformly that modern urban mass society is becoming increasingly inhuman. The blame is laid on pollution, racism, poverty, "loss of identity," and so on and on. When so many young people are unable to "integrate with society," when they turn to drugs as only one of a number of means of escape, it is time to look hard at society; so the assertions go.

All this may be true, or it may be only the fashion of the moment to say so. Perhaps the causes are in the very structure of contemporary civilization. And if society could find the causes and root them out, it should do so. But that truism gets us nowhere in finding an answer to the only aspect of drug and narcotic use that comes within the assigned task of this Committee or within its area of competence, which, as already observed is to determine the part, if any, to be played by criminal law.

In the previous paragraphs we have sometimes spoken of "drug abuse" rather than "use," and of "dangerous" drugs instead of merely "drugs." We have done so to avoid the pedantry of being told that coffee, tea, nicotine and alcohol are drugs or narcotics, that there are legitimate drugs and legitimate uses for even dangerous drugs and narcotics, that "dangerous" drugs and narcotics can be administered and controlled in small

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doses without harm, and that even drugs like aspirin can be harmful if abused. All that is true; even LSD might have a legitimate use in the hands of expert researchers; marijuana was once prescribed by physicians for some purposes. But observations like these simply enmesh rational analyses in irrelevant distinctions. Suffice it to say, once and for all, that when this Report speaks of drugs, it means "dangerous drugs" within the meaning of current law, and when it speaks of use it means "abuse."

Another red herring frequently drawn across the path of rational consideration is the assertion that alcohol is far more injurious to the user and society than any other drug whether legal or illegal. The late Louis S. Goodman, Chief Judge of the United States District Court in San Francisco, used to comment impatiently on the habit of attorneys to defend a charge of wrongdoing with the riposte that someone else or some other conduct was equally as bad or worse. The use of alcohol is as old as mankind and is to be found in every civilization and culture; in a sense it is symbiotic with man himself. Whole ways of living and coping with it have arisen, and mankind evidently must endure it while enjoying it. Efforts to eradicate its use have failed. The fact that alcohol is abused to the injury of society is no reason whatever for permitting the introduction and spread of other abuses not yet so ingrained in our social structure, even though they may not be so harmful, providing it is *reasonably* possible to prevent them. Nor should the effort to prevent them be deterred by cries from the young that their elders are guilty of "hypocrisy." The history of the use of alcohol can, however, teach us one valuable lesson. The failure of the Volstead Act and the 18th Amendment does warn us that criminal sanctions do not work when a large segment of society is opposed to them and that, on the contrary, severe prohibition can produce evils such as organized crime. If, in what we have said above, we have expressed some impatience with certain arguments for change in drug laws, we have equal impatience with opponents of change when they speak of "legalizing (or illegalizing) marijuana or heroin." Any drug is a mere physical object. It can be neither legal or illegal. All that can be made illegal is human conduct. The appropriate question, therefore, is: What human conduct with respect to a given drug or narcotic should be illegal? With the question thus properly stated, one can begin to distinguish between types of conduct instead of making lump judgments.

Each type of drug or drug abuse must be examined on its own and handled on its own. To that end we now review the subjects of marijuana and of heroin. We shall not touch on other substances in this Report. We refrain from doing so for lack of time and study.

A. Marijuana [8]

This Committee does not condone or endorse the use of marijuana or any drug that may be mind-altering. On the contrary, we deplore that use and encourage searching for proper and successful ways to discourage it. But the assigned area of concern of this Committee is to determine what part criminal law should play in discouraging that use.

The starting point of that consideration ought to be a determination of what deleterious effects marijuana produces. No member of this Committee is persuaded that marijuana is not really injurious to the user or only mildly so. Rather, we simply find the whole voluminous literature unsatisfactory. Partisans on both sides are intemperate, untrustworthy and unreliable; the conclusions drawn by more temperate and sober writers from their data are unpersuasive.

On the one hand we know that the active ingredient in marijuana is the same as produces hashish, and that historically hashish has been considered an evil in the Oriental countries of its use. Despite the fact that defenders of marijuana often cite the findings of the Indian Hemp Commission of 1894, India today prohibits hashish. On the other hand, medical studies are cited, from the La Guardia Report of 1944 to a recent report of the United States Department of Health, Education and Welfare [9] and a more recent one by Dr. Lester Grinspoon.[10] The various reports becomes involved in quibbles about what constitutes "addiction;" the defenders of marijuana claim that it is not addictive because there are no physical withdrawal symptoms, their antagonists retorting that its use creates psychic dependence. One group asserts that the use of marijuana causes users to abandon motivation and to become socially indifferent; the rejoinder is that "present evidence does not permit the establishment of a causal relationship between marihuana and the amotivational syndrome." [11]

The antagonists of marijuana argue that its use leads to the use of harder drugs. The soberest reply is that it does not "necessarily" do so "directly," and that the fact that a high percentage of heroin addicts have used marijuana is a coincidence stemming from the character of the users.[12] While the evidence is that a large percentage of heroin users have used marijuana the evidence does not show that a large percentage of marijuana users have turned to heroin. Advocates of change in the marijuana laws sometimes do concede that denizens of the drug sub-culture use a variety of drugs and, starting with marijuana, move on to others. But they argue, quite persuasively, that what throws the marijuana user into the drug sub-culture is the fact that its sale and use are made illegal, forcing the user to procure it from drug pushers and to use it in drug-oriented surroundings.

Neutral observations concede that psychotic episodes have followed use in high dosages and even use at levels of social usage "in particularly susceptible individuals." [13] Dr. Grinspoon has written: [14]

"While there can be no question that the use of psychoactive drugs may be harmful to the social fabric, the harm resulting from the use of marihuana is of a far lower order of magnitude than the harm caused by abuse of narcotics, alcohol, and other drugs. Marihuana itself is not criminogenic; it does not lead to sexual debauchery; it is not addicting; there is no evidence that it leads to the use of narcotics. It does not, under ordinary circumstances, lead to psychoses, and there is no convicing evidence that it causes personality deterioration. Even with respect to automobile driving, although the use of any psychoactive drug must perforce be detrimental to this skill, there exists evidence that marihuana is less so than alcohol. Marihuana use, even over a considerable period of time, does not lead to malnutrition or to any known organic illness. There is no evidence that mortality rates are any higher among users than nonusers; in fact, relative to other psychoactive drugs, it is remarkably safe."

This hardly exonerates marijuana; comparison of marijuana with alcohol or other drugs is, as we have suggested, an irrelevance. But, on the other hand, Dr. Grinspoon's statement adds up to no severe condemnation.

The Crime Committee concludes that it cannot return a verdict about marijuana of either "guilty" or "not guilty." We return a "Scotch verdict" on the present evidence; that is, the evils of marijuana use are *not proved*. With that verdict, what is the question to be answered? It is *not* whether marijuana should be used. Every member of the Crime Committee opposes its use. The question is something entirely different. The critical question is this: How far is the *criminal law* justified in imposing its criminal sanctions on a not proved verdict?

Bearing in mind that the physical object—marijuana—can be neither legal nor illegal and that only human conduct can be, the question must be separately asked relative (1) to minors and (2) to adults. And as respects adults, it must be separately asked of (a) use, (b) possession, (c) sale, and (d) commercial exploitation.

1. *Sale of Marijuana to Minors and Possession by Minors:*

The fifth principle stated in Chapter I of Part I of this Report on Non-Victim Crime is this:

Fifth principle: "Society has an obligation to protect the young, and it may be appropriate for government to intervene by imposing criminal controls on adult relations with the young although controls on similar relations between adults would not accord with our other principles."

The doubts about the effect of marijuana compel us to recommend continued prohibition of sale to minors. An adult may be left free to take chances on his own condition, to play Russian roulette if he will with his own mind and character. By definition, a minor is not yet mature enough to reach sound judgments for himself, and doubt should be resolved for the minor's protection. With the trend toward reducing the age of majority to 18, the young will soon enough reach the age of choosing their own route. The law prohibts sale of alcoholic beverages to minors, although alcohol has long been with us; marijuana, a relative upstart, should fare no better. The prohibitions on use of marijuana by minors should parallel those with respect to alcohol.

2. *Use of Marijuana by Adults:*

The case as to adults is different. And it is different for several reasons.

First, as we have seen, the verdict on marijuana is a "Scotch verdict"—*not proved*. Certainly, on a not proved verdict, criminal law cannot impose its criminal sanctions on the user who is more a victim than he is a perpetrator of evil.

Opponents of change in the law argue that if the evidence is uncertain, the status quo should be maintained by leaving the law as it is. But those laws originated when legislators assumed that the dangers of marijuana were far worse than a dispassionate examination of the evidence now available warrants. If that evidence would not warrant enactment, now, of the highly restrictive laws presently on the books, it cannot justify their retention. In a free society there ought always to be a presumption against illegalizing conduct until evidence is produced to warrant criminalization.

In the second place, educators tell us that by casting the whole marijuana scene into a criminal underworld, minors are estranged from sound counselling. It is said that minors can more readily be deflected from use of marijuana if it is regulated and controlled as alcohol is.

Finally, our conclusions are fortified by the socially injurious consequences flowing from attempts to enforce the present statutes. We find, in the literature on the subject the following, which we are persuaded do exist.[15]

(1) Users of marijuana, mainly the young, perceive no rational distinction between the dangers of alcohol and cigarettes and those of marijuana. Consequently, "massive numbers of young people today regard the marijuana laws as one of the clearest examples of their elder's hypocrisy." And since numerous young persons have used marijuana, widespread disrespect for law and for lawmaking institutions has arisen. (The invalidity of the charge of hypocrisy would not alter the fact that young people believe it.)

(2) By exaggerating the dangers believed by the young to be possessed by marijuana,

Footnotes at end of article.

the law degrades its educational effect with more dangerous drugs.

(3) Because the enforcement of marijuana laws requires the police to conduct searches of persons, homes and cars for small quantities, feelings of hostility toward the police are created.

(4) Possession of marijuana has come to be associated with several identifiable segments of society—those with long hair, juveniles and ethnic minorities. Enforcement "... contributes to the hostility of three groups that one might most wish to bring into the mainstream of our society: the alienated middle-class drug-user, the high school youth, and the inhabitants of our urban Negro and Spanish-American ghettos." [15a]

To this list may be added the fact that use of marijuana has made its way to some extent into the San Francisco middle-class business and professional communities. As was said in Part I of this Report:

"The law cannot outrun the public conscience—not simply the public conscience as professed from its pulpits and by its public figures, but the public conscience as demonstrated by how the public lives."

The soundness of our recommendation that the law cease criminalizing the use of marijuana or a visit to a place where it is used is fortified by the fact that the courts by and large have come to look with distaste on enforcing these laws. A defendant who pleads guilty in San Francisco to a misdemeanor charge for one of these violations is likely to receive a suspended sentence with a year's probation; and some judges will impose a $50 fine. In 1969 the courts disposed of the cases of 328 defendants who were originally charged with felony possession but whose charges were reduced to the misdemeanor "visiting." [16] Consequently, of the 702 felony cases pending in Superior Court in San Francisco on May 1, 1971, only 43 involved isolated charges of possession or sale of marijuana.[17] During the same year only one person convicted of a marijuana offense in San Francisco was sent to state prison, and over 75% were given straight probation.[18] In the entire state during 1969 only 1.7% of those convicted of felony possession of marijuana were sent to prison, and 56% were placed on straight probation without any jail time at all.[19]

One of the principles stated in Part I of this Report was that even where conduct may properly be condemned as criminal under other principles, "it may be that the energies and resources of criminal law enforcement are better spent by concentrating on more serious things. There is a matter of priorities." That principle is particularly applicable to marijuana where it is dubious that *use* should be made criminal under any principle. Because possession of marijuana is still a crime, the police spend considerable time and energy on the matter. Then each case is handled by a Deputy District Attorney, and many cases are handled by the Public Defender's Office. As already noted, 15% of all cases in the Municipal Court deal with marijuana, and they consume the time of a judge, a court reporter and two bailiffs. Yet, in the end, most of those convicted are treated with more leniency than common drunks. The judicial system is recognizing that it has more important things to do than to spend time and resources on processing most defendants arrested for possessing marijuana.

Another perversion of priorities worked by the marijuana law is with respect to the work of the San Francisco Police Crime Laboratory. That agency is responsible for conducting various scientific tests—for the police and the District Attorney—ranging from blood types to tool mark identifications. Currently it employs a criminologist and three assistants.[20] According to charts prepared by the laboratory, each criminologist handled slightly more than 200 narcotic cases in 1960, but in 1969 this peaked at 1000 (nearly five times as many), declining slightly to about 900 in 1970. The total number of narcotic cases in the laboratory in 1960 was about 400; in 1970 it was over 3,900, an increase by a multiple of about 10. During the same period the number of criminologists increased from only two to four, and the laboratory estimates that 38% of its staff time is now devoted exclusively to marijuana analysis alone.

The number of many other scientific tests, normally associated with serious offenses, has decreased. A summary of crime laboratory cases for the years 1960, 1969 and 1970 is found in Appendix A to this Report, but we note the following here:

In 1960 the laboratory processed 106 casts (either plaster, moulage or silicone) but only eight casts in 1970. It performed 182 blood analyses in 1960 but only 85 in 1970. It made 170 tests for semen in 1960 and only 64 in 1970. It performed 19 microscopic examinations on hair and fibres in 1960 and only 5 in 1970.

The statistics for 1970 may be imprecise; an unknown number of tests may not be tabulated in the official report. Moreover, more criminal cases were disposed of on a plea bargain in 1970 than in 1960, and where a case is disposed of by a negotiated plea rather than trial, the crime laboratory may not have to perform tests. Nonetheless, the fact remains that the number of laboratory tests associated with serious offenses has declined during a period when offenses of the identical type reported to the police have more than doubled.[21] Criminologist Williams estimates that his staff would have to be doubled to do all that it should be doing. During the same period the "clearance rate" for serious crimes—murder, manslaughter, forcible rape, robbery, burglary, aggravated assault, larceny and auto theft—has declined by nearly a third to about 13% of all reported cases.[22]

The conclusion of the Crime Committee is that the *demonstrable* harm associated with marijuana does not justify the voracious demands on the resources of criminal justice made by the marijuana laws. The police, court system, and correctional resources are desperately needed to handle matters demonstrating greater harm to society. Add to these "economic" costs the social costs of the marijuana laws, and we have no doubt that the use of marijuana should be handled outside the criminal justice system.

Consequently, the Crime Committee recommends:

"Repeal the laws prohibiting the use by adults of marijuana and prohibiting adults from visiting a place where marijuana is used as now provided in the California Health & Safety Code Section 11556."

If and when medical evidence is developed that shifts the verdict from non-proved to guilty, this recommendation can be reconsidered.

3. *Possession of Marijuana by Adults:*

Thus far we have been speaking of use of marijuana and of visiting a place where it is used. We still must answer the question, what should be recommended about possession and sale.

The answer about possession is relatively easy. Possession of a "small" amount is probably for personal use and should be treated the same way as use, that is, it should not be made criminal. Possession of a "large" amount should be treated the same way as sale, since there is a reasonable inference that one who possessed a "large" amount will either sell it or give it away. A "large" amount is an amount more than sufficient for one person's use for several days, and, when and if it should be necessary to make the distinction, it may be left to testimony before a legislative committee to determine the dividing line.

4. *Sale of Marijuana to Adults:*

Curiously, writers who almost feverishly oppose the marijuana laws become uncertain of their ground when they turn to consider sale to adults. We encounter proposals for a system of government monopoly of sale or government licensing of a limited number of vendors. We are not impressed by the proposal. The sale of marijuana to adults can be regulated by laws on the general order of those regulating alcoholic beverages. We recommend simply that sale of marijuana to adults, within that kind of regulations, should not be subjected to criminal sanction unless and until medical evidence, by moving the verdict from "not proved" to "guilty," requires reconsideration.

We are impelled to this conclusion by two sets of considerations:

1. Government monopoly presupposes that the traffic is evil and therefore not to be left in private industry. But if the traffic be evil, organized society should not indulge in it.[23] Moreover, any system of licensing that is more selective or restrictive than our present system of alcoholic beverage control is fruitful for bribery and corruption.

2. The fourth principle set forth in Part I of this Report was:

When government acts, it is not inevitably necessary that it do so by means of criminal process. * * * The methods of the criminal law may be ill suited, or there may be better ways of achieving an end, better ways to deter or rehabilitate than to arrest, charge with crime, prosecute, convict and sentence.

By criminalizing manufacture or sale of various drugs and narcotics, what the law hopes to accomplish is: (1) To deter the manufacture, or (2) to deter those who might use or experiment with the drugs or narcotics by stamping them with a stigma of dangerousness, or (3) to rehabilitate the offender.

Criminal law has not been spectacularly successful in achieving any of these goals. Where the evil is great, even modest success will justify the effort. Where the evil is dubious, that is no longer true. The lack of success in achieving its goals as respects marijuana seems inherent in the nature of the things sought to be regulated. If the threat of criminal sanctions is to have any effect, there must be a real fear of arrest. But usable quantities of virtually every illegal drug or narcotic can be carried or secreted in a coat pocket, glove compartment, drawer or other hiding place, and ordinarily in a private residence. Police detection of the "crime" is extraordinarily difficult. The contrast with robbery, burglary, assault, rape, homicide or auto theft is striking, for in these offenses the offender must intrude upon others or accomplish his crime in a public place, with greater chances of identification, detection and arrest.

Of course, the deterrent effect of making conduct criminal depends only partly on the fear of arrest. Perhaps in greater degree it rests on the stigma of social disapproval or social warning of danger. By making the possession of certain drugs illegal, the law announces that their use will result in harm to the user. But this warning of dangerousness has not been taken seriously. To the extent that criminal laws declare that certain drugs are dangerous or harmful, they are widely disbelieved by a sizeable segment of young people simply because these laws are handed down by the "establishment." Moreover, young people in their twenties and even into their thirties, are the largest users of marijuana. Having used marijuana, innumerable young persons believe that they have discovered for themselves that the harms from the drug are not nearly so great as the law had claimed.

Whether their judgment in this respect is sound is irrelevant. The relevant fact is that they believe it. Some even carry this belief into distrust of warnings about the harms resulting from hard drugs.

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If the sale of marijuana were no longer criminal, the cost of acquiring it would decline, for it can grow almost anywhere. There would then be no incentive for purveyors to push it, unless it can be merchandised and exploited on a large scale just as cigarette manufacturers have exploited cigarettes and brewers have exploited beer with suggestions that the use of cigarettes or beer creates virility and allure.

5. *Commercial Exploitation:* Advertising of marijuana should be prohibited. The very doubts which call for legalizing use call for prohibiting mass enticement to use. While no longer criminalizing use, society should continue efforts to educate against use; and those efforts would be out-matched by multimillion-dollar advertising budgets spent by the equivalent of the large cigarette companies. Were advertising permitted, any change toward prohibiting marijuana, if and when new evidence developed, would encounter the entrenchment of vested interests. Nicotine and alcohol have become vested. There is no reason to permit this to happen with marijuana.

The sale of marijuana should not become "merchandising." To that end interstate and foreign commerce in marijuana should also be prohibited, as a way of keeping the sale of the drug from becoming a large-scale operation. On the other hand, if importation into the state is prohibited, it seems evident that production of marijuana within the state must be permitted to avoid restoring the business to black market operation. Production for sale should be subjected to regulations paralleling those governing production of alcoholic beverages. Included in this type of regulation could be provisions fixing standards of potency, particularly maximal limits. Also included in this type of regulation could be stiff taxation, as in the case of alcoholic beverages. The tax should not be so stiff, as in the case of "hard" narcotics, as to drive the business underground into the hands of pushers and racketeers, but stiff enough to dampen demand and discourage idle experimentation.

MORE ON WHETHER CRIMINALIZATION SHOULD BE RETAINED AS A DETERRENT

Some people who follow the chain of reasoning that has led us to our conclusions, admitting the truth of every link in the chain, balk at the end at the conclusion. They do so out of an uneasiness or tormenting fear that if criminalization is abandoned, many people will take to marijuana who do not use it now. Nobody knows the certain answer. Repealing prohibition of marijuana use might result in an increase of use for awhile by some people. Probably most of those who would turn to the weed would try it only once or twice as an experience but would soon drop it or use it only occasionally.

A few might go on to frequent use. But, in order to appraise what injury to society would follow, we must consider once more the physiological aspects of marijuana use. Unlike heroin, use of marijuana is easily ended. The hard narcotics produce an irresistible "craving"; lack of the drug produces the tortures of "withdrawal"; continued use produces increasing "tolerance," so that more and more is needed to obtain the desired effect. One thing about marijuana that seems clear is that its use does none of these things. There are no withdrawal symptoms; there is no increasing tolerance; craving is psychological, as with cigarettes, not physiological. In short, if some spread of use should follow repeal of prohibitions, it is likely to be a transistory phenomenon, subject to reversal by education without the counterproductive effect of the policeman's billy club and the filthy jail.

Moreover, the fear that repeal will lead to a spread of use is, we think, more a subconscious reaction than a rationally held belief. Many who oppose repeal favor reduction of the penalties. Indeed, California has already moved in that direction and if California fails to move even further, it may well be left behind the march of events throughout the nation. If continued criminalization is justified as a deterrent, reduction of penalties will diminish the deterrence and leave the laws largely dead letter, resting in the books for use by police or prosecutor whenever it suits their purposes.

If one favors reduction of penalties, if he believes that smoking a half "joint" is no basis for being imprisoned, then he does not really think that the use of marijuana is a serious injury to society. Continued prohibition of use then becomes nothing more than an expression of moral condemnation. And moral condemnation is no basis for criminal law.

Among the seven basic principles enumerated in Chapter I of Part I of our Report on Non-Victim Crime was this:

Sixth principle: "Criminal law cannot lag far behind a strong sense of public outrage. This is the other side of the coin from first principle. Although criminal law cannot outrun the public conscience in condemning conduct, neither can it hold aloof entirely from a public sense of outrage. If the law suffers when it tries to do too much, it also suffers when it does not do what most people feel strongly that it ought to do. Because the sixth principle acts as a counterbalance to some of the others, it must be applied with great circumspection. Before applying it one must be certain that his personal sense of outrage—his personal morals—or that of his group is that of the public as a whole."

It appears to us that the opposition to change of the marijuana laws expressed by many responsible people is explicable only under a variation of this sixth principle. It is not so much a sense of outrage but a fear or terror of something unknown. The majority of the Committee is unable to see in the evidence any valid basis for that fear; the majority does not believe that unsupported fear is enough basis for keeping and trying to enforce laws that divide the generations so sharply.

RECAPITULATION

The sum of our recommendations concerning marijuana is as follows:

1. Repeal the laws prohibiting the use by adults of marijuana or forbidding adults from visiting a place where marijuana is used.

2. Repeal the laws prohibiting possession by adults.

3. Repeal the laws prohibiting sale of marijuana to adults and regulate sale to them by laws on the general order of those regulating alcoholic beverages.

4. Continue to prohibit sale to minors and possession by minors.

5. Prohibit any advertising of marijuana.

6. Prohibit the importation of marijuana into California (probably would require federal action).

7. Regulate the production of marijuana in California for sale by laws similar to those regulating the commercial production of alcoholic beverages.

8. Devise and expand a vigorous educational campaign about marijuana.

We do not propose that society discontinue efforts to deter people from using marijuana. Its use is probably not as deleterious as its most earnest detractors say, but certainly people would be better off without it. In an age when human wits are most needed, they should not be subjected to manipulation or alteration by drugs. We simply conclude that the criminal process is not the way to go about achieving the goal given the present state of evidence. Indeed, removing the stigma of criminality may remove the attraction of the illicit and eliminate the impetus to use that comes from bravado.

Criminalization has failed; we suggest that society now try non-criminalization.

We have one more recommendation: Until such time as the laws on marijuana are changed, what should the authorities in San Francisco do about enforcing them? In the Chapter on basic principles we said:

"The following chapters of this Report will propose the repeal of certain laws. Obviously, the City of San Francisco has no power to repeal State or Federal statutes. But until such time as Congress or the State Legislature sees eye to eye with San Francisco, this City can choose what it will enforce, for its coffers pay the bills. It can choose its priorities. If it should decide that it is poor policy to 'bust' a small gambling game in the Fillmore, the police need not arrest and can preserve its manpower for more vital work. If an arrest is made, the District Attorney need not prosecute. However, lest there be misunderstanding, we emphasize two cautions. The first is that once a case reaches a court, no judge is free to ignore the law or make up his own rules. But matters need not reach the courts. Jurists have long recognized that a system of criminal law would break down were there no play in the hinges, points where the officers of justice can exercise discretion. Our second caution is that individual policemen cannot be let to decide what laws to enforce or when. What we say is that, pending repeal of legislation, all the agencies of justice, under strong central municipal leadership, can together lay down a policy to follow, open and above-board, and proudly declared to the State and Nation."

We recommend that course with respect to marijuana to the end of laying out a policy of action as close as is possible to what it would be under the kind of law we recommend.

At the risk of repetition but so that a hasty reader may not be mislead, we conclude by saying: No responsible reader of this Report should take the Crime Committee's recommendations regarding marijuana to mean an endorsement of marijuana's use. On the contrary, we oppose its use by anyone, but we believe that our present criminal laws on the subject do more harm than good in forwarding that opposition.

B. Heroin

When one turns from marijuana to the "hard" drug heroin, a wholly different set of considerations is apparent.

The use of heroin is unmitigatably bad. It is destructive to the user, and it is destructive to society. No one is more contemptible than the vendor or pusher who "hooks" another into use for the sake of profit. If society is ever justified in punishing anyone for the sake of revenge and detestation rather than for determent or rehabilitation, it would be justified in doing so to the vendor of heroin. And as already said, the sale of heroin simply is not properly in the category of non-victim conduct.

The problem with putting down the use of heroin is simply one of efficacy. What method will really work? Once again the question must be divided into user and supplier. And the first question is what to do with the supplier.

1. *Possession and Sale of Heroin:*

We recommend that present laws making the sale of heroin criminal be kept in effect and enforced. Possession by an addict of a "small" amount is probably for personal use and should be treated the same way as use, a subject discussed below. Possession by an addict of an amount greater than one's personal needs for several days should be prohibited as being possession for sale. Possession of any amount by a non-addict (other than a physician or researcher) should be treated as possession for sale.

But this is not enough. Little is accomplished by catching and punishing the local pusher who is himself likely to be an addict

and in any event, as a retailer, is a relatively minor cog in the distribution machinery.

The addict pusher needs treatment. The non-addict pusher belongs in prison. But the local pusher is "small potatoes" in the problem.

Heroin is an opium derivative. Either it or the materials from which it is made come entirely from abroad. The major effort must be that of the federal government to stop importation, or, if possible, to cut off the source by inducing foreign countries to discontinue cultivation. What local police can do is minor. This Committee is primarily concerned with recommendations that can be carried out by the City Administration or by state law, and it is not for us to make recommendations to the federal government in the area of international relations on how more effectively to prevent the cultivation of the opium poppy or the importation of heroin.

The unvarnished fact is that the present system of illegalizing sale contributes to making the problem infinitely worse, unless something more is done. It makes the price of heroin enormously high. Thereby it makes the profits of the illicit business attractive it becomes profitable to "hook" an innocent and convert him into a permanent customer. It drives the customer to crime to support a habit that levies a crime tax on society of $100 per day per addict. An average habit costs the user conservatively $20 per day,[24] and it is estimated that in order to fence enough to support an average habit costing $20, an addict must obtain in some manner $100 worth of property each day. Estimates of the number of addicts in the City vary, but the lowest estimate given the Committee in a survey of drug-treatment facilities in the City[25] puts the figure at 5,000 addicts. This means that if only one-half of San Francisco's minimal addict population steals only one-half of what they need to support their habits (getting the rest by pushing, pimping, hustling, or working at an honest job) addicts are responsible for more than $45 million dollars worth of property crimes in San Francisco each year. That amount of property loss exceeds the annual budget of the Police Department.

The circle is vicious, so vicious and so serious as to justify some bold experimentation. That experimentation cannot be done at the local level because the field is controlled by the federal government with its prohibitions, although changes of federal law can be supplemented by local activity.

Experimentation should start by examining what other countries are doing to ascertain their successes and failures. In England, the control of narcotic drugs by physicians was first defined by the Dangerous Drugs Act of 1920.[26] In the several years following passage of this law, there was considerable confusion as to the circumstances under which the law allowed physicians to prescribe heroin and morphine to addicts.[27] Consequently, a committee of the Ministry of Health—the Rolleston Committee—was appointed to bring more certainty to the interpretation of the law, and in 1926 this committee issued a report recommending that physicians be allowed to prescribe narcotics to patients who, after serious attempts at rehabilitation, were unable to abstain from drugs.[28] Physicians were given wide discretion as to dosage and patients were not required to register as addicts with any public authority. These guidelines of the Rolleston Committee defined the parameters of narcotic control in the United Kingdom until 1968.

For awhile this method of treating the problem seemed exemplary. The number of British addicts was small—in the hundreds—as opposed to the thousands of addicts in New York City alone. They were mostly middle aged, employed, and not involved in crime. Like the 19th century addicts in the United States, most British addicts had become addicts through the administration of narcotic drugs by doctors in connection with medical treatment for disease.

In the late 1950's, health officials became alarmed at the rapid increase in the United Kingdom of non-therapeutic, non-middle aged, unemployed addicts. A new committee was appointed in 1958, the Brain Committee. In a second report in 1965 it found that there had been a disturbing rise in heroin addiction, especially among young people, and attributed the main source of supply to overprescribing of these drugs by a small number of doctors.[29] Upon the recommendation of the Brain Committee, Parliament in 1968 removed dispensing of narcotic drugs from the hands of private physicians. Special treatment centers were established, particularly in the London area, where any addict who registered could receive drugs. Only doctors on the staff of the centers were allowed to prescribe heroin.

During 1968, the first year in which addicts were required to register, the number of narcotic addicts known to the Home Office rose to 2,783 from 1,729 the year before, and from 753 in 1964.[30] The most striking increase was in the number using heroin—2,240 in 1968, as compared with 1,299 in the previous year. The number of known addicts under age 20, nearly all heroin users, increased between 1967 and 1968 by 93%. Seventy-nine percent of all heroin addicts were under 25 years old.

If these figures represent the number of addicts who began using narcotics during the period covered, they would throw grave doubt on the English system in effect before 1968 and raise question whether the change in 1968 was sufficient. However, it is likely that until 1968, when addicts were first required to register in order to obtain their narcotics, statistics were inadequate and grossly understated the facts.[31] And not all the addition to the ranks of addicts are British subjects. Many addicts have migrated to England in order to escape the sanctions of their own countries and to obtain narcotics easily.[32]

Even so, it is likely that addiction in the United Kingdom, as in the United States, has rapidly increased among the young. During the 1960's the "drug culture" among the young which originated in the United States has spread to many other nations. England, which had never before experienced widespread delinquency, dislike for the police, and violent crimes has begun to be "Americanized" in this respect. During this period it experienced an increase in use, not only of narcotics, but of all categories of drugs among the young, including LSD. No one can tell what increase in drug addiction would have occurred in the United Kingdom if the drugs had been outlawed as in the United States. Whereas the number of addicts in the United Kingdom still remains under 3,000, there are over 5,000 addicts in San Francisco alone. Moreover, there is no way to tell how much organized criminal activity has been prevented in England by the legal distribution of narcotics to addicts. We do know, however, that in 1970, the Home Office and the Ministry of Health were convinced that there was no evidence of criminally-organized control of narcotics distribution in the United Kingdom.[33]

It is impossible, as yet, to assess the success of the new English method of narcotics clinics. Addicts can no longer visit several doctors or grossly overstate their needs and thereby acquire narcotics for distribution. Each addict is registered at a clinic and may be observed and "tested" by clinic personnel before being given a narcotic.

To transplant the English system to the United States would require amendment of federal law so that the federal government, with the aid of state and local governments, would supply heroin free or inexpensively to all *addicts*. Were this to be done, we think that the system should be more rigorously applied than in England; the heroin should be administered to the addict at the clinic by government employed medical personnel and not allowed to be taken away on prescription.

The arguments in favor of this system run as follows:

No profit would be available to the private vendor, for it is inconceivable that anyone would buy or pay a high price when he could get his heroin free. With the profit gone, the whole vicious business would collapse. The government clinics would not supply heroin to non-addicts. The non-addict would not be able to obtain it privately because there would be no incentive to pushers to hook him or to risk the penalties of violating criminal law against importation and sale for the simple reason that, once a person became hooked, he would be eligible to obtain his heroin free from a clinic and would immediately cease to be a customer of any private vendor. The petty profit still available to private vendors from an occasional sale would no longer warrant the risk of violating the criminal laws. Furthermore, as all addicts would be placing themselves in trained medical hands, efforts at rehabilitation could be stepped up.

In response to the fear that supplying heroin would create crime, two facts are stated as fundamental:

1. Although heroin is a destructive drug to the addict, it is also a tranquilizer or depressant. Contrary to popular opinion, there is no evidence that heroin itself induces violent or aggressive behavior or that heroin increases sex drive. Indeed, the opposite is true. While under the influence, an addict is ordinarily extremely passive.

2. The numerous crimes perpetrated by addicts are almost all perpetrated in order to get money to obtain the drug. With the narcotic supplied free or cheaply, that drive to crime would vanish.

Such a system of government dispensing of heroin would have to be accomplished on a nation-wide level, first, because federal law pre-empts the field, and, second, because any state that attempted it alone would soon become a haven for the nation's addicts.

Objections to the English system, even as more rigorously applied, come readily to mind. There is something obnoxious about the government supplying dangerous drugs to its citizens. The use of heroin produces a "high," a kind of orgasm, and the user demands his dose four or five or six times a day. We have been told that the heroin cannot be handled safely even by doctors.

Even so, if the choice lay solely between the present American system of rigorous criminalization and the modified English system, the balance might tip in favor of the latter. Fortunately, the choice may not lie solely between these two. The use of *methadone* may be a better solution. Methadone is a synthetic narcotic chemically related to heroin. It is addictive, discontinuance produces withdrawal symptoms, its use must be continuous. But its advocates say that it produces little "high;" it ousts the craving for heroin. Its effect lasts for 36 hours, so that infrequent dosing is necessary. Above all, while the methadone user is addicted to it, his behavior is so different from that of the heroin user that he can live as a normal productive person in society. Since the methadone is inexpensive, it is claimed that administration of that drug has reduced crime enormously, for those who receive it no longer turn to crime to support the habit. It is claimed that in San Francisco it has worked a "cure" of 95% of the heroin addicts to whom it has been administered by converting them to methadone addiction. This is contrasted with other forms of treatment which have a cure rate of possibly 5%. Only about 395 people are under methadone treatment in San Francisco.[34]

The San Francisco Committee on Crime cannot assume to evaluate methadone. We

Footnotes at end of article.

are aware that there have always been fads and fashions in medicine and that the wonder chemicals of one decade often become the villains of another. The merits of methadone are for medical men to say. The problem of the law is not to prescribe treatment but to devise a legal system that makes it possible for medicine to bring its talents and expertise to bear.

Our recommendation: Our recommendation is simply to emphasize that the time has come for all the federal government to make a thorough and objective analysis of the benefits and harms of a system of government controlled clinics that dispense, free or at nominal cost, methadone, heroin, or whatever other drug or treatment experts should conclude is even better. We have been told that most addicts of heroin are wearied of being tied down to the heroin rack, would welcome being taken from it, and would choose methadone were it readily available.

On the other hand, we have been told that many addicts, particularly those who have not been hooked for a substantial period of time, will not voluntarily chose methadone over heroin. Moreover, we do not know whether heroin could be dispensed successfully in conjunction with other drugs like methadone. For example, if clinic physicians were able to dispense heroin in some cases, would that in itself diminish an addict's incentive to go on methadone? These questions we cannot answer. We need immediate study by the federal government, and we then need the courage and willingness to experiment.

We are mightily persuaded that one's chances of cure or rehabilitation are better as a frequenter of the clinics than as a denizen of the drug sub-culture where the influences brought to bear are those of the pusher.

2. *Use:*

Thus far we have been speaking of the sale and supply of heroin. We have recommended no change in the prohibitions on private sale and supply, but we have said that something more must be added because the present system is not effective.

What, then, about our laws making use of heroin a crime?

The user is more a victim than a wrongdoer. Certainly he is a victim once he has become an addict. The United States Supreme Court has held that the condition of being an addict cannot be punished as a crime.[35] Making use of heroin a crime is a singularly ineffective procedure. One cannot tell how many people have been deterred from use by the fact that use is criminal, but we do know that alarmingly large numbers have not been deterred. We suspect that most of those who do not use heroin are deterred by intelligence, knowledge and fear of the consequences other than criminal punishment.

If some system of dispensing narcotics at government clinics should be established, then the use of the narcotic outside the clinics should be made criminal, as a measure to force the addict to the clinic. But if there are no clinics, we are troubled by the use of criminal process to prevent a man from doing what the addiction deprives him of the power to resist.

Moreover, making use a crime seems in the current jargon, "counter-productive" to rehabilitation. Just as one can never know how many people have been deterred from experimenting with drugs because of the threat of criminal law, one cannot know how many drug users have been deterred from seeking treatment because of fear of arrest. The Committee's staff has surveyed many of the drug-treatment facilities in San Francisco and has found a uniform consensus that fear of arrest has been a major obstacle to successful drug treatment.

There are no rehabilitative or treatment resources for people sentenced to San Francisco's County Jail for drug abuse. For state prison, the Department of Corrections provides some psychiatric and psychological counseling (including encounter groups), but the Department's main drug treatment resource is the California Rehabilitation Center at Corona, commonly called "C.R.C." [36] Most commitments to C.R.C. occur after a defendant, in a criminal proceeding, has been convicted of a crime, often by entering a guilty plea.[37]

Unfortunately, most addicts who are sent to the California Rehabilitation Center for "treatment" have relapsed into drug use after leaving this institution, according to Dr. John Kramer, formerly Research Director at C.R.C., and Richard A. Bass: [38] "By spring 1968, 6½ years after the program's inception, between 8,000 and 9,000 individuals had been committed, and about 5,200 of them were still in the program. Of the 5,200 about 2,600 (50%) were in the institution, about 1,800 (35%) were on active parole, called OPS, and about 800 (15%) were on inactive OPS, that is, at large or in jail." Out of the nearly 9,000 individuals who had been committed to the program since its inception in 1961, only 300 had been discharged for having successfully completed the outpatient program by 1968. In a follow-up of the 1,209 people placed on OPS for the first time between June 1962 and June 1964, Dr. Kramer found that two-thirds returned to the institution at least once during the first three years of their release.

The heroin user should not be punished for use; he should be treated. The utilization of criminal process as a machinery for treatment and rehabilitation has not been successful. On superficial consideration, one might therefore slip into a recommendation that unless and until some system of clinics to dispense narcotics is established, the laws making *use* of heroin a crime should be repealed, and that the addict should be handled through a method of civil detention.

But a study of alternatives fails to unearth anything materially better than handling use through the criminal system or anything essentially different except in terminology.

TREATMENT AND REHABILITATION OF THE USER

To do more for the addict than keep him addicted, society must be willing to make a very large investment in facilities and personnel to provide the "treatment" everyone agrees is required—medical treatment, job counselling, education—a full range of costly services over a very long period of time. So far, there has been nothing like what would be required to have meaningful treatment programs on a scale to match the problem, and nothing indicates society is willing to devote a substantial portion of its resources to costly long term rehabilitation of drug addicts. To the extent that facilities and personnel are made available, clear priority should be given to addicts enrolled in *voluntary* programs in view of the history of failures in the involuntary programs.

That kind of program can be enormously costly, but in the end, if it conquers the drug problem by taking the addict off drugs, it will have conquered a substantial portion of the crime problem in the United States, and it will have cost society vastly less than the tax levied by the drug addicted criminal. We have estimated that heroin addicts cost San Francisco alone, by property crimes, a loss of at least $45 million per year. Multiply this figure for one city by the "crime tariff" in New York City and throughout the nation, and we can see that the public is being saddled with vast losses. Devoting even a portion of that amount to methods of cure and rehabilitation simply makes sound sense even without regard to dictates of humanity and concern for the future of the make-up of the Republic.

It must be emphasized, and it cannot be emphasized too much, that any person who voluntarily places himself in the way of cure and treatment should have complete immunity from prosecution or conviction.

What, then, is to be done for those who will not voluntarily place themselves in the way of cure if and when really adequate facilities are available.

If a system of government dispensing of narcotics to addicts should be adopted, then care and treatment of addicts could be handled largely on a voluntary basis. But until such a system can be adopted, the situation continues that addicts must pay high prices for illegal narcotics and must, therefore, resort to crime, including hooking others to obtain money for their habits. The addict is therefore a constant threat to the peace and safety of society. The danger and threat are so serious that society is justified in pushing to the very limits of the Constitution in seeking ways of prevention. Prevention means detention. Detention should be coupled with efforts at cure and rehabilitation. Those efforts to date, at least until the advent of methadone, have not been singularly successful. Thus efforts at cure and rehabilitation became largely prolonged detention.

The problem is how the law can go about making it possible for the physicians, psychiatrists, and behavioral scientists to perform their task if abusers of dangerous drugs or narcotics do not voluntarily choose care or treatment.

It would be easy simply to change labels, continue to use the compulsory instruments of criminal law, and pretend that the various functions and agencies of criminal justice are now agencies of a medical model. For example, certain officials, called "Drug Abuse Diagnosticians" instead of police, would pick up possessors of dangerous drugs or narcotics, instead of "arresting" them, and hold them for review before a "Drug Abuse Civil Commitment Agency" instead of trying them before a court. Then if this agency should find that a person should be "committed" to an institution for "care and treatment" instead of convicting him, it could so commit him instead of "sentencing him to prison." This would be an easy course, but it would also be quackery. In the end, any system of civil detention for rehabilitation or cure against the will of the detained person is essentially the use of criminal process. We might as well call it what it is, thereby retaining constitutional protections, and concurrently shape the detention toward cure and rehabilitation and away from punishment.

During the past year, the San Francisco Committee on Crime compiled a Directory of Drug Treatment Facilities in San Francisco. This Directory, the only one of its kind in the city, has gone through two printings, and more than 10,000 copies have been distributed to schools, churches, youth groups, hospitals, etc. In the course of compiling that Directory, we encountered numerous different theories and models of drug abuse treatment. While we neither endorse nor disapprove any of the drug treatment schemes operating in the City, it is likely that *each abuser of drugs or narcotics is an individual with peculiar problems and needs and goals.* We believe that drug abuse treatment stands the best chance for success when medical, psychiatric and behavioral experts are permitted by law to prescribe and require care and treatment in their absolute discretion.

CONCLUSION ON HEROIN

At the outset of this section of our Non-Victim Crime Report on Dangerous Drugs and Narcotics, we said that it was the most difficult subject with which we had to deal. We can now sum up some of the difficulties and dilemmas presented by heroin.

We have adverted to a system of detention for purposes of cure and rehabilitation without conviction first of crime. But to detain a man against his will in order to cure or rehabilitate him, when he has violated no criminal statute, raises feelings of discom-

Footnotes at end of article.

fort, to say the least, in a free society, if not severe constitutional doubts. And, yet, an addict free of detention is likely to commit crimes of burglary and the like to obtain funds to serve his addiction. To prevent the commission of such crimes, society can arrest and incarcerate him for preventive detention. But, a free society cannot feel comfortable with arrest as a means of preventive detention.[39] Of course, if the use and possession of heroin remain prohibited by criminal statute, the addict can be convicted and incarcerated constitutionally as punishment for a "crime." But to make a man a criminal and to punish him as such for committing acts which the use of drugs has made him incapable of avoiding is also repulsive. All these difficulties can be escaped by the proposed government administration to the addict of methadone and, if necessary, heroin. But that proposal is abhorrent to some people and uncomfortable to many more. No choice is a pleasant one. Society must grapple with the difficulties and select the one that combines the best promise of success with the least abhorrence.

As an aid to making the right choice, we enumerate a number of facts:

(1) Heroin is unquestionably destructive both to the user and to society.

(2) Efforts to date by criminal law to check heroin traffic have been singularly unsuccessful. Major arrests are few and do not visibly decrease the traffic.

(3) Long-range solutions to the heroin problem must be found in efforts by the federal government to stop opium cultivation, heroin refining, and importation, and in massive educational programs aimed at the drug.

(4) The cure rate of heroin addicts by conventional involuntary treatment is very low.

(5) Heroin addicts are desperate and will get the drug one way or another. They will steal, and if necessary kill, to obtain heroin.

(6) Under the present laws, the only way they can obtain heroin is by purchasing it from the underworld.

(7) Heroin users rarely commit major crimes while under the influence of the drug. They do commit crimes in order to obtain money to buy their next fix or to keep themselves supplied.

(8) A conservative estimate of the amount of property stolen by heroin addicts in San Francisco each year is 45 million dollars. (This sum exceeds the annual budget of the Police Department.)

(9) If we cannot effectively reduce the harm that an addict does to *himself*, we can substantially reduce the harm the addict inflicts on society. At this time, there appear to be only two ways of having a substantial effect on the heroin crime cycle. The *first* alternative is to place addicts permanently in institutions. This is punishment for illness. The *second* alternative is to establish government controlled medical clinics where, if nothing else succeeds, heroin could be administered, not handed out, to confirmed heroin addicts on the educated, experienced judgment of physicians. This would substantially reduce crime, the role of the commercial peddler, and the likelihood of peddlers attempting to hook our youth.

CONCLUSION

The reader will perceive that we make no cut-and-dried recommendation. We have pointed up the problem and delineated the choices. We have done all we can if this Report opens up thoughtful debate.

MINORITY REPORT

We do not agree with the Report or recommendations of the Committee majority on Dangerous Drugs and Narcotics. We regret that the Committee issued an opinion and recommendations on this subject—a subject we believe deserving of more careful study and evaluation than the Committee gave to it. Our brief comments concerning the recommendations on marihuana illustrate our disagreement. We deem fallacious the Committee's argument that because there is a conflict of opinion as to whether the use and possession of a "small" amount of marihuana by adults and the sale of it to them is harmful to society, therefore the existing laws should be repealed and such use, possession and sale should be legalized.

To the contrary, we believe that just because there is such a sharp conflict of opinions on such a serious subject, the total reversal of the present laws without further study would be misleading and do disservice to the community. Based upon the small amount of evidence presented to the Committee, it appeared that there were two completely conflicting views. One view was that marihuana is not one of the causes of crime and violence nor does it lead to the use of addicting drugs, particularly heroin. The other point of view was exactly to the contrary. The proponents of neither point of view could point to any evidence by way of scientific study, research, available statistics or opinion of so-called experts in the field which could in any way be deemed to be substantially in support of their particular point of view. We, the minority of the Committee, are not necessarily in agreement with the existing laws and procedures which may be too punitive with respect to adults who use or possess small amounts of marihuana. However, we cannot accept the principle that because present laws may be too harsh they should be repealed in their entirety as to the class of adults affected by the majority recommendation.

Such repeal at this time would suggest, despite any disclaimers, that the Committee after careful study recommends that society sanction the use of marihuana as medically and socially acceptable. We would then be making a positive educational statement about marihuana use which our study does not warrant. The minority believes that the entire problem deserves much more careful and considerable consideration than this Committee has given to the issues and that until more substantial evidence has been presented supporting the view that legalized use and possession of marihuana by adults will be relatively harmless, the recommendations of the Committee majority are misleading and should not be adopted.

That the conflict of views results in what the majority term a "Scotch (inconclusive) Verdict" does not necessarily justify the jump to the conclusion that existing laws should be repealed and use and possession by adults should be legalized. Legalization should only follow the positive verdict of the scientific community that the bases upon which the laws are founded are proven to be wrong. Short of that proof, consideration should be given to moderation of the laws and changes in the procedures of handling drug abuse victims so that those laws will be helpful rather than punitive with respect to users. All of the laws relating to Dangerous Drugs and Narcotics are presently under intensive study in many places.

The following members of the Committee concur with the above:

*Alessandro Baccari
*Gene N. Connell
*Dr. Leon J. Epstein
**Reverend Albert R. Jonsen, S. J.
Samuel Ladar
*Lawrence R. Lawson
*William Osterloh
*Mrs. Becky Schettler
*Zeppelin W. Wong

SUPPLEMENTAL MINORITY REPORT

In addition to my agreement with the minority report concerning marijuana, I should like to add the following supplemental comments:

For most persons, for most varieties of the substance generally used in this country, and for most situations, the occasional use of marijuana has not proven injurious. One simply cannot deny the fact, however, that for certain people, in certain situations, and in certain dosages, marijuana is indeed a harmful substance. There are ample data which demonstrate that there can be behavioral toxicity with marijuana which may include impaired thinking and judgment, slowed motor responses, and with potent material, psychotic reactions. As with LSD, opiates, amphetamines, and cocaine, the important and meaningful hazards are in the area of behavioral, rather than tissue, toxicity.

Although the recommendation for legalization of marijuana is certainly not an endorsement of its use, and this was clearly not the intention of those who have endorsed the majority report, many would at least interpret this as an endorsement. In the current complex society, where individual citizens do not possess the technical information or the machinery to reach an informed opinion about the hazards, risks and dangers relative to the toxicity of chemical agents, they increasingly look to their government for protection, whether in canned tuna, sugar substitutes, or other substances. We must, therefore, beware of misleading many of the great majority of Americans who have not experimented with marijuana because they believe it to be unsafe in the light of current restrictions.

It is of importance, also, for one to be aware that experience in this country with marijuana is rather limited to about a five year period of its wide usage, and to relatively low dosages of weak material. We must not dismiss reports and studies from other countries because they are not consistent with our own data. More conclusive data should be obtained before recommending the changes suggested in the majority report, data which may need several more years to accumulate. This is important because should deleterious chronic effects appear after marijuana is legalized, it will be exceedingly difficult to reverse either the trend of wider usage or government policy. This would surely suggest caution in recommending the legalization of marijuana. Also suggestive of caution is the fact that there are data which suggest that the current extensive use of marijuana may be a fad which will ultimately go the way of other transient fads and premature legalization may interfere with this natural process.

There is frequently expressed conviction that marijuana restrictions tend to criminalize youth. It is a fact, however, that certain other laws such as parking, speeding, and other traffic laws, are very often violated and often both inconsistently and irrationally enforced. These traffic laws nevertheless serve a very useful social purpose. Marijuana restrictions probably act as a deterrant much as do the traffic laws, and both may well have desirable effects on the behavior of many individuals.

Certain aspects of the present marijuana laws do, however, appear unreasonable. This is particularly true for the severity of punishment for such offenses as the possession of small amounts of the substance. Among other questionable issues is that of the selective enforcement of laws concerning mari-

Footnotes at end of article.

*Dissenting only on marijuana section of Report.
**Not participating on heroin section of Report.

juana which results in far greater arrest frequency within certain age and socio economic groups. The net effect of such issues in the light of our present knowledge is not, however, sufficient at this time to recommend its legalization, as recommended in the majority report.

FOOTNOTES

[1] California Bureau of Criminal Statistics, *Drug Arrests and Dispositions, 1969*, p. 1.

[2] United States Department of Health, Education and Welfare, a Report to Congress: *Marihuana and Health*, Jan. 31, 1971, pp. 35–38.

[3] John Kaplan, *Marijuana, The New Prohibition*, World Publishing Co., 1970, p. 29.

[4] California Bureau of Criminal Statistics, *Crime and Arrests, Reference Tables, 1969*, Table II, p. 22; *Drug Arrests and Disposition In California*, Reference Tables 1969, Table IV, p. 9.

[5] This figure was computed by Mr. Bruce Johnson, a sociologist at the University of California at Berkeley, in connection with a study of felony release rates prepared for the Crime Committee in December, 1970. Mr. Johnson's source data consisted of Monthly Adult Felony Arrest Reports submitted by the San Francisco Police Department to the California Bureau of Criminal Statistics.

[6] See Sec. 17 Penal Code, as amended, Sec. 11530 H. & S. Code.

[7] Based on all cases filed in Municipal Court Departments 9 and 10, January 1, 1971–May 1, 1971.

[8] Because of correct pronunciation of this Mexican word, its spelling is sometimes anglicized as "marihuana," as in the Report of the U.S. Department of Health, Education and Welfare.

[9] U.S. Department of Health, Education and Welfare, *Marihuana and Health*, a Report from the Secretary to Congress, January 31, 1971.

[10] Lester Grinspoon, M.D., *Marijuana Reconsidered* (Harvard University Press, 1971).

[11] *H.E.W. Report*, p. 10.

[12] *Id.* at p. 16.

[13] *Id.* at p. 11.

[14] Grinspoon, pp. 25, 26.

[15] John Kaplan, "Marijuana" *supra*, note 3, contains a convenient portrayal of these consequences. While we do not agree with all of Professor Kaplan's book, there is much useful material in it.

[15a] Kaplan, *supra*, p. 42.

[16] San Francisco Police Department, *Annual Report, 1969*, p. 173. The common practice of reducing a charge of felony possession to "visiting a place," a misdemeanor, has since become infrequent, because state law was amended in 1969 to permit charging possession of marijuana as a misdemeanor. See Sec. 17 P.C.

[17] Source: List of Cases Pending, prepared by the San Francisco District Attorney's Office. In addition, there were 56 pending cases in which a marijuana charge was joined with other felonies.

[18] California Bureau of Criminal Statistics, *Felony Arrest Dispositions in San Francisco, 1969*, Table 2.

[19] California Bureau of Criminal Statistics, *Drug Arrests and Dispositions in California:* Reference Tables, 1969, Table 33, p. 33.

[20] Between 9 and 11 police officers are also assigned to the laboratory's "mobile units," which travel to the scene of crimes and collect evidence.

[21] From 30,919 actual Part I offenses in 1960 to 83,481 in 1970. San Francisco Police Department, *Annual Report*, for years indicated.

[22] *Id.* A case is "cleared" when the police believe that it is "solved," either by arrest, by the death of a known suspect, by a discovery that the reported crime did not, in fact, take place, etc.

[23] Addictive narcotic drugs pose a unique problem. Whether society should engage in the traffic of that peculiar evil is discussed later in this Report.

[24] A study of 435 patients at the Haight-Ashbury Free Clinic, surveyed between November, 1969, and May, 1970, revealed that 47% had a habit costing less than $50 per day, while 38.2% had habits costing between $50 and $100 per day. About 15% of these patients had habits in excess of $100. See: Gay, Bathurst, Matzger, and Smith, *Short Term Heroin Detoxification on an Outpatient Basis*, Haight-Ashbury Free Clinic, 1970.

[25] Conducted during May, 1971.

[26] 10 and 11 Geo. 5, c. 46 (1920).

[27] This history is found in Lindesmith, "The British System of Narcotics Control," 22 *Law and Contemporary Problems*, 140 (1957).

[28] Report of the Departmental Committee on Morphine and Heroin Addiction, Ministry of Health, United Kingdom, (1926).

[29] Second Report on the Interdepartmental Committee, Ministry of Health, United Kingdom, "Drug Addiction in the United Kingdom," in *Bulletin on Narcotics*, Vol. XVIII, April–June, 1966, p. 27.

[30] See: "Drug Addicts," in *Lancet*, Aug. 9, 1969, p. 332.

[31] See: "Drug Addicts," in *Lancet*, Dec. 28, 1968, p. 1398.

[32] One-fourth of all addicts recorded for the first time in Britain between 1960 and 1964 were *not* British citizens. See: Bewley, T., "Recent Changes in the Pattern of Drug Abuse in the United Kingdom," in *Bulletin on Narcotics*, Oct.–Dec., 1966, p. 4.

[33] Lieberman & Blain, "The British System of Drug Control," in *Drug Dependence*, March, 1970, p. 12.

[34] The City runs four methadone clinics, serving about 260 patients. Another clinic is sponsored by Fort Help, a private organization. The Fort Help methadone program currently serves about 135 patients.

[35] *Robinson v. California*, 370 U.S. 660 (1962).

[36] For an analysis of the C.R.C. commitment, see Appendix B.

[37] See Secs. 3050, 3051 W. & I. Code.

[38] See Kramer and Bass, *Institutionalization Patterns Among Civilly Committed Addicts*, 208 Jour. Am. Med. Assoc. 2297, 2300 (July 1969).

[39] We call attention to our discussion of this subject in the Fifth Report of this Committee on "Bail and O.R. Release."

Mr. PERCY. Mr. President, I am happy now to yield 5 minutes to the Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. I thank the Senator from Illinois very much.

Mr. President, first, I wish to associate myself with the fine things said about all the members of both committees by the Senator from Illinois and the Senator from Connecticut.

Let me say that I like so much working with the chairman of the Alcoholism and Narcotics Subcommittee, the Senator from Iowa (Mr. HUGHES), who has dedicated himself in an unparalleled way to seeking solutions to the problem of drug abuse.

The Senator from Illinois is not only the acting ranking member of the Government Operations Committee but he threw himself into the struggle with great energy and characteristic skill. His State of Illinois has given us the individual who turned out to be the fulcrum on which all the efforts included in the bill crystallized, and that is Dr. Jerome Jaffe whom President Nixon appointed to be his special White House consultant on this subject, and who, I am confident, will be nominated as Director of the Special Action Office on Drug Abuse, provided for in this bill.

Mr. President, I strongly support the "Drug Abuse Office, Control and Treatment Act of 1971 (S. 2097). I am pleased to have played an active role—in both the Government Operations and the Labor and Public Welfare Committees, which developed this landmark legislation in cooperation with the administration.

Year after year, I have been concerned with the magnitude of a drug problem which has bled us of the resources and spirit of so many of our young people. It is really almost a cliché to continue to point to that cost—particularly in my own city of New York—in terms of broken lives, estranged parents and children and lost opportunities. The demonstrable relationship between narcotics addiction and the incidence of serious crime is beyond dispute. In toto, the problem constitutes one of the most pervasive tragedies of our time.

For years also, the emphasis and focus of the Federal effort in the drug abuse field has been wrong. The result has been a consistent pattern of inconclusive results, despite the good will and determination of many dedicated Federal, State and local officials.

Law enforcement, treatment, research, education, and prevention programs have been in disarray and have had an insubstantial total impact on the problem. The effort has been without a clear and precise focus, founded on attainable and coordinated objectives.

It has been without a strong and visible institutional mechanism for establishing national policies on drug abuse—and capable of influencing real change at the State and local level.

It has been without adequate research efforts in all aspects of the drug abuse field. In the critical areas of drug use and dissemination patterns, and trafficking, we know painfully little.

It has been without the substantial new Federal funding support which is absolutely essential to any serious effort to begin to have an impact on the problem.

It has been without an effective evaluation system, so that we might really know how effective the many different Federal and federally supported programs are, both in the area of treatment and law enforcement.

This comprehensive bill which calls for a long overdue Federal attack on the critical national drug problem represents a triumph of bipartisanship, incorporating the best provisions of the administration's drug bill, S. 2097, and similar bills introduced by other Senators.

Under the leadership of the distinguished chairman of the Government Operations Committee, Senator MCCLELLAN, and Senators PERCY, GURNEY, RIBICOFF, and MUSKIE and the distinguished

chairman of the Labor and Public Welfare Committee, Senator WILLIAMS, and its Alcoholism and Narcotics Subcommittee chairman, Senator HUGHES, many difficult issues were worked out, and an excellent bill was reported to the Senate.

The largest single obstacle to the achievement of an intelligent, coordinated, and consistent drug policy at the national level has been the fragmentation of effort in drug abuse control among so many Federal and local agencies, each of them jealously guarding its independent prerogative and authority. The bill addresses that problem forthrightly and directly.

The bill provides, first, that the President, acting through a strategy council composed of the Director of the Special Action Office, the Attorney General, the Secretary of HEW, the Secretary of Defense, and others, would develop a comprehensive, coordinated long-term Federal strategy for all drug abuse programs and activities conducted or supported by the Federal Government. The strategy would consist of a complete analysis of the present drug problem, a detailed comprehensive Federal plan for combating it, and an evaluation of programs carried out to date, and would be promulgated annually.

Second, a Special Action Office for Drug Abuse Prevention would be established in the Office of the President. The office would be headed by a Director—who will be Dr. Jerome Jaffe, an extremely well-qualified man—to provide overall planning and policy and establish objectives and priorities for all Federal education, training, treatment, rehabilitation, and research programs. Such programs in the Departments of Health, Education, and Welfare, Justice, OEO, Veterans' Administration, State Department, Civil Service Commission, and the Defense Department would thus come within this purview. It also allows the Special Action Office Director to make recommendations and consult with all departments concerning national and international control programs.

Third, the bill establishes a National Institute on Drug Abuse within the National Institute of Mental Health of HEW. The institute would administer ongoing drug programs, in accordance with the policies, priorities, and objectives of the Special Action Office Director, thus acting as his implementing arm, as well as two new grant programs created by the act:

A. A formula grant program to aid States in planning, establishing, maintaining, coordinating, and evaluating projects for the development of drug abuse prevention and treatment programs. Appropriated funds would be allotted among the States on the basis of a formula which would take account of the State's population, financial needs, and need for prevention and treatment programs.

B. A special emphasis grant program, which would authorize grants or contracts for projects and activities of special importance. Such activities would include training seminars and educational programs for employees in the private and public sectors; vocational rehabilitation counseling, education and services for persons in treatment and rehabilitation programs; model and experimental treatment and rehabilitation programs within State and local criminal justice systems; multidisciplinary groups to analyze drug problems in specific areas and propose and implement solutions to such problems; research grants to discover, develop, or improve substances or techniques for using substances in the prevention and treatment of drug abuse; and model and experimental drug abuse prevention and treatment programs.

Fourth, require the Veterans' Administration to furnish treatment and rehabilitation services for drug dependence, and require the Civil Service Commission to establish drug abuse prevention and treatment programs for Federal civilian employees, thus assuring treatment as a health problem.

I would commend to the attention of my colleagues the careful examination which the committee gave to its determination of the authorization levels in the bill for the new formula and special emphasis grant programs. The committee was deeply concerned about the need for adequate funding of all types of drug abuse prevention, treatment, and rehabilitation programs and recognized that in one facet of the drug abuse problem, the treatment of heroin addiction, the range of costs vary with the treatment modality—whether methadone maintenance programs, methadone maintenance with ancillary services, drug-free programs, including therapeutic communities, ambulatory care, or correctional institution programs—and the possibility that, if any or all of these programs were more effectively organized and operated, their respective costs for treatment could be substantially reduced from the best estimates available to the committee.

The committee, in determining authorization levels, utilized computer technology in determining the cost factor for the treatment of heroin addicts. It first made certain assumptions regarding the total number of addicts in treatment over the life of the bill and the percentages of those addicts in voluntary care—with different modalities of treatment being provided at different reasonable estimated cost levels, for example, ambulatory care, residential care, and acute care. It then factored in the number of addicts in involuntary commitment, from civil commitment to incarceration, also providing different treatment programs at different cost levels. In addition, the authorization levels provided for in this legislation take into account existing Federal funding and are not limited to treatment programs for heroin addicts but include the [illegible] of services to other drug-dependent persons and the need for prevention and research programs in this field.

Mr. President, my own city of New York is, tragically, the best reason for saying "it is high time" for this new approach. New York City is literally being suffocated by crime which is induced by narcotics addiction. We are regrettably estimated to have about one-half of the narcotics addicts in the country—about 125,000. When we recognize that the total number of addicts enrolled in all New York treatment programs is approximately 25,000 to 30,000 out of this figure, and when we realize that the addict has to steal $50 to $80 a day in order to maintain his habit, we can begin to understand why the city is suffocating in the situation.

One thing that the Senate should note is that we are bereft of adequate research to find a suitable antagonist for heroin so that we can repel the drug and effect a cure.

Because of the bankruptcy of a cure at this time, it would appear that the most effective interim course would be to have some substitute for heroin itself, and they find that methadone maintenance has great merit, and is coming into wider focus.

We find in New York City that there are some 18,000 individuals in all forms of treatment under a citywide census which we have just taken. This is outside the voluntary organization treatment, and some treatment by the State of New York. Of these 18,000, over half are on methadone. The remainder are on drug-free programs. Yet we have an estimate of 15,000 addicts waiting for the methadone treatment, which is almost unforgivable considering the crime generated by their continuing addiction to heroin.

I think we are on the threshold, because of this landmark legislation, of a breakthrough in one of the most critical social and medical problems which our country has ever known.

Mr. President, I again want to pay special tribute to Dr. Jaffe, and also to the Senator from Iowa (Mr. HUGHES), the Senator from Illinois (Mr. PERCY), and the Senator from Connecticut (Mr. RIBICOFF), the Senator from Maine (Mr. MUSKIE) and others on both committees who worked on this legislation. We have actually computerized the authorization estimates, based on scientific criteria.

As I have indicated, these authorizations are not extrapolated from the hearings. They are not picked out of the air. They are the computerized product of a series of assumptions, soundly based on factual and scientific information.

These postulates I will introduce into the RECORD because every member should see them, especially members of the Appropriations Committee. Mr. President, we have a table showing exactly how many addicts we expect to treat, and what the costs would be for the treatment.

[Dollars in millions]

Year	Number of addicts in treatment	Total cost
1972	60,000	$156
1973	90,000	236
1974	120,000	315
1975	180,000	473
1976	250,000	657

In my judgment it is one of the finest and most scientific jobs ever done in presenting an authorization to the Congress. It shows a respect for the Senate which is very hard to duplicate. These authorizations are very soundly shaped. We will have a right to fight for every dollar of appropriation money because they are really based on criteria which deserve respect and deserve to be followed.

For all of these reasons, I consider this bill to be a landmark breakthrough, a triumph of bipartisanship, and a triumph of the scientific approach to the authorization process in legislation.

Financial resources while vital cannot alone solve the drug abuse problem. We need the coordinated Federal response, provided for by this bill, if we are to maximize the impact of the substantial resources we are investing in the solution to this problem. S. 2097, a bill of many authors, is a practical, basic blueprint to catalyze the existing fragmented proliferation of drug abuse programs. I urge its passage. To enact this legislation, is to insure that our Nation will have a more unified, better coordinated attack on the drug problem which so tragically afflicts so many of America's young people.

Mr. HUGHES. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

PRIVILEGE OF THE FLOOR

Mr. HUGHES. Mr. President, I ask unanimous consent that Mr. Steve Wexler of the staff of the Labor and Public Welfare Committee be granted the privilege of the floor during the debate on the bill.

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

Mr. HUGHES. Mr. President, the bill we are considering at this time is of landmark significance to our national effort for the control of drug abuse and narcotic addiction in the United States.

The Drug Abuse Office and Treatment Act has had an interesting journey thus far in the Senate. It was introduced by Senator PERCY on June 18 of this year and then referred to the Government Operations Committee, chaired by Senator MCCLELLAN. There it was considered by two different subcommittees—Senator MUSKIE's Subcommittee on Intergovernmental Relations and Senator RIBICOFF's Subcommittee on Executive Reorganization.

On November 17, the bill was reported out of the Government Operations Committee with substitute amendments contained in titles I to III. These titles include provisions for the setting up of the special action office in the White House and for the development of a comprehensive, long term national drug abuse strategy.

The bill was then referred to the Labor and Public Welfare Committee, chaired by Senator WILLIAMS, in accordance with a previous unanimous consent agreement of the Senate. In that committee, it received consideration by the Subcommittee on Alcoholism and Narcotics, of which I am chairman, and of the full committee. As a result of those deliberations, the Labor and Public Welfare Committee has recommended that amendments be made adding titles IV through VIII to the titles reported by Government Operations Committee. The amendments have now been agreed to.

The preliminary work in developing this comprehensive, compromise drug legislation was marked by a bipartisan legislative and legislative-executive cooperation exceeding anything I have seen before in this field. The subcommittees maintained very close communications during every phase of the bill's consideration, and each subcommittee and committee had considerable impact on the titles reported by the other. I believe this has resulted in an unusually strong compromise bill in a sensitive and controversial problem area.

I shall be happy to direct myself particularly to titles IV–VIII of the bill in the event that there are questions regarding these titles. This is the section that our drug subcommittee and the Labor and Public Welfare Committee worked on the most closely. My colleagues will recall that provisions of these later titles are quite similar to provisions which already passed the Senate twice last year, but were not accepted by the House because that body had not yet had time to hold hearings on them.

This legislation really can be held up as an example of what can be done with committees of Congress and the White House and their staff working together. Much work has been done by each individual Senator and each individual committee and the staff as a whole, and we have brought to the floor the product of their long study, and deliberations.

My comments on the bill at this time will be brief and general in the interests of conserving the time of the Senate. For the benefit of those colleagues who would like more detailed information concerning the titles of the legislation with which the Labor and Public Welfare Committee was most specifically concerned, however, I would like to ask unanimous consent that a summary of the legislation and excerpts of the Labor and Public Welfare Committee's report on the bill be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. HUGHES. At the outset I want to give appropriate credit to the Senators responsible for this outstanding bipartisan effort that involved countless hours of patient and skillful negotiating between the various parties with special interests in the bill. That a constructive compromise of this caliber could be reached reflects credit on the White House and on a number of key Senators, including Senators PERCY, JAVITS, RIBICOFF, MUSKIE, PACKWOOD, GURNEY, and others. The chairmen of the Government Operations Committee and the Labor and Public Welfare Committee, Senators MCCLELLAN and WILLIAMS, were closely involved with the legislation, too, and were responsible for speeding its passage through their respective committees. As one who was immersed in the effort to develop comprehensive drug legislation over a period of 3 years, I have been greatly reassured that this level of bipartisan cooperation could be reached in such a sensitive and explosively controversial area.

Mr. President, I believe this legislation is most significant because of the commitment it embodies, on the part of the Congress and the executive branch together, to the national effort to prevent drug abuse and to treat and rehabilitate its victims, rather than just to punish them. Those most knowledgeable in the drug field have long pointed out that to make any real progress in drug abuse control, we must get at the problem at its source—the illness, the addiction itself.

This approach does not, in any sense, contradict the need for strict, enforceable laws and efficient law enforcement. But it has not always been understood how a health-oriented approach to the drug problem can diminish crime, as well as save human lives. The majority of drug dependent persons who resort to criminal acts do so to get money to feed their uncontrollable drug-craving, and not because they were criminally inclined to begin with. As we know, over 50 percent of the populations of our big city jails are drug dependents. But if all we do is to send the narcotic addict to jail, he will eventually be released, uncured, and in most instances will go back to a life of crime to support the costly addiction from which he cannot escape without help. It is estimated that from 70 to 90 percent of the addicts who are placed in our big city jails are back again within a year.

From a very practical standpoint, the old system of treating drug addicts as criminals, rather than sick people, has failed to curb the rising tide of crimes in which drugs are involved.

It is time to try a new approach—a massive, national effort to control the demand for illicit drugs, as well as to suppress the supply to the best of our ability.

I believe the passage of the legislation we are considering today will be a significant force in reducing crime as well as in redeeming human lives.

In the past 3 years, the Subcommittee on Alcoholism and Narcotics has found that one of the most critical needs was for a coordinated, long-term Federal drug policy—a need that is met by the proposed legislation we are considering.

The bill sets up mechanisms on two levels to deal with the present lack of coordination. First, it would estabish a National Drug Strategy Council to develop a complete analysis of the present U.S. drug problem, to work out a detailed comprehensive Federal plan for combating it, and to appraise the various drug programs carried out to date.

The strategy must be promulgated by the President once a year. In the past, our law enforcement efforts in the drug field have too often been at cross pur-

poses with our health efforts. There have been cross currents between Justice and Health, Education, and Welfare, within the Department of Defense, and between other Government departments. It is little wonder that the general public has been so confused.

The strategy provisions in the proposed bill are designed to minimize these differences within the various governmental departments.

Second, the proposed bill would give the Director of the Special Action Office the authority to establish overall planning and policy, and set priorities for all Federal drug abuse programs and activities relating to training, treatment, education, rehabilitation, and research. This should bring a consistency of purpose in our overall national policy and eliminate much of the overlapping of jurisdictions and bureaucratic infighting that presently exist in connection with our Federal drug control efforts.

The legislation before us, Mr. President, also makes a commitment to assist in funding State and local prevention and treatment programs on a scale and scope never before embodied in Federal law. The bill elevates the National Institute of Mental Health drug program to Institute status and broadens its mandate from a narrow, psychiatric approach to a broad responsibility "to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines."

It establishes a formula grant program to aid States in planning, establishing, maintaining, coordinating, and evaluating projects for the development of drug abuse prevention and treatment programs. A total of $180 million is authorized for these programs over the 5-year authorization period.

The proposed legislation also establishes a special emphasis grant program which would authorize grants to or contracts with public or private agencies outside of the Government. Such activities would include training seminars and educational programs for public and private employees; vocational rehabilitation counseling; model programs within State and local criminal justice systems; and research grants to discover or improve substances and techniques for use in drug abuse control. Approximately $1.3 billion would be authorized for these programs over the 5-year authorization period.

Finally, the proposed legislation contains provisions which will assure prevention and treatment services to those persons to whom the Federal Government owes special obligations—veterans and Federal employees. The bill provides that veterans are entitled to receive treatment and rehabilitation services for drug dependency irrespective of the terms of their discharge. It also requires the Civil Service Commission to establish drug abuse and treatment programs for Federal civilian employees.

There can be no doubt, I am convinced, that there is overwhelming public support for providing our veterans with drug treatment services, especially since a significant percentage of those veterans who are on drugs became involved with the habit in the armed services, particularly Vietnam.

With regard to drug control programs among employees, it is worth noting that the Federal Government has for years been encouraging private businesses to install such programs. At the same time, the Federal Government has not taken action to establish such programs within its own vast employment establishment.

As I have been saying for years, it seems self-evident to me that the Federal Government has an obligation to lead the way—to create a Federal employee drug control program that will serve as a model for organizations in the private sector and for our various State governments.

The Drug Abuse Office and Treatment Act, Mr. President, meets this longstanding need, as well as the many others that have been cited. The proposed legislation represents the thinking of ranking authorities in the drug field; literally hundreds of hours of committee deliberations and hearings; and a reasonably worked out bipartisan meeting of minds.

For these reasons, I am pleased to speak in favor of the legislation before us and urge my colleagues on both sides of the aisle to vote for its passage.

Mr. President, I think it is imperative that at this hour, this late hour in this particular year, that this body support this bill—hopefully with a unanimous vote to show to the Nation that the cooperation in the Federal system, both in the legislative and executive branches of Government, is such that when we face a critical problem—as we are facing in drug abuse and drug dependence in America—that we have the ability to drop our partisanship, and, in spite of strong differences, to work out compromises that are reasonable. By doing this, by setting up agencies that can coordinate our efforts in the future, making sure that the funds are distributed to all levels of Government as well as to private agencies, we can reach into every small town community in rural America and in our major cities.

This measure is aimed at prevention as well as at treatment and rehabilitation. It is directed toward the veterans of our Armed Forces, and it is directed toward Federal Civil Service employees. With this comprehensive approach, Mr. President, I believe that the Federal Government is finally meeting a commitment that it should have made a long time ago. As we have been learning in America, so have we also been learning in Congress, that it is essential to recognize the value and the dignity of the drug dependent individual, that simple punitive actions do not stop the growth of drug dependence. Punitive actions in many instances may be necessary, but if we are ever to bring an end to this disease, that is ravaging America today, it is going to be by facing this particular problem as a health problem, as a disease, as an illness, that permeates our society and then getting to the reasons behind the disease, so that it can hopefully be eliminated in the majority.

This is a day in which I take great pride, because this legislation represents, I believe, a masterpiece of work by many different people who have been deeply involved for a long period of time. I think, as has been stated by all of the other distinguished Members of this body of today, that it holds out a ray of hope that we are finally beginning to face up to this malignancy that has been eating at the core of America.

Mr. President, I am pleased to have this opportunity to recommend to those colleagues who are not already cosponsors of the legislation—and I think it should be pointed out that the majority of the Senate are now included in the cosponsors—that they support this matter today.

EXHIBIT 1

SUMMARY OF COMPROMISE DRUG BILL

The compromise bill would

Require the President, acting through a Strategy Council composed of the Director of the Special Action Office, the Attorney General, the Secretary of HEW, the Secretary of Defense, the Administrator of the V.A., and others, to develop a comprehensive, coordinated long term Federal strategy for all drug abuse programs and activities conducted or supported by the Federal Government. The strategy would consist of a complete analysis of the present drug problem, a detailed comprehensive Federal plan for combatting it, and an evaluation of programs carried out to date, and would be promulgated annually.

Establish a Special Action Office for Drug Abuse Prevention in the Office of the President. The office would be headed by a Director, who will have authority to provide overall planning and policy and establish objectives and priorities for all Federal education, training, treatment, rehabilitation and research programs. Programs in the Department of HEW, OEO, Justice, Veterans' Administration, State Department, Civil Service and DoD would thus come within his purview. It also allows him to make recommendations and consult with all departments concerning national and international control programs.

Establish a National Institute on Drug Abuse within the National Institute of Mental Health of HEW. The Institute would administer drug programs now administered through NIMH as well as two new grant programs created by the act:

1. A formula grant program to aid States in planning, establishing, maintaining, coordinating, and evaluating projects for the development of drug abuse prevention and treatment programs. Appropriated funds would be allotted among the States on the basis of a formula which would take account of the State's population, financial need, and need for prevention and treatment programs. The following amounts would be authorized to be appropriated: $15 million for fiscal year 1972; $30 million for fiscal year 1973; $40 million for fiscal year 1974; $45 million for fiscal year 1975, and $50 million for fiscal year 1976.

2. A Special Emphasis grant program, which would authorize grants to or contracts with public and private agencies, organizations, institutions and individuals for projects and activities of special importance. Such activites would include training seminars and educational programs for employees in the private and public sectors; vocational

rehabilitation counseling, education and services for persons in treatment and rehabilitation programs; model and experimental treatment and rehabilitation programs within State and local criminal justice systems; multidisciplinary groups to analyze drug problems in specific areas and propose and implement solutions to such problems; research grants to discover, develop, or improve substances or techniques for using substances in the prevention and treatment of drug abuse; and model and experimental drug abuse prevention and treatment programs. The following amounts would be authorized to be appropriated: $65 million for fiscal year 1972; $170 million for fiscal year 1973; $260 million for fiscal year 1974; $400 million for fiscal year 1975 and $450 million for fiscal year 1976.

Require the Veterans' Administration to furnish treatment and rehabilitation services for drug dependence, without regard to the type of discharge a veteran has received.

Require the Civil Service Commission to establish drug abuse prevention and treatment programs for Federal civilian employees, treating drug dependent persons the same as other persons with serious health problems.

Provide for a Special Fund from which the Director of the Special Action Office could allocate money to any Federal department or agency to 1) develop and demonstrate promising new drug programs and activities or 2) supplement and expand existing drug abuse programs and activities. The director could use 10% of the fund himself to develop and demonstrate new approaches, techniques, and methods to combat drug abuse.

Provide that drug abusers who are suffering from emergency medical conditions should not be refused admission or treatment by any public or private general hospital which receives support from Federal funds. Hospitals violating such provision could lose Federal funds under a procedure set out in the Act.

Establish a 15-member council to advise, consult with, serve as a sounding board for and make recommendations to the Secretary of HEW concerning matters relating to the Secretary's functions in the field of drug abuse.

[In the 92d Cong., First Sess., excerpt from S. Rept. No. 92–509]

REPORT ON DRUG ABUSE OFFICE AND TREATMENT ACT OF 1971

INTRODUCTION

S. 2097 was introduced in the Senate on June 18, 1971. The bill was referred to the Committee on Government Operations with the understanding that, upon being reported from that committee, it would then be referred to the Committee on Labor and Public Welfare for this committee's additional consideration. Since that time, both committees have maintained extremely close communications concerning the legislation. Each committee has had considerable impact upon the titles reported by the other.

The Committee on Government Operations modified the original S. 2097 and reported it to the Senate on November 17, 1971 (Rept. No. 92–486) in a form nearly identical to titles I–III of the bill here being reported. Although this committee has jurisdiction over certain aspects of those titles, it felt that they were largely excellent in the form reported by the Committee on Government Operations and were not in need of substantial modification. Pursuant to its jurisdictional authority and communications with the Committee on Government Operations, however, the Labor and Public Welfare Committee does recommend the addition of titles IV through VIII to the bill which was referred to it as well as several changes, largely technical in nature, to the earlier titles of the bill. It should be mentioned, however, that the Committee understands that under title I and title II of this legislation, no authority is vested in the Director of the Special Action Office to transfer money from one program to another or to directly operate presently existing programs, or to replace the leadership of on-going programs, except to the extent that such authority is already legally vested in the Office of Management and Budget or provided for in the reorganization authority of Sec. 206(a) of the proposed legislation.

Because the provisons of titles I through III of the bill here reported are adequately discussed in the report of the Committee on Government Operations, this report will primarily discuss the subsequent titles added by the action of this committee.

SUMMARY

Titles IV through VIII of S. 2097 will strengthen and improve the administrative structure within the Department of Health, Education, and Welfare through which the Secretary is responsible for delivering a broad range of coordinated drug abuse prevention, treatment, and rehabilitation services. The titles establish a National Institute on Drug Abuse within the National Institute of Mental Health to administer certain authorities assigned to the Secretary of Health, Education, and Welfare under present law and under provisions of this act. They require the Secretary to establish a clear, written plan for coordinating all drug abuse prevention, treatment, and rehabilitation programs within his Department.

In addition, the titles provide for extensive new Federal assistance to promote and improve the development of State and local drug abuse prevention, treatment, and rehabilitation programs. They require that all existing Federal legislation in health education, rehabilitation, and other areas be utilized to reduce the incidence of drug abuse and drug dependence throughout the Nation. They establish a National Advisory Council on Drug Abuse to advise, consult with, serve as a sounding board for, and make recommendations to the Secretary of HEW concerning matters relating to the Secretary's functions in the drug abuse field.

THE NEED FOR COMPREHENSIVE FEDERAL LEGISLATION

No one can any longer question the deep and pervasive seriousness of the drug abuse problem in this country. It has progressed from a small matter of law enforcement to a massive problem that requires a concerted and coordinated national effort combining all of our resources for prevention, education, research, treatment, and rehabilitation.

The statistics on the abuse of and dependance on a variety of controlled drugs are appalling. And virtually everyone agrees that they understate the nature and extent of the problem.

The illicit use of heroin is causing the most damage to our society. There are no reliable figures on the actual number of narcotics addicts in the United States. The Department of Health, Education, and Welfare estimates that there are 250,000 addicts. Other authorities have estimated that the true number of addicts is closer to 600,000, however. In addition, a large number of persons use heroin periodically, either by itself or in combination with other illegal drugs, but have not yet become addicted. There is no reliable estimate of the total number of people who have tried heroin at least once, but it has been suggested that up to 7 percent of the schoolchildren in the New York public schools have experimented with it. Whereas formerly it was only a ghetto drug, it has been increasingly used in suburban areas and in our colleges and universities. Extensive use of the drug by numbers of our Armed Forces has served to further expand such use. There is a growing concern that this spread of the use of the drugs will continue.

It is impossible to estimate the social damage resulting from heroin. The full extent of its contribution to deterioration of individuals, families, our inner cities, and the fabric of society are not yet completely known. The primary public concern about the use of heroin is caused by fear of the crime caused by addiction. While use of heroin itself apparently does not cause criminal behavior in any physiological or psychological sense, the need to maintain an expensive habit often does. It has been estimated that between 50 and 60 percent of the inmates in our big city jails are narcotic addicts. Once they are released, there is a 70 to 90 percent chance that they will be back again within 1 year. There is evidence that up to 50 percent of property crimes in the major metropolitan areas with a serious heroin addiction problem are committed by addicts. Some experts put the amount of merchandise stolen each year by addicts to be between $1 and $2 billion. Estimates run as low as $0.25 billion and as high as $1.9 billion for such thefts in New York City alone. This represents a staggering load for our economic and social institutions to bear.

The cost in terms of crime is only the beginning of the costs society bears from the heroin problem, however. The quantifiable factors associated with narcotic abuse include costs for law enforcement, lost productivity, and welfare costs associated with broken families and unemployed abusers. Government authorities have estimated that the total of involuntary social costs of narcotic drug abuse alone amounts to $541 million per year. It is probable that the figure is far higher than that.

But the greatest price of all is the price we are paying in terms of human life—the lives of the many hundreds of thousands of narcotics addicts and other drug abusers who lead a terrified existence in the shadows of society, half alive and bereft of hope.

The abuse of depressant and stimulant drugs is more widespread than the abuse of heroin. On the basis of present information, however, the number of persons who have become dependent upon them is not known. One survey of 200 college campuses showed, however, that 18 percent of the college student bodies have tried amphetamines, and 15 percent have tried barbiturates. Information on the rest of the population is yet to be obtained.

The hallucinogens are undoubtedly the most widely used of the illegal drugs. The National Institute of Mental Health estimates that at least 15 million people have smoked marihuana at least once. A survey of college campuses showed that 47 percent of the college student body had used marihuana at least once. Another survey of a medical school showed that 44 percent of the student body smoked marihuana.

Another hallucinogen, LSD, is used far less widely. Whereas its use appeared to be disappearing a few years ago because of widespread reports of its dangers, there is now mixed evidence indicating that its use may again be increasing.

There is no evidence that the enormous amount of abuse of controlled drugs in this country is decreasing, or even leveling off. Authorities in the field indicate that it continues to increase. It has been pointed out that surveys show an even greater prevalence of drug abuse in many high schools than in our colleges. The problem, in short, is not only self-perpetuating, but because of peer-

group pressure within, our youth appears to be growing at an alarming rate.

INCREASING PUBLIC CONCERN

Until quite recently, both Federal and State efforts at controlling drug abuse and drug dependence concentrated on law enforcement techniques. Indeed, the law enforcement efforts aimed at drug abuse during the past 3 years have been the most concerted in our history. More man-hours and more trained personnel have been devoted to enforcing our laws against illegal drugs than ever before. Yet, as the statistics quoted above show, these efforts have not begun to contain the problem. In spite of the best law enforcement we can muster, illegal drugs are available in every city, in greater quantities than ever before, and at the same or even decreased prices. As the Director of the Bureau of Narcotics and Dangerous Drugs has pointed out, an effective program to control the abuse of heroin, depressants and stimulants, hallucinogens, and other controlled drugs in this country must rely strongly on methods of prevention and rehabilitation. Law enforcement, by itself, is inadequate to do the entire job.

Prevention and rehabilitation techniques, utilizing medical, social welfare, and other community resources, must therefore be mobilized to deal with these problems. In many communities, this job has not yet been started, or is in a most rudimentary stage.

Use of the same type of medical and rehabilitation techniques for drug abuse and drug dependence as are used for other public health problems has long been recognized as necessary to any effective control of drug abuse. Because drug abuse has represented a relatively insignificant problem in this country until the past few years, however, we have delayed in developing a public commitment to mount an effective program.

Throughout its history, the American Medical Association has characterized drug dependence as a disease that properly is handled through medical treatment. As early as 1925, in *Linder* v. *United States*, 268 U.S. 5 (1925), the Supreme Court recognized that narcotic addicts "are diseased and proper subjects for such treatment." In a 1950 report, the World Health Organization described the characteristics of this disease as "an overpowering desire or need (compulsion) to continue taking the drug and to obtain it by any means." In 1957, the American Medical Association issued a report describing dependence as "the development of an altered physiological state which is brought about by the repeated administration of the drug and which necessitates continued administration of the drug to prevent the appearance of the characteristic illness which is termed an abstinence syndrome," as well as a "psychological dependence" which is "related to the effects opiates create within the central nervous system," which "forces the addict to seek his drugs by any and all means. The first concern of many addicts becomes obtaining and maintaining an adequate supply of drugs."

In September, 1962, when the Supreme Court handed down its decision in *Robinson* v. *California*, 370 U.S. 660 (1962), which struck down as unconstitutional on its face a statute making narcotic addiction criminal, the Court at that time again recognized narcotic addiction as a disease, which cannot constitutionally be punished under the criminal law.

During the same month, the White House Conference on Narcotics and Drug Abuse considered the future of this country's drug abuse policy. As a result of this Conference, the President established an Advisory Commission on Narcotic and Drug Abuse, which issued its report in November 1963. The final report of the advisory commission concluded that there had never been a sustained, organized attack on drug abuse in this country. It made some 25 general recommendations, including the following: revision of the Federal narcotic laws, recognition that the legitimate medical use of narcotic drugs and medical treatment of drug dependents is primarily to be determined by the medical profession, Federal assistance to State and local governments for the establishment, maintenance, and expansion of broad treatment and rehabilitation programs, and enactment of Federal treatment legislation.

Some 3 years later, the District of Columbia and U.S. Crime Commissions also reviewed the problems of drug abuse and drug dependence, although not in as great detail as the Advisory Commission had. Both Commissions urged comprehensive treatment programs and facilities, on both a voluntary and involuntary basis, for drug dependent persons. The U.S. Crime Commission particularly recommended clarification of the status of medical treatment of addicts using narcotic drugs, and abolition of all obstacles in the way of medical and scientific research in this field.

More recently, the judiciary has again pressed for increased recognition that, as a disease, drug dependence is properly handled under medical and rehabilitation techniques. In *Powell* v. *Texas*, 392 U.S. 514 (1968), rehearing denied, 393 U.S. 898 (1968), five of the nine justices indicated that the earlier case of *Robinson* v. *California* must properly be interpreted to mean that an addict cannot be punished under the criminal law for possession and use of narcotics, since this necessarily results from the addiction itself. And in *Watson* v. *United States*, 408 F. 2d 1290 (D.C. Cir. 1968), rehearing granted en banc,—F. 2d—(D.C. Cir. 1970) (en banc), eight of nine judges indicated that, in future cases, narcotic addicts could not properly be punished under the criminal law for possession of the drugs they must necessarily use to satisfy their addiction

Congress has only recently begun to recognize the urgency of the unique health and rehabilitation problems created by drug abuse and drug dependence, and to address itself to providing appropriate legislative remedies for it.

Congressional dissatisfaction with the results of reliance primarily upon law enforcement in controlling drug abuse and drug dependence led to enactment of the Narcotic Addict Rehabilitation Act of 1966. Because that act relies primarily upon outmoded inpatient treatment, because only a limited number of persons can obtain treatment under the act, and because it has not been properly funded, the potential of this statute remains largely unrealized to date, as has most recently been pointed out in the General Accounting Office Report "Limited use of Federal Programs To Commit Narcotic Addicts For Treatment and Rehabilitation," which was issued on Sept. 20, 1971. In the recent past the rate of rehabilitation for this program has been among the lowest of any drug dependence treatment program in the country. It is hoped that recent program modifications will change that fact.

The Comprehensive Health Planning and Public Health Service Amendments of 1966, and the Partnership for Health Amendments of 1967, were intended to require the States to develop comprehensive health plans for purposes of Federal funding, but drug abuse and drug dependence were sadly neglected in these plans. Though the legislation authorizing the plans has been expanded so as to more specifically require planning and funding under those authorities, this legislation alone has proved to be inadequate as a means of combating a problem that now blankets our country.

Congress made an important initial response by enacting the Narcotic Addict Rehabilitation Amendments of 1968, which were subsequently expanded by the Community Mental Health Centers Amendments of 1970. That legislation recognized the necessity of treatment and rehabilitation for drug dependence. Although the legislation was a significant step forward, it was recognized at the time to represent only the beginning of a truly adequate legislative program which would insure comprehensive and effective community-based treatment programs at both State and local levels.

Also, in 1968 when criminal penalties were first added to the Drug Abuse Control Amendments of 1965 for possession of barbiturates, depressants, amphetamines, and hallucinogenic drugs, the Labor and Public Welfare Committee expressed strong concern about imposition of such penalties on casual distributors or youthful experimenters. In Senate Report No. 1609 (1969), for example, the committee emphasized the availability of alternatives to imprisonment, such as probation and juvenile handling, and pointed out that "indiscriminate enforcement of excessively severe drug laws increases disrespect for the law on the part of young people and tends to alienate them from society." The committee spelled out its intention that the criminal laws be used sparingly, and be reserved particularly for the large wholesalers who profit from the trafficking of dangerous drugs.

During 1969 and 1970 the administration's legislative efforts in the drug area were concentrated upon consolidating existing law enforcement legislation. When the administration's law enforcement bill, the Comprehensive Drug Abuse Prevention and Control Act, came up on the Senate floor, the substance of titles III through VIII of the legislation now being reported by this Committee, as well as certain additional provisions, were added as an amendment to that Act. That amendment was sponsored by the entire membership of the Labor and Public Welfare Committee. The provisions similar to those contained in the present titles III through VIII were rejected by the House conferees, however, because the House had not had the opportunity to hold hearings on the provisions and because the basic legislation was primarily law enforcement oriented. After the conference the Senate, determined to show its commitment to the concepts contained in the legislation, again passed the amendment, this time in the form of a separate bill, by a roll call vote of 86–0. No subsequent action was taken on the bill in the House.

During 1970, the Congress also enacted the Drug Abuse Education Act of 1970, and the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 over administration opposition. The Congress has since provided substantial funding for the programs established in those two legislative Acts.

Titles IV through VIII, together with the earlier titles of the bill being reported by this Committee, represent the type of comprehensive program which is necesary to begin to bring the Nation's drug abuse problems under control. Drug abuse is a problem of our entire society. It will take a total effort of the entire Nation, at all levels of Government, to make significant progress in controlling it. This legislation establishes, for the first time, a framework within which Federal, State, and local governments can begin to effectively utilize and strengthen their health and rehabilitation resources to bring the drug abuse problem under control. The remedy mandated by the bill is long overdue and urgently needed.

HEARINGS

The Subcommittee on Alcoholism and Narcotics of the Labor and Public Welfare Committee has held a number of hearings dealing with the extent and character of the

drug abuse problem and the steps which the Federal government might take to deal with it. General hearings were held by the Subcommittee on August 6, 7, and 8, 1969, and May 5, 6, and 7, 1971, and Oct. 1, 1971, in Washington, D.C.; on September 26, 1969, in Los Angeles, Calif.; on September 29, 1969, in Denver, Colo.; on October 2 and 4, 1969, and June 25, 1971, in New York, N.Y.; on February 14, 1970, in Des Moines, Iowa; and on January 18 and 19, 1971, in Pittsburgh, Pa., and on May 17, 1971, in Chicago, Ill.

Members of the Subcommittee also took extensive field trips on May 17, 1971, in Chicago and June 25, 1971, in New York City to see first-hand the extent of the problem in low income areas of our large cities.

Hearings on S. 1816 and S. 2608 were held in Washington, D.C. on September 18 and 19, 1969, and November 3, 1969; and in Cherry Hill, N.J., on January 26, 1970. Hearings on S. 3562 were held in Washington, D.C. on March 16, 17, 23, 24, 25, and 26, 1970, and on April 13, 14, and 15, 1970; in Winchester, Mass., on April 10, 1970; and in Lynn, Mass., on April 11, 1970. Hearings on S. 3015 and H.R. 14252 were held in Washington, D.C., on August 27, 1970. Hearings were held on S. 2217 and related bills on August 2, 4 and 5, 1971, in Washington, D.C.

Hearings on drug abuse in the military were held in Washington, D.C. on November 17 and 18, 1970, on December 2 and 3, 1970, and on June 9 and 22, 1971.

The Subcommittee has also held joint hearings with the Subcommittee on Health and Hospitals of the Senate Committee on Veterans' Affairs on June 15, 1971.

In the above mentioned hearings and field trips there has been unanimous support for the objectives and provisions contained in titles IV through VIII of the bill here being reported. The specific provisions of these titles, many of which were originally incorporated in the various bills that were the subjects of individual hearings, have been strongly endorsed by both national organizations and individual citizens interested in the prevention and treatment of drug abuse.

PROVISIONS OF THE BILL

General

Titles IV through VIII of the legislation here proposed have a number of major components which should be discussed. These titles establish a comprehensive range of administrative tools in a single, visible and broadly based Institute structure within the National Institute of Mental Health. Operating within the framework of the National strategy and the policy guidelines established by the initial titles of the proposed bill, this structure can provide a strong new vehicle for leadership and action by the Federal Government.

An effective program can be maintained only with the assistance of significant financial support from the Federal Government, however. Present Federal programs for the control and treatment of drug abuse have been assigned relatively low priority when compared to other illnesses and diseases and seen in the light of the overwhelming social impact which drug abuse has upon our society. These titles, together with the earlier provisions of the proposed legislation, provide sufficient funding authorizations to enable a program of necessary magnitude to begin immediately. It is anticipated that the program will serve as a base for an across-the-board attack upon the abuse of all controlled substances, including heroin, stimulant and depressant drugs, and hallucinogens.

Establishment of institute

The legislation establishes a National Institute on Drug Abuse within the National Institute of Mental Health of the Department of Health, Education, and Welfare. The Institute will be under the direction of an administrator who will be appointed by the Secretary of Health, Education, and Welfare and who will conduct all programs of the Institute in accordance with the policies, priorities, objectives, guidelines and, where appropriate, funding controls established by the Director of the Special Action Office. The administrator will conduct and develop comprehensive health, education, training, research, and planning programs for the prevention and treatment of drug abuse and for the rehabilitation of drug abusers. The establishment of the Institute will provide for a stronger coordinating mechanism within the Department of Health, Education, and Welfare. It will not however, change the administrative structure of the Department.

An institute will have a stature commensurate with the magnitude of the health problem with which the new entity will deal. Consequently the likelihood of obtaining the funding necessary to effectively attack drug abuse and drug dependence problems will be immeasurably increased. An institute will also have the visibility necessary to provide a strong program of public education and to develop public attention to and concern about this important health area. In addition, it will have a permanent status which will assist the development of the most qualified staff possible in the Federal Government in this area. It will provide the structure necessary to administer broad formula and project grant programs and to attract a broad cross section of individuals who are able to assist in solving problems of drug abuse and drug dependence. It will also provide a strong implementing arm for the policies, priorities, objectives, guidelines and funding controls established by the Director of the Special Action Office.

An effective program must attempt to attract a broad cross section of individuals who are able to contribute to solving the drug abuse problem. Such a cross section would include members of the medical professions, individuals interested in the sociological, organic, and chemical causes and ramifications, persons interested in practical programs of training and delivery of services, and persons skilled in research. Such a program must be directed and staffed by individuals who have the creativity and initiative to develop the widest range of activities possible; to foster and encourage Federal, State, and local initiative; and to dramatize the extraordinarily serious nature of the problems in this country. Such actions can do much to insure the delivery of prevention and rehabilitation services to those who most need them and can, in addition, greatly assist in relieving the serious funding problems which have plagued this health field. Such a program must concentrate on the delivery of prevention and rehabilitation services to the millions of Americans who are most suffering or are most likely to suffer from drug abuse or drug dependence.

It is intended that prior drug related criminal arrests or convictions should not be a bar to employment by the Institute or the programs and services which it operates or funds. It is necessary to single out drug-related offenses in this connection because of information that drug abusers and drug dependent persons have, in the past, been excluded from such employment because of their record offenses. This should not be interpreted to mean that a record of conviction for any other offense cannot properly be a bar to such employment, however.

The Institute will play a major coordinating role in the area of drug abuse and drug dependence as it will be expected to foster effective State and local programs through its review authority over State health, welfare, and rehabilitation plans submitted to the Federal Government and through the grants authorized by this bill.

Reports by the Secretary

The proposed legislation requires the Secretary to submit two reports to the Congress. The first, which is required within 90 days after the effective date of the legislation, must set out a written plan for the administration and coordination of the various drug abuse programs and projects within the Department of Health, Education, and Welfare. All such programs must comply with guidelines established by the Director of the Special Action Office. Present program guidelines must also be expanded to insure that the various programs will be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines.

In spite of official testimony to the contrary, it is clear that there is no real coordination of drug programs within the Department. Bureaucratic jealousies often appear to be the rule, and cross fertilization among various groups of professionals and paraprofessionals has not been occurring. The report required will give the Secretary and the Director of the Special Action Office sufficient notice of Congressional concern about these facts—a concern often previously expressed in hearings—to insure that remedial actions are taken. The Committee has considered moving the institute created by this legislation to a sufficiently high status within HEW to coordinate and broaden all of the drug programs within the Department. Should lack of broad participation, coordination, and openmindedness to the participation and contributions of others continue to exist, it is likely that the committee will itself take remedial organizational action through legislative means.

The second report to be submitted by the Secretary must include a description of the various existent model and experimental treatment methods, their advantages and disadvantages, and make recommendations concerning community implementation of the various treatments and rehabilitation. This information is of critical importance to communities across the nation, which are seeking guidance from the Federal government about how to best deal with their drug abuse problems. To date many communities simply lack such information.

Additional responsibilities of the Secretary

The proposed legislation specifically mandates the Secretary to carry out certain specified responsibilities because of their special importance. He must operate an information center, which can serve as an exchange point for various kinds of information concerning the drug abuse problem. He must carry out and encourage research to find a quick and reliable method for more precise detection and determination of drug levels in urine, or in the blood, or by breath, or by other means, as quickly as possible. The results of this experimentation will be published regularly. He must gather and publish uniform statistics pertaining to drug abuse, and within the policy guidance of the Director, promulgate uniform regulations for the Federal government and other public and private departments, agencies, organizations and individuals for the gathering of such data. He must also review and provide in writing an evaluation of the adequacy and appropriateness of provisions relating to drug abuse in various specified plans and programs which presently exist under Federal law. The programs created under this act clearly are not meant to reduce obligations to carry out planning and programs in the drug abuse area under already existing but more general authority. Those programs should, however, be consistent with the policy requirements of the Director and the Secretary in the drug abuse area.

Federal assistance for State and local programs

Title V of the proposed legislation provides for extensive new Federal assistance to State and local drug abuse education training, treatment, and rehabilitation efforts.

Formula grants.—Drug abuse is a national problem which does not recognize regional boundaries. The formula grant program established in the proposed legislation will make it possible for all States to stimulate programs and share in Federal financial assistance. The program provides for allotments among the States of the funds appropriated on the basis of relative population, financial need, and need for programs of education, training, treatment and rehabilitation. The Committee considers that each of these factors should be weighed equally and that the last factor—the need for the various programs—is different from the first—population. While it recognizes that population may be the best measure of the need factor at the present time, it feels that over a period of time data received from the States under administrative guidelines established by the Secretary should yield a better and workable method for measuring the need factor in the formula.

Each State must develop a drug abuse prevention and treatment plan in order to be eligible for the funds available under the program. The State plans and programs must emphasize direct services in the areas of greatest need within the State or evaluate services already being delivered.

A single agency in each State will be assigned responsibility for the administration of the State drug abuse and drug dependence program. Nothing in the Act, however, is meant to prevent a number of health or education related agencies in a State from joining together to form the "State agency" required by the proposed legislation. This agency will work in conjunction with an advisory council which will serve as a consulting body for purposes of policy formulation. The money which is made available by formula grants will be used to supplement rather than replace funds which the States would otherwise have devoted to such programs. Applications for financial assistance will be approved whenever the other requirements have been satisfactorily complied with and funds remain available in the allotment determined for the applying State.

Special emphasis prevention and treatment programs

This program is meant to make it possible for the Institute to make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to carry out programs which appear to the Committee to be of special importance but often neglected because of the dearth of funds in the drug abuse area thus far. Because of the present lack of knowledge in the drug abuse area and the inadequate creative expansion of drug programs (including therapeutic communities, methadone maintenance programs, and other treatment modalities or combinations thereof) to date, these grants and contracts, largely developmental and experimental, may prove to be the most sound Federal investment thus far in the drug area.

The program will provide funds for such activities as training seminars and educational programs for employees in the private and public sectors; vocational rehabilitation counseling, education and services for persons in treatment and rehabilitation programs; model and experimental treatment and rehabilitation programs within State and local criminal justice systems; multidisciplinary groups to determine causes of drug abuse in specific areas and prescribe and implement methods for dealing with the drug problems in such areas; research grants to discover, develop, or improve substances or techniques for using substances in the prevention and treatment of drug abuse; and model and experimental drug abuse prevention and treatment programs.

A mechanism is established for processing applications for financial assistance made by units of local government and private organizations. Applications will be channeled through the agency designated to administer the program within the State. The State agency will have an opportunity to comment upon the propriety of the particular plan under consideration, but may not prevent it from being sent to the Institute for review. The Institute will take the evaluation of the State agency into consideration, but may not discriminate in favor of a State over a local, or a public over a private applicant. Local organizations of both a public and a private character are recognized as vital for a successful rehabilitation effort. As with formula grants, the money which is made available through project grants will be used to supplement rather than replace funds which the States or localities would otherwise have devoted to such programs.

Authorizations

The Committee is deeply concerned about the need for adequate funding of all types of drug abuse prevention, treatment and rehabilitation programs. The authorization levels provided for in this legislation take into account existing Federal funding and are not limited in their scope. They are meant to include a full range of activities and services related to programs for the prevention and treatment of the abuse of any controlled substances including heroin, stimulants, depressant drugs, and hallucinogens.

The Committee in determining authorization levels utilized computer technology to determine a cost component for the treatment of heroin addicts. The factor was derived after first having made certain assumptions concerning the total number of addicts in treatment over the life of the bill and the percentages of those addicts which might then be in various kinds of care. (The various treatment modalities and types of treatment settings were projected at varying estimated participation and cost levels, e.g., ambulatory care, residential care, acute care, voluntary commitment, involuntary commitment such as civil commitment and incarceration, etc.) An additional cost factor was then added to allow for research, prevention and training activities and for treatment for the abuse of other kinds of controlled substances.

Because of its careful analysis of the cost factors and the resultant authorization levels in the bill, the Committee is deeply committed to seeing that the authorization levels in the legislation are fully funded as well as creatively utilized. It is anticipated that when the new Director of the Special Action Office for Drug Abuse Prevention appears before the Committee prior to the Senate's consideration of his confirmation, that he will be closely questioned by the Committee about his position on full funding of the legislation and the uses for which such funding will be made.

Emergency hospital treatment

The Committee continues to hear of cases in which individuals who are drug abusers are being refused emergency medical treatment by hospitals. The proposed legislation would provide that drug abusers who are suffering from emergency medical conditions shall not solely because of their drug abuse or drug dependence, be refused admission or treatment for their emergency medical condition by any public or private general hospital which receives support from Federal funds. Hospitals violating the provision may lose Federal funds.

General

Part D of title V of the bill contains a number of general provisions. Section 531 of Part D is worthy of special comment. It expands the provisions of the Community Mental Health Centers Act to specifically authorize grants for the leasing of facilities under certain provisions of that Act. At the present time, grants are authorized for construction, but not leasing. Because of fiscal constraints, however, no funding is presently being allocated by the Department of Health, Education and Welfare to construction projects. This authorization change will allow the leasing of facilities in lieu of their construction, should such action be considered necessary or preferable.

National Advisory Council on Drug Abuse

Title VI of the proposed legislation establishes a 15 member National Advisory Council on Drug Abuse. The Council will advise, consult with, serve as a sounding board for, and make recommendations to the Secretary concerning matters relating to the Secretary's functions in the field of drug abuse. The council will also have certain reporting functions and will review policies and priorities relative to grants and contracts in the drug abuse field.

Confidentiality of records

Provisions to assure confidentiality of patient information are crucial to the success of any prevention or treatment program which depends on voluntary subject participation. This is especially true, of course, in the drug abuse area. Consequently, the proposed legislation assures the confidentiality of patients in drug prevention, treatment, and rehabilitation programs. Nothing in the provision, however, may be construed to limit the use of information by persons engaged in research, provided that the confidentiality of patient records is preserved by withholding names or other identifying characteristics therein.

Amendment to the Economic Opportunity Act

Section 803 of the bill adds a new section 863 to Title VIII of the Economic Opportunity Act of 1964 providing in ACTION, the new agency to coordinate the Federal Governments volunteer programs, for a Director, Deputy Director, an Associate Director for Domestic and Anti-Poverty Programs, and an Associate Director for International Programs. The section provides that each shall be appointed by the President by and with the advice and consent of the Senate. The Director shall be compensated at the rate for Level III of the Executive Schedule Pay Rate, and the Deputy Director and two Associate Directors shall be compensated at the rate for Level IV of the Executive Pay Schedule Pay Rate.

The section provides that there shall be no more than four Assistant Directors in ACTION, each to be appointed by the President, by and with the advise and consent of the Senate, and compensated at the rate for Level V of the Executive Schedule Pay Rates.

The Committee agreed that the adoption of this section was necessary in order to strengthen and upgrade the VISTA and Peace Corps programs within ACTION. It is the intent of the Committee that the Director of VISTA will have line authority over the Regional VISTA offices, including their programs and personnel, and will be responsible for the recruitment, selection, training, and field operation of all volunteers and other persons serving in volunteer programs funded under title VIII of the Economic Opportunity Act.

SECTION-BY-SECTION ANALYSIS

TITLE I—FINDINGS AND DECLARATION OF POLICY

Sec. 101—Findings and declaration of policy

The principal findings are that anti-drug efforts in education, prevention, treatment, rehabilitation, research, training and law enforcement are interrelated and that the control of drug abuse requires the development of a comprehensive, coordinated, long-term

Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitated victims of drug abuse.

The section also declares it to be the policy of the United States and the purpose of the Act "to focus the comprehensive resources of the Federal Government and bring them to bear on drug abuse with the immediate objective of significantly reducing the incidence of drug addiction and drug abuse in the Nation within the shortest possible period of time, consistent with a comprehensive, coordinated, long-term Federal strategy to combat drug abuse."

TITLE II—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Sec. 201—Establishment of the office

Establishes a Special Action Office for Drug Abuse Prevention in the Executive Office of the President. That office shall be headed by a director appointed by the President with the advice and consent of the Senate. He shall have a deputy director, also appointed by the President with the advice and consent of the Senate, and not more than six assistant directors whom the director himself shall appoint.

Sec. 202—Concentration of Federal effort

Gives the director authority to provide overall planning and policy and establish objectives and priorities for all Federal drug abuse programs relating to education, training, treatment, rehabilitation and research. This is meant to include such drug activities in HEW, OEO, Justice, VA, State, Civil Service, and DOD. Investigation, prosecution and detection activities in the control area are specifically excluded, however, as are activities involving international narcotics control. In these latter areas, the director may make recommendations to the President and consult with and be consulted by appropriate departments and agencies.

The director shall conduct and support evaluation of education, training, treatment, rehabilitation, and research programs and programs related to those programs. He may obtain such information as is necessary from the various Federal departments and agencies. The director shall also coordinate Federal drug programs among each other and with other related Federal programs.

Pursuant to these responsibilities the director must submit an annual report to the Congress and the President discussing the objectives, activities and accomplishments of the office and use funds available to him through this Act to expand drug programs and develop new programs.

Sec. 203—Funding authority

Authorizes the director to: 1) review and modify budget requests of Federal departments and agencies and 2) allocate appropriated funds to Federal departments and agencies, for all Federal drug abuse education, training, rehabilitation, research, and treatment programs and activities. The section lists programs and activities specifically intended to be included within this authority, but does not limit the scope of the section to the listed programs. The authority of the director to provide overall planning and policies and establish objectives and priorities in Sec. 202, extends to the funding authority in this section.

Sec. 204—Technical assistance to State and local agencies

Authorizes the director to coordinate Federal, State and local drug programs and to provide for a central clearinghouse for State, local, and private agencies and individuals seeking drug abuse information and assistance from the Federal government. It authorizes the director to provide State and local officials with task forces of Federal personnel to assist them in developing the drug abuse programs. It also authorizes the director to draft model drug legislation for State and local governments and promulgate uniform criteria, procedures and forms for drug abuse grant applications.

In carrying out his responsibilities under this section, the director is authorized to request personnel from operating departments and agencies and to contract with organizations or persons to work on the described task forces.

Sec. 205—Special fund

Establishes a special fund from which the director can allocate money to any Federal department or agency to 1) develop and demonstrate promising new drug abuse programs, activities and approaches and 2) supplement and expand existing drug abuse programs and activities. The director may use 10% of the fund himself to develop and demonstrate new approaches, techniques, and methods to combat drug abuse, especially with respect to short term and multidisciplinary activities.

Sec. 206—Additional authorities

Provides for a number of powers on the part of the director, including: submission of reorganization plans to the Congress under specified provisions of the Reorganization Act; provision of management oversight review in connection with his funding authority responsibilities in Sec. 203; consultation on the classification of drugs under the Comprehensive Drug Abuse Prevention and Control Act of 1970, and in international classification agreements; and consultation on the investigational and opproved new drug status of drugs which may be beneficial in the treatment of drug abuse.

Also included are provisions requiring the Civil Service Commission to establish policies and procedures for control and treatment of drug abuse among Federal employees—treating such drug dependent persons the same as other persons with serious health problems; promoting employee programs in State and local governments and in private industry; and requiring the Veterans' Administration to see that all veterans receive treatment and rehabilitation services for drug dependence, without regard to the type of discharge they have received. Services intended to be included are listed. The section also provides that in specified instances the director has authority to directly operate Federal drug programs.

Sec. 207—Grants and contracts

Authorizes the director to make certain grants and contracts to carry out the purposes of this title.

Sec. 208—Personnel, special personnel, experts and consultants

Authorizes the director to employ personnel, special personnel, experts, consultants and volunteers in carrying out this Act.

Sec. 209—Transitional provisions

Authorizes the President to allow any person who immediately prior to the enactment of this Act held a position in the Executive Branch of government to act as director of the Special Action Office until the first full-time director is appointed.

Sec. 210—Appropriation authorized

Authorized appropriations for the administration of this Act and for the director's Special Fund.

Sec. 211—Effective date, termination

Provides that the provisions of this title shall take effect thirty days after the director or acting director takes office or at an earlier date prescribed by the President. The title shall terminate on June 30, 1975, unless extended by Congress.

TITLE III—NATIONAL DRUG ABUSE STRATEGY

Sec. 301—Comprehensive, coordinated, long term strategy

Requires the establishment by the President of a Strategy Council, composed of the Director of the Special Action Office, the Attorney General, the Secretary of HEW, the Secretary of Defense, the Administrator of Veterans' affairs and such other persons as are appropriate. The Council shall develop a comprehensive, coordinated long term Federal strategy for all drug abuse programs and activities conducted or supported by the Federal Government. The director shall provide such services as are required to assure that such a strategy is prepared.

The strategy shall consist of a complete analysis of the present drug problem, a comprehensive Federal plan for combatting it, and an evaluation of programs carried out to date.

To facilitate preparation of the strategy, the council members shall 1) engage in planning necessary to achieve the objectives of the strategy, 2) individually be able to obtain from Federal departments and agencies such information as may be necessary to carry out the purposes of this title, and 3) evaluate the performance of present and alternative Federal drug programs.

The strategy shall be published at least once every calendar year.

TITLE IV—NATIONAL INSTITUTE ON DRUG ABUSE

Sec. 401—Establishment of institute

Establishes a National Institute on Drug Abuse within the National Institute of Mental Health to administer programs and authorities assigned to the Secretary of HEW by the remaining titles of this Act and by Part D of the Community Mental Health Centers Act. This Section provides that the Institute shall be under the direction of an Administrator, appointed by the Secretary of HEW, who shall conduct all drug abuse prevention, training, treatment, rehabilitation and research programs in accordance with the policies, priorities, objectives and guidelines, and, where appropriate, funding controls established by the Director of the Special Action Office.

The programs of the Institute shall be administered so as to encourage the broadest possible participation of professionals and para-professionals in the fields of medicine, science, the social sciences and other related disciplines.

Sec. 402—Reports by the Secretary

Requires the Secretary to 1) submit to Congress within 90 days a written plan for the administration and coordination of the various drug abuse programs within the Department of HEW and 2) submit, as part of the director's annual report, a report describing various model and experimental methods for treating drug abuse; making recommendations for future development of treatment techniques; making appropriate recommendations for community implementation of treatment programs; and making such legislative recommendations as may be appropriate.

Sec. 403—Additional responsiblity of the Secretary

Requires the Secretary to operate an information center for collection and dissemination of drug abuse information; investigate and publish information concerning uniform methodology and technology for determining extent and kind of drug use; gather and publish statistics; and review and evaluate drug program provisions in various state health plans required by Federal law.

TITLE V—DEVELOPMENT OF STATE AND LOCAL PREVENTION AND TREATMENT PROGRAMS

PART A—FORMULA GRANTS

Sec. 501—Authorization

Establishes a State assistance program to aid States in planning, establishing, maintainng, coordinating, and evaluating projects for the development of drug abuse and drug dependence prevention, treatment, and rehabilitation programs. The following amounts are authorized to be appropriated: $15 million for fiscal year 1972; $30 million for fiscal year 1973; $40 million for fiscal year

1974; $45 million for fiscal year 1975, and $50 million for fiscal year 1976.

Sec. 502—State allotment

Provides for allotments among the States of sums appropriated for formula grants, with the sums appropriated being allotted among the States on the basis of their relative population, financial need, and need for programs of prevention, treatment and rehabilitation.

Sec. 503—State plans

Requires States wishing to participate in the program established by this part to develop State plans meeting certain basic requirements. The plans must designate a single State agency to administer the plan; provide for a State advisory council to oversee the plan; specify the needs of the State and its existing health facilities; supplement, broaden, and complement State health plans; meet certain standards of administration; provide required reports and information; and assure that Federal funds will be used to supplement rather than supplant non-Federal funds. The Secretary must approve any State plan meeting the statutory requirements.

Sec. 504—Allocation of resources

Requires that funds authorized under sec. 501 which are not used in developing or modifying the State plan shall be available only to provide direct services to areas of greatest need within the State or to evaluate such direct services.

PART B—SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

Sec. 511—Program and authorization

Establishes a special emphasis grant program and authorizes $65 million for fiscal year 1972; $170 million for fiscal year 1973; $260 million for fiscal year 1974; and $400 million for fiscal year 1975; and $450 million for 1976, for that purpose.

Utilizing such funds, the Secretary may make grants for programs of special importance, including: training seminars and educational programs for employees in the private and public sectors; vocational rehabilitation counseling, education and services for persons in treatment and rehabilitation programs; model and experimental treatment and rehabilitation programs within State and local criminal justice systems; multidisciplinary groups to determine causes of drug abuse in specific areas and prescribe and implement methods for dealing with the drug problems in such areas; research grants to discover, develop, or improve substances or techniques for using substances in the prevention and treatment of drug abuse; and model and experimental drug abuse prevention and treatment programs.

Sec. 512—Administration of grants and contracts

Requires the coordination of all grant applications for programs in a State and establishes administrative and budgetary criteria which must be met by those seeking funds under this subpart.

PART C—ADMISSION OF DRUG ABUSERS TO HOSPITALS

Sec. 521—Emergency hospital treatment

Provides that drug abusers who are suffering from emergency medical conditions shall not be refused admission or treatment by any public or private general hospital which receives support from Federal funds. Hospitals violating such provision may lose Federal funds under a procedure set out in the section.

PART D—GENERAL

Sec. 531—Leasing of facilities

Authorizes the leasing of facilities for drug abuse treatment and rehabilitation programs which may be funded under the Community Mental Health Centers Act.

Sec. 532—Records

Requires that recipients of assistance keep full financial records relating to the funds received under the act and requires that the GAO be permitted access for audit purposes to these and other records pertinent to grants or contracts under the act.

Sec. 533—Payments

Permits the Secretary to determine how payments shall be made.

TITLE VI—THE NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

Sec. 601—Establisment of council

Provides for the establishment of a 15-member council to advise, consult with, serve as a sounding board for, and make recommendations to the Secretary concerning matters relating to the Secretary's functions in the field of drug abuse, including matters related to the development of new programs; the efficient administration of programs; the supplying of needed scientific and statistical data and program information to interested professionals and para-professionals and the general public; and policies and priorities relative to grants and contracts in the drug abuse field. The council must report on its activities.

Sec. 602—Review by council of certain grants under part D of the Community Mental Health Centers Act

Provides that instead of the National Advisory Mental Health Council's approving grants under Part D of the Community Mental Health Centers Act, policy for such grants shall be reviewed by the Council established in the previous section.

TITLE VII—CONFIDENTIALITY OF RECORDS

Sec. 701—Confidentiality

Assures the confidentiality of patients in drug prevention, treatment and rehabilitation programs. Nothing in the provision, however, may be construed to limit the use of information by persons engaged in research provided that the confidentiality of patient records is preserved by withholding names or other identifying characteristics therein:

TITLE VIII—GENERAL

Sec. 801—Saving provision

Provides that if any section of the Act is determined to be invalid that that fact shall not impair any other section.

Sec. 802—Regulations

Permits the Secretary to make necessary administrative regulations.

Sec. 803—Economic Opportunity Act Amendment

Adds a new section to Title VIII of the Economic Opportunity Act of 1964, to provide for a Director, a Deputy Director, an Associate Director for Domestic and Anti-Poverty Programs, and an Associate Director for International Programs. Other related provisions are also included in the section.

ESTIMATED COST OF LEGISLATION

Pursuant to section 252 of the Legislative Reorganization Act of 1970, the following are estimates of the costs to be incurred in carrying out this bill:

If the amounts authorized in section 210 (a) are fully appropriated the total cost of the activities referred to by that section would be $5 million in fiscal 1972, $10 million in fiscal 1973, $12 million in fiscal 1974, and $15 million in fiscal 1975.

If the amounts authorized in section 210 (b) are fully appropriated, the total cost of the activities referred to by that section would be $40 million in fiscal 1972, $40 million in fiscal 1973, $40 million in fiscal 1974, and $40 million in fiscal 1975.

If the amounts authorized in section 501 are fully appropriated, the total cost of the programs referred to by that section would be $15 million for fiscal 1972, $30 million for fiscal 1973, $40 million for fiscal 1974, $45 million for fiscal 1975, and $50 million for fiscal 1976.

If the amounts authorized in section 511 are fully appropriated, the total cost of the programs referred to by that section would be $65 million for fiscal 1972, $170 million for fiscal 1973, $260 million for fiscal 1974, $400 million for fiscal 1975, and $450 million for fiscal 1976.

TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the following is a tabulation of votes in Committee:

Motion by Mr. Williams to report the bill:

Yeas—17:

Mr. Williams, Mr. Randolph, Mr. Pell, Mr. Kennedy, Mr. Nelson, Mr. Mondale, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Stevenson, Mr. Javits, Mr. Stafford, Mr. Dominick, Mr. Schweiker, Mr. Packwood, Mr. Taft, and Mr. Beall.

Nays—.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC HEALTH SERVICE ACT

Public Health Service Act, as amended

Title II—Administration

National Advisory Councils

SEC. 217. (a) The National Advisory Health Council, the National Advisory Cancer Council, the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, the National Advisory Heart Council, and the National Advisory Dental Research Council shall each consist of the Surgeon General, who shall be chairman, the chief medical officer of the Veterans' Administration or his representative and a medical officer designated by the Secretary of Defense, who shall be ex officio members; and twelve members appointed without regard to the civil service laws by the Surgeon General with the approval of the Secretary of Health, Education, and Welfare. The twelve appointed members of each such council shall be leaders in the fields of fundamental sciences medical sciences or public affairs, and six of such twelve shall be selected from among the leading medical or scientific authorities who, in the case of the National Advisory Health Council, are skilled in the sciences related to health, and in the case of the National Advisory Cancer Council, the National Advisory Mental Health Council, the National Advisory Council on Alcoholic Abuse and Alcoholism, the National Advisory Heart Council, and the National Advisory Dental Research Council, are outstanding in the study, diagnosis, or treatment of cancer, psychiatric disorders, alcohol abuse and alcoholism, heart diseases, and dental diseases and conditions, respectively. In the case of the National Advisory Dental Research Council, four of such six shall be dentists. Each appointed member of each such council shall hold office for a term of four years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the terms for which his predecessor was appointed shall be appointed for the remainder of such term; (2) the terms of the members (other than the members of the National Advisory Council on Alcohol Abuse and Alcoholism) first taking office after September 30, 1950, shall expire as follows: Three shall expire four years after such date, three shall expire three years after such date, three shall expire two years after such date, and three shall expire one year after such date, as

designated by the Surgeon General at the time of appointment; and (3) the terms of the members of the National Council on Alcohol Abuse and Alcoholism first taking office after the date of enactment of this clause, shall expire as follows: Three shall expire four years after such date, three shall expire three years after such date, three shall expire two years after such date, and three shall expire one year after such date, as designated by the Secretary at the time of appointment. None of the appointed members shall be eligible for reappointment within one year after the end of his preceding term, but terms expiring prior to October 1, 1950, shall not be deemed "preceding terms" for the purposes of this sentence.

(b) The National Advisory Health Council shall advise, consult with, and make recommendations to, the Surgeon General on matters relating to health activities and functions of the Service. The Surgeon General is authorized to utilize the services of any member or members of the Council, and where appropriate, any member or members of the national advisory councils or committees established under this Act on cancer, mental health, alcohol abuse, and alcoholism, heart, dental, rheumatism, arthritis, and metabolic diseases, neurological diseases and blindness, and other diseases, in connection with matters related to the work of the Service, for such periods, in addition to conference periods, as he may determine.

(c) The National Advisory Mental Health Council shall advise, consult with, and make recommendations to the Surgeon General on matters relating to the activities and functions of the Service in the field of mental health. The Council is authorized (1) to review research projects or programs submitted to or initiated by it in the field of mental health and recommend to the Surgeon General, for prosecution under this Act, any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis and treatment of psychiatric disorders; and (2) to collect information as to studies being carried on in the field of mental health and, with the approval of the Surgeon General, make available such information through the appropriate publications for the benefit of health and welfare agencies or organizations (public and private), physicians, or any other scientists, and for the information of the general public. The Council is also authorized to recommend to the Surgeon General, for acceptance pursuant to section 501 of this Act, conditional gifts for work in the field of mental health; and the Surgeon General shall recommend acceptance of any such gifts only after consultation with the Council.

(d) The National Advisory Council on Alcohol Abuse and Alcoholism shall advise, consult with, and make recommendations to, the Secretary on matters relating to the activities and functions of the Secretary in the field of alcohol abuse and alcholism. The Council is authorized (1) to review research projects or programs submitted to or initiated by it in the field of alcohol abuse and alcoholism and recommend to the Secretary any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis and treatment of alcohol abuse and alcoholism, and (2) to collect information as to studies being carried on in the field of alcohol abuse and alcoholism and, with the approval of the Secretary, make available such information through appropriate publications for the benefit of health and welfare agencies or organizations (public or private) or physicians or any other scientists, and for the information of the general public. The Council is also authorized to recommend to the Secretary, for acceptance pursuant to section 501 of this Act, conditional gifts for work in the field of alcohol abuse and alcoholism; and the Secretary shall recommend acceptance of any such gifts only after consultation with the Council.

(e) The National Advisory Council on Drug Abuse shall consist of the Secretary, who shall be Chairman, the chief medical officer of the Veterans' Administration or his representative, and a medical officer designated by the Secretary of Defense, who shall be ex officio members. In addition, the Council shall be composed of twelve members who are appointed by the Secretary without regard to the civil service laws. These twelve appointed members of the Council shall represent a broad range of interests, disciplines, and expertise in the drug area and shall be selected from outstanding professionals and paraprofessionals in the fields of medicine, education, science, the social sciences, and other related disciplines, who have been active in the areas of drug abuse prevention, treatment, rehabilitation, training, or research.

The Council shall:

(1) advise, consult with, serve as a sounding board for, and make recommendations to the Secretary—

(a) concerning matters relating to the activities and functions of the Secretary in the field of drug abuse, including but not limited to the development of new programs and priorities; the efficient administration of programs, and the supplying of needed scientific and statistical data and program information to professionals, paraprofessionals, and the general public; and

(b) concerning policies and priorities relative to grants and contracts in the field of drug abuse which are made by the Secretary or by agencies and individuals responsible to him.

(2) submit to the Secretary and to the Director of the Special Action Office, for inclusion in the annual report required by section 202(a)(6) of this Act, a report which:

(a) summarizes the activities of the Council,

(b) summarizes their recommendations to the Secretary, their reasons therefor, and the extent to which their recommendations have been adopted, and

(c) includes copies of resolutions and other appropriate official documents of the Council.

COMMUNITY MENTAL HEALTH CENTERS ACT

TITLE II—COMMUNITY MENTAL HEALTH CENTERS

Part D—Narcotic addiction, drug abuse, and drug dependence prevention and rehabilitation

SEC. 251. (a) Grants from appropriations under section 261 may be made to public or nonprofit private agencies and organizations to assist them in meeting the costs of construction *or leasing* of treatment facilities (including *facilities for emergency medical services, intermediate care services, outpatient services or* posthospitalization treatment facilities) for narcotic addicts and other persons with drug abuse and drug dependence problems within the States, and to assist them in meeting the costs, determined pursuant to regulations of the Secretary, of compensation of professional and technical personnel for the initial operation of such facilities constructed with grants made under part A or this part or of new services in existing treatment facilities for narcotic addicts, and other persons with drug abuse and drug dependence problems.

(b) The grant program for construction *or leasing* of facilities authorized by subsection (a) shall be carried out consistently with the grant program under part A except to the extent, in the judgment of the Secretary, special considerations make differences appropriate; but (1) before the Secretary may make a grant under such subsection for the construction of a treatment facility for narcotic addicts and other persons with drug abuse and drug dependence problems he must find that the application for such grant meets the requirement of section 205(a)(5) (relating to the payment of prevailing wages), and (2) the amount of any such grant with respect to any project shall be such percentage of the cost thereof, but not in excess of 66⅔ per centum (or 90 per centum in the case of a facility providing services for persons in an area designated by the Secretary as an urban or rural poverty area); as the Secretary may determine.

Part E—General provisions

Approval by National Advisory Mental Health Council

SEC. 266. Grants made under this title (other than part C *and part D* thereof) for the cost of construction and for the cost of compensation of professional and technical personnel may be made only upon recommendation of the National Advisory Mental Health Council established by section 217(a) of the Public Health Service Act. Grants under part C of this title for such costs may be made only upon recommendation of the National Advisory Council on Alcohol Abuse and Alcoholism established by such section. *Grants under part D of this title for such costs will undegro such review as is provided by section 217(e) of the Public Health Service Act.*

ECONOMY OPPORTUNITY ACT OF 1964

TITLE VIII—DOMESTIC VOLUNTEER SERVICE PROGRAMS

Part C—General provisions

Coordination With Other Programs

SEC 831. The Director shall take necessary steps to coordinate volunteer programs authorized under this title with one another, with community action programs, and with other related Federal, State, local, and national programs. These steps shall include, to the extent feasible, actions to promote service by volunteers or former volunteers in the full-time programs authorized under part A in providing necessary support to programs under part B, and actions to encourage persons serving as part-time or short-term volunteers to make commitments under part A as regular or associatted full-time volunteers. The Director shall also consult with the heads of other Federal, State, local, and national agencies responsible for programs related to the purpose of this Act with a view to encouraging greater use of volunteer services in those programs and establishing in connection with them systematic procedures for the recruitment, referral, or necessary preservice orientation or training of part-time volunteers serving pursuant to this part.

Participation of older persons

SEC. 832. In carrying out this title, the Director shall take necessary steps, including the development of special projects where appropriate, to encourage the fullest participation of older persons and older persons membership groups as volunteers and participant agencies in the various programs and activities authorized under this title and, because of the high proportion of older persons within the poverty group, shall encourage the development of a variety of volunteer services to older persons, including special projects, to assure that they are served in proportion to their need.

Application of Federal law

SEC. 833. (a) Except as provided in section 8332 of title 5 of the United States Code, and subsections (b) and (c) of this section, volunteers under this title shall not be deemed Federal employees and shall not be subject to the provisions of laws relating to Federal employment.

(b) Individuals who receive either a living allowance or a stipend under part A

shall, with respect to such services or training, (1) be deemed, for the purposes of subchapter III of chapter 73 of title 5 of the United States Code, persons employed in the executive branch of the Federal Government, and (2) be deemed Federal employees to the same extent as enrollees of the Job Corps under section 116(a) (1), (2), and (3) of this Act, except that for purposes of the computation described in 116(a)(2)(B) the monthly pay of a volunteer shall be deemed to be that received under the entrance salary for GS–7 under section 5332 of title 5, United States Code.

(c) Any period of service of a volunteer under part A of this title shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

(1) for the purposes of section 852(a)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a)(1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment.

Special Limitations

SEC. 834. (a) The Director shall prescribe regulations to assure that service under this title is limited to activities which would not otherwise be performed and which will not result in the displacement of employed workers or impair existing contracts for service.

(b) All support, including transportation provided to volunteers under this title, shall be furnished at the lowest possible cost consistent with the effective operations of volunteer programs.

(c) No agency or organization to which volunteers are assigned hereunder, or which operates or supervises any volunteer program hereunder shall request or receive any compensation for services of volunteers supervised by such agency or organization.

(d) No funds authorized to be appropriated herein shall be directly or indirectly utilized to finance labor or anti-labor organization or related activity.

(e) Persons serving as volunteers under this title shall provide such information concerning their qualifications, including their ability to perform their assigned tasks and their integrity, as the Director shall prescribe and shall be subject to such procedures, for selection and approval as the Director may require. The Director may fix such special procedures for the selection and approval of low-income residents of the area to be served by a program who wish to become volunteers as he determines will contribute to carrying out the purposes of this title.

Duration of Program

SEC. 835. The Director shall carry out the programs provided for in this title during the fiscal year ending June 30, 1967, and the five succeeding fiscal years. For each such fiscal year only such sums may be appropriated as the Congress may authorize by law.

Officers of Action

SEC. 836. (a) There shall be at the head of Action the Director of Action. He shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314).

(b) There shall be in Action a Deputy Director of Action who shall be appointed by the President, by and with the advice and consent of the Senate and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). The Deputy Director shall perform such functions as the Director of Action shall from time to time assign or delegate, and shall act as Director of Action during the absence or disability of the latter or in the event of vacancy in the office of Director of Action.

(c) There shall be in Action, two Associate Directors of Action one of whom shall be designated as Associate Director for Domestic and Antipoverty Programs, and one of whom shall be designated as Associate Director for International Programs who shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315). Each Associate Director will be primarily responsible for the program operations of Action within his respective jurisdictional area. In addition, they shall perform such functions as the Director of Action shall from time to time assign or delegate.

(d) There shall be in Action not to exceed four Assistant Directors who shall be appointed by the President by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316). Each Assistant Director shall perform such functions as the Director of Action shall from time to time assign or delegate.

(e) The provisions of Sec. 1(d) of Reorganization Plan No. I of 1971 are hereby superseded by the provisions of this section.

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. I am glad to yield to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I thank the distinguished Senator from Iowa.

I would like to congratulate Senator HUGHES on bringing before the Senate this far-reaching legislation which will target present Federal programs pertaining to drug abuse.

The Office of Education presently has authority to conduct certain programs under the Drug Abuse Education Act of 1970. I am concerned about changes that may be made in this excellent program by the pending legislation.

I would like to ask the distinguished Senator from Iowa a number of questions regarding the administration of the Drug Abuse Education Act.

The committee report, on page 2, states the following:

> No authority is vested in the Director of the Special Action Office to transfer money from one program to another or to directly operate presently existing programs, or to replace the leadership of on-going programs, except to the extent that such authority is already vested in or exercised by the Office of Management and Budget or provided for in the reorganization authority granted to the new Office by this Act.

The language of the bill, in titles I and II, indicates that the special action office of the White House will have policy control of the Drug Abuse Education Act. Does the language in the committee report stating that the special office will not operate programs such as the drug abuse education program, except to the extent that such authority is already "exercised" by, but not "vested" by law in, the Office of Management and Budget, mean that the special White House office will have operational authority over the drug education program which has not in the past been legally exercised by the Office of Management and Budget?

Mr. HUGHES. I would reply to the distinguished Senator from Rhode Island that the Director, in the executive branch, has a general policymaking, planning, budget, and oversight role which will put some consistency and planning into our overall efforts in the drug abuse prevention and treatment area. This is a substantive authority but is something quite different from an authority to directly operate a particular agency's program or to simply pull up and move such a program without first receiving congressional consent.

The legislation vests no authority in the Director to transfer money from one program to another or to directly operate presently existing programs, or to replace leadership of ongoing programs that is not already legally vested in the Office of Management and Budget or provided for in the reorganization authority of section 206(a) of the proposed act. That latter subsection simply ties into the existing Government Reorganization Act, which requires reorganization plans to be submitted to the Congress, and so on.

So I do not think there should be a fear of the Director's taking over the daily operations and running of ongoing programs. He does not have the authority to do that—nor does he want it, as I understand it. That would be an impossible task. I should mention that the Director of the special action office has authority to use money from a special fund established by the bill to finance some experimental and research demonstration programs of his own in the drug area.

So, as a result, I believe that the legislation is such that the Director would not have the authority the Senator is concerned about.

Mr. RIBICOFF. Mr. President, if the Senator will yield, for the purposes of the record, I want to affirm the statement made by the distinguished Senator from Iowa. He has stated our intention correctly. I do not believe the distinguished Senator from Rhode Island need fear that the Director's authority would usurp operating functions of other agencies.

Mr. PELL. I appreciate these reassurances, and I would hope that this dialog which is automatically a part of the legislative history of the bill, will be noted, especially by the men in the White House who will have responsibility in this new office. They should read this dialog and be guided by the congressional intent, by the report, and by what we have said here on the floor.

I thank the Senator from Iowa.

Mr. HUGHES. I thank the Senator from Rhode Island for bringing this matter to our attention on the floor and incorporating it as a part of the legislative history in this debate today.

The PRESIDING OFFICER. Who yields time?

Mr. HUGHES. Mr. President, the Senator from California has an amendment he is proposing under the agreed-to arrangement.

AMENDMENTS NO. 780

Mr. TUNNEY. Mr. President, I call up my amendments No. 780.

The PRESIDING OFFICER. The clerk will read the amendments.

The assistant legislative clerk proceeded to read the amendments.

Mr. TUNNEY. Mr. President, I ask unanimous consent to dispense with further reading of the amendments.

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

The amendments (No. 780) are as follows:

On page 58, line 20, insert the following new title:

"TITLE VIII—REGIONAL CENTERS OF EXCELLENCE AND CAREER AWARDS IN DRUG ABUSE RESEARCH AND EDUCATION

"PART A—REGIONAL CENTERS OF EXCELLENCE

"ESTABLISHMENT OF CENTERS

"SEC. 801. The Secretary is authorized to make grants to and enter into contracts with universities and other public or nonprofit private institutions for the establishment of and for the development of proposals and plans for such establishment, up to a maximum of six regional centers for drug abuse research and education.

"SELECTION OF REGIONAL CENTERS

"SEC. 802. Selection of regional centers under this part shall be determined by an appropriate advisory committee to be established by the Secretary and located within the National Institute on Drug Abuse, including appropriate review procedures. Such procedures shall include provision for geographical distribution of such regional centers to the broadest extent feasible.

"FUNCTIONS

"SEC. 803. (a) Regional centers established pursuant to this title shall carry out a multidisciplinary program in drug abuse and drug dependence, including research, educaton of personnel, experimental therapeutics, model treatment projects, continuing professional education, and public education.

"(b) For purposes of this section:

"(1) 'research' shall include—

"(a) basic mechanisms of drug action including alcohol);

"(b) biology of the addicting process;

"(c) development of blocking agents;

"(d) development of substitute chemicals;

"(e) identification of biological, psychological, and social factors predisposing individual to alcohol or drug dependence or influencing the course of such dependence;

"(f) general research on other aspects including legal research and development of evaluation systems.

"(2) 'education' includes—

"(a) enhancement of existing professional education regarding alcohol and drug abuse and dependence in fields such as medicine, law, psychiatry, nursing, social work, psychology, pharmacology, and anthropology;

"(b) establishment of new educational programs including development of new categories of health and personnel to deal with alcohol and drug dependence and abuse;

"(c) development of teaching materials for alcohol and drug abuse related education programs at all levels of education.

"(3) 'model treatment projects' includes projects to carry out research and education and to permit testing of experimental therapeutics and new treatment methods, and the demonstration of existing treatment methods.

"FUNDING

"SEC. 804. (a) Grants or contracts entered into pursuant to this part shall be made upon a five-year renewable basis, subject to annual review and negotiation as provided in section 805 and shall include funds for staffing and operation of the centers, construction, and program evaluation.

"(b) Grants and contracts for staffing and operation may include funds for professional and staff salaries, leasing, and other rental expenses related to physical facilities, supplies and equipment, stipends for trainees and fellows, travel consultations, data processing, and institutional administrative costs and shall not require in-kind or cash contribution by the grantee. Grants and contracts pursuant to this section shall be made on a five-year basis: *Provided*, That payments under such grants and contracts shall not exceed $1,000,000 per year to any regional center during the first three years of such grant or contract.

"(c) Grants and contracts for construction may include (1) construction of new buildings and the expansion, remodeling, and alteration of existing buildings including architect fees, but not including the cost of acquisition of land or offsite improvements, and (2) equipping new buildings and existing buildings whether or not expanded, remodeled, or altered. Construction grants shall not exceed $7,000,000 for any one regional center.

"(d) Not less than 5 per centum of funds appropriated pursuant to section 805 shall be reserved for program evaluation costs. Such sum may be expended by the Secretary for the purpose of conducting periodic evaluations of administration of this title and the operation of regional centers pursuant to this title and may be expended in such amounts and under such terms and conditions as the Secretary deems appropriate.

"(e) Payment pursuant to grants or contracts may be made in advance or by way of reimbursement and in such installments as the Secretary shall prescribe.

"AUTHORIZATION

"SEC. 805. (a) For the purposes of section 804(b) and (d), there are authorized to be appropriated $7,000,000 for the fiscal year ending June 30, 1973; $7,000,000 for the fiscal year ending June 30, 1974; $7,500,000 for the fiscal year ending June 30, 1975; $8,000,000 for the fiscal year ending June 30, 1976; and $8,000,000 for the fiscal year ending June 30, 1977.

"(b) For the purposes of section 804(c) of this part, there are authorized to be appropriated $21,000,000 for the fiscal year ending June 30, 1973, and $21,000,000 for the fiscal year ending June 30, 1974.

"(c) Such sums shall remain available until expended.

"PART B—CAREER AWARDS

"NUMBER OF AWARDS

"SEC. 831. (a) The Secretary is authorized to make not to exceed fifty career awards in the fields of alcohol and drug abuse research and education to be used for study and research at institutions of higher education or research.

"(b) Such awards shall be made for five calendar years' duration and shall be renewable.

"AMOUNT OF AWARD

"SEC. 832. Career awards under this title shall consist of a maximum award of $50,000 per year and may include payment for salaries and stipends, research support, administrative costs, travel, and data processing: *Provided*, That salary payments to the individual awardee shall be limited to a maximum amount established by Institute procedures dealing with similar career awards in other fields.

"SELECTION OF RECIPIENTS

"SEC. 833. (a) Recipients of career awards established pursuant to this part shall have manifested superior caliber or great promise in education and research in one or more academic fields relevant to alcohol or drug dependence and abuse and must be associated with a supporting institution approved by the Secretary.

"(b) The Secretary shall by regulation prescribe uniform procedures for the selection of such recipients, including review of applications for such selection by an appropriate committee to be selected by him.

"(c) No award may be made under this part except upon application made to the Secretary containing or accompanied by such information as the Secretary may reasonably require.

"APPROVAL OF SUPPORTING INSTITUTIONS

"SEC. 834. For purposes of this part, the Secretary shall approve any institution of higher education or other nonprofit research or educational institution as a supporting institution for purposes of this part upon a finding that—

"(1) the institution has in existence, or will establish, a research and education program in drug dependence and abuse appropriate for the support of the work of the award recipient, and

"(2) the institution has made satisfactory assurances that it will make reasonable continuing efforts to encourage and assist the award recipient in the development of his individual expertise and to promote further development of his field for the term of the award.

"ADMINISTRATION OF AWARDS

"SEC. 835. Payment of sums awarded under this part shall be made by the Secretary to the supporting institution, and shall be disbursed by such institutions, in such manner as the Secretary may determine to be consistent with prevailing practices under comparable federally supported programs.

"AWARD CONDITIONS

"SEC. 836. (a) A recipient of a career award under this part shall pursue a program of research and education in drug dependence appropriate to his individual qualifications in, and to promote further development of, the field in which such award was granted. Payments to any award recipient under this part shall continue only during such periods as the Secretary finds that he is devoting essentially full time to education and research in the field in which such award was granted at a supporting institution approved by the Secretary under section 834 of this Act.

"(b) The Secretary shall establish appropriate procedures to revoke a career award upon a showing of good cause.

"ANNUAL REVIEW AND TRANSFER OF CAREER AWARDS

"SEC. 837. (a) Career awards shall be subject to review by the Secretary on an annual basis for the purpose of assuring compliance with the purpose of this Act and the provisions of this part.

"(b) The Secretary shall establish appropriate procedures to permit the transfer of a career award by an award recipient from a supporting institution to a new supporting institution, where in the judgment of the Secretary such transfer will not conflict with the purposes of this part.

"AUTHORIZATION

"SEC. 838. For the purposes of carrying out the provisions of this part, there are authorized to be appropriated $2,500,000 for the fiscal year ending June 30, 1973; $2,500,000 for the fiscal year ending June 30, 1974; $2,750,000 for the fiscal year ending June 30, 1975;

$2,750,000 for the fiscal year ending June 30, 1976; and $3,000,000 for the fiscal year ending June 30, 1977."

On page 58, line 20, strike out "VIII" and insert in lieu there "IX" and renumber succeeding sections accordingly.

The PRESIDING OFFICER. It would take unanimous consent to consider the amendment since it applies to a part of the bill already amended.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the amendment of the Senator from California be considered at this time and be considered to be in order.

Mr. HUGHES. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. HUGHES. Will the Chair please explain to the Senator from Iowa what the last statement of the Chair was? The amendment of the Senator from California is not a part of this amended piece of legislation before the Senate at the present time.

The PRESIDING OFFICER. The Chair stated that the amendment proposes to amend a part of the legislation which has already been amended.

Mr. HUGHES. I thank the Chair for explaining it to the Senator from Iowa.

Mr. TUNNEY. Mr. President, I ask unanimous consent that my amendments No. 780 be considered.

The PRESIDING OFFICER. Without objection, the amendments will be considered.

Mr. TUNNEY. Mr. President, the bill we have before us is an excellent one and I support it fully. I joined with numerous other Senators of both parties in cosponsoring it. The provisions contained in S. 2097 are designed to bring to bear all of the resources of the Federal Government in a highly focused and coordinated manner on the terrible problem of drug abuse. The Special Action Office, the national drug abuse strategy, the National Institute on Drug Abuse, the State and local grant program, and the National Advisory Council—all of these provisions represent a fundamental and far-reaching commitment to use all of the resources available to us against drug abuse.

I want to commend in particular the dedicated and tireless efforts of Senator HUGHES, the distinguished chairman of the Alcoholism and Narcotics Subcommittee; Senator PERCY, the prime sponsor of S. 2097; and Senators MUSKIE, RIBICOFF, JAVITS, and DOMINICK—all of whom are responsible for bringing together a product which commands broad bipartisan support. I am encouraged tremendously that we are now moving very clearly toward a consensus against drug abuse.

There is an area, however, which I believe must be dealt with on a much more substantial basis and is therefore the subject of the amendment which I am offering. No matter how skillfully the legislation before us is drafted, and no matter how competent are those who implement it, the fact remains that they must operate with only the talent and the knowledge that we now have about drugs. Frankly, there is a tremendous shortage of that talent and research upon which to call.

S. 2097 will make a major step toward filling this shortage, but I believe we must make additional provision for long-term growth and development of talent and knowledge against drugs.

Moreover, I feel we must make a fundamental commitment to make resources available on a very direct and immediate basis to State and local programs and agencies which must deal with drug abuse. To put it bluntly, all of the mechanisms which we create will not be adequate if we do not bridge the continent-wide gap that exists between Washington and the local community. If there is one thing I have learned here in the Senate, it is that San Diego and Los Angeles and San Francisco and all of the other large cities of the West are a continent away from resources here in Washington. Proposals for national research centers or a national institute or any other national effort against drug abuse, laudable though they may be, simply cannot provide direct and continuing communication and expertise of the kind needed to combat drug abuse throughout the country.

Few communities can afford to make use of research and training facilities here in Washington on anything other than a limited basis. How many communities could expect to send more than one or two persons back to Washington for training or consultation. Unless research and training efforts are available in a much more immediate and accessible fashion, much of their value is dissipated.

It is essential to any proposal for nationwide action that we include mechanisms to make it effective in local communities.

In order to deal with both of these problems on a direct and immediate basis, I am proposing an amendment to create two basic and powerful mechanisms to a continuing and expanding fund of knowledge and talent in drug abuse.

The amendment provides for the establishment of, first, regional centers—up to a maximum of six—for research and education in drug abuse; and second, 5-year renewable awards to individual experts for increased research and education in drug abuse and drug dependence.

Part A of the amendment provides for the establishment of a maximum of six regional centers of excellence in drug abuse research and education. Each center would conduct a multidisciplinary program in drug abuse and drug dependence including research, education of drug abuse personnel at all levels, model treatment projects, experimental therapeutics, continuing education for professionals in drug abuse fields and public education. The centers would be located at universities or other public or nonprofit institutions and would be selected by the Secretary of Health, Education, and Welfare through the National Institute on Drug Abuse.

In order to maximize the practical benefits of these centers, the amendment provides that they be located on a regional basis. In this way, they would serve as an important resource to State and local communities. This, I believe, is a fundamental necessity.

Regional centers such as those envisioned by this amendment could offer substantial education and training programs for State and local officials, professional staff and treatment personnel, school personnel, and any other persons who must deal with drug abuse. At the same time the methods developed at such centers could be communicated to and implemented by local agencies on a continuing basis.

Part B of the amendment would establish a program of individual experts in fields related to drug abuse. Awards under this program would be designed to provide to individuals of proven ability or great promise the opportunity to make a major commitment of their time and effort in research and education related to drug abuse.

The career awards program is modeled after a very successful program of similar awards in the field of mental health. It is founded upon the idea that capable and dedicated individuals, given even a modest amount of support, can make a major contribution to research and education in a specific field if they are assured of some continuity in that support.

CONCLUSION

Mr. President, both of these proposals included in my amendment are the result of extensive discussions with medical and professional persons who deal with drug abuse on a daily basis in cities and towns throughout the country. I can say without hestitation that there is a widespread belief that mechanisms such as these are absolutely essential if we are to make lasting progress in the fight against drugs.

I have with me a large number of letters from academic and professional persons working in the drug abuse field. These letters indicate very strong support for my amendment. I ask unanimous consent that some of the letters be printed in the RECORD at this point.

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

SAN FRANCISCO, CALIF.,
November 23, 1971.

Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: As you requested, I have reviewed S. 2809 and consider it extremely exciting and pertinent legislation. It addresses itself to a most fundamental and pressing societal issue—drug abuse, and to your credit presents a viable solution to the problem.

While I am in sympathy with any legislation that attacks the drug problem, my chief concern is that we have the manpower to launch the attack. S. 2809 offers an effective answer to the manpower issue—the Regional Centers in Drug Abuse Research and Education. It is only through concerted, interdisciplinary efforts that we will be able to muster the manpower talent to deal effectively and emphatically with all the issues related to drug abuse. The Centers offer an unprecedented opportunity for research and education. While I am sympathetic to the proposed Special Action Office in the White

House and an Institute for Drug Abuse and Drug Dependence, I am concerned about the success of such an effort unless research and education are essential components. The Regional Centers you propose give assurance that the programs envisage through the enactment of S. 2097 will be implemented.

However, for the Regional Centers to be a success I am convinced that the programs must be interdisciplinary. The drug abuse problem is so vast and interwoven that only interdisciplinary efforts can deal with it effectively. Therefore, a condition of funding the Regional Centers must be that they be interdisciplinary, testing and utilizing the talents of various skills and disciplines.

If properly administered and adequately funded, I am convinced that S. 2809 will take us a long way toward combating drug abuse.

If I can be of any further assistance please call on me.

Sincerely,

EDWIN F. ROSINSKI,
Executive Vice Chancellor.

INSTITUTE FOR PUBLIC POLICY ANALYSIS,
Stanford, Calif., November 23, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senate
Washington, D.C.

DEAR SENATOR TUNNEY: I appreciate your letter of November 18th with the enclosed copy of Senate Bill 2809 and Amendment to Senate Bill 2097, along with your fine introductory remarks. I have found it a pleasure to read the proposed legislation and am in complete agreement, not only with its logic but with the excellent particulars which you detail. Certainly the funds which you request for the beginning years are modest and even the later full amounts are small in comparison with the hidden and direct costs which the variety of drug related problems visit upon our society. One of the strengths of your proposal is that the centers you envision would provide a place for interested undergraduates and graduates to enroll and work in, thereby providing assurance of a suitable training for what might very well be a large number of highly motivated and thoroughly competent young people who these days find their desires to be of assistance in the drug field frustrated, or find it necessary to apprentice themselves to clinics or store front programs where they do not receive adequate training for their fully effective development. Your attention to the need for a multi-disciplinary approach and long term funding is critical. Most important is your awareness that drug problems present a chronic threat to public health and safety and at the very least are symptoms or correlates of a wide variety of other disorders, which, in consequence, means that a long term program designed to meet drug abuse problems will also necessarily attend to some of the basic difficulties which our society faces in the field of public health, delinquency and family disorder.

I commend you on your continued interest in the role of the government in the treatment of drug problems and I wish to express my gratitude to you for introducing S. 2809. I hope it speedily becomes law. I am taking the liberty of sending carbons of this letter to Senators Harold Hughes and Jacob Javitts.

Sincerely,

RICHARD H. BLUM, Ph. D.,
Program Director.

THE UNIVERSITY OF MICHIGAN,
Ann Arbor, Mich., November 22, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I should like to congratulate you on your proposed bill, S. 2809, designed to encourage the development of knowledge in the field of drug abuse. I believe that you have hit on several key provisions, including the development of regional centers of research, support for career investigators and development of effective teaching techniques for the spread of new knowledge. As a psychopharmacologist long involved in the study of drugs affecting the brain, I am most encouraged by this proposal. I strongly support your bill not only as a scientist but also as a father of five growing children. Our society needs to develop more effective means of combatting drug abuse. I personally am convinced that new techniques will only come about through effective research.

If I can help in any way, please let me know for I would be more than happy to appear before any legislative committee to support the concepts outlined in your bill.

I am sending carbon copies of this letter to our honorable senators from the State of Michigan as well as Senators Hughes and Javits.

Sincerely,

E. F. DOMINO, M.D.,
Professor of Pharmacology.

LOS ANGELES, CALIF.,
November 26, 1971.

Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: My thanks for sending a copy of S. 2809. I can support the intent and content of the bill without reservation. During my tenure as Director of the Division of Narcotic Addiction and Drug Abuse at the National Institute of Mental Health, I hoped for funds which could support regional centers for the study of drug abuse. At U.C.L.A. we are about to initiate a Center for Studies of Drug Abuse which will coordinate our many activities in this area. When funds become available under your bill, we would apply for them and expand our Center.

I shall be testifying before the Senate Subcommittee on Juvenile Delinquency next month and will express my support of your measure at that time.

Sincerely,

SIDNEY COHEN, M.D.

MENTAL HEALTH SERVICES,
Modesto, Calif., November 24, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senator from California,
Washington, D.C.

DEAR SENATOR TUNNEY: I am writing you at the request of Dr. Hewitt Ryan in regard to Senate Bill 2809. I am currently working with Dr. Ryan in the Department of Mental Health of Stanislaus County in developing a comprehensive drug abuse and alcoholism program with the eventual goal of establishing an Addictive Service as part of our overall health care capability. We have been working toward developing this program as a comprehensive service that would include elements appropriate for virtually every element of drug abuse, addiction, and alcohol abuse.

In attempting to develop a comprehensive program of this type, we have found that with current legislation we must approach the problem in a fragmented manner, applying for various grants to fund different elements of the program. This makes little sense either from a health care or a research standpoint. What we really need is a comprehensive program that could be funded on a regional basis to include all necessary services, training, and research elements so that the efficacy of such programs could be evaluated in a logical and coherent manner. Your bill seems to speak directly to this point. Furthermore, your legislation recognizes the difficulty we have faced in finding adequate financing for our program. Current legislation is totally inadequate, both from the standpoint of amount and continuation. I don't think most people understand that once a commitment is made for either treatment of research in an area such as drug abuse or addiction that this commitment is long term and indeed probably indefinite. Also, these programs are extremely expensive and probably will never be totally self-supporting. We thus really need adequate, long term financing with provisions for the development of real expertise and also a strong emphasis on evaluation of current and new techniques in the areas of drug abuse and addiction. S. 2809 would be an appropriate step in this direction. Your concept of training makes a great deal of sense. I feel that career awards would bring qualified people into this area of work on a long term basis, and with this kind of commitment people would be able to devote full time and their entire effort to drug abuse and addiction and would not have to make changes in their areas of interest dependent on "where the money is".

I would suggest that the regional centers considered under this legislation be located in areas of relative population stability and in areas where population size would allow for meaningful research and adequate long term follow-up. Another consideration would be the location of such centers in areas of greatest need. These programs should also emphasize utilizing existing community resources as much as possible to prevent dislocation of individuals from their "natural environment." This would prevent the introduction of extraneous variables into research.

In summation, I strongly support S. 2809 as a desperately needed measure. I would also encourage the passage of similar legislation to provide for the comprehensive programs, perhaps of a smaller nature, concerning the needs of individual communities. Perhaps this provision could be included as a part of S. 2809 so that each regional center could develop more comprehensive programs under their jurisdiction in nearby communities.

Thank you very much for this opportunity to review this legislation. I hope that my comments have been of some help.

Sincerely yours,

RONALD A. BORTMAN, M.D.,
Chief Physician,
Heroin Addiction Treatment

LOS ANGELES, CALIF.,
November 22, 1971

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I have studied with care your bill S. 2809 and I hereby give it my wholehearted endorsement.

Certainly one reason we are faced with a mounting drug abuse problem today is our ignorance about possible causes, both biological and sociological, of drug addiction. As physicians, we are in the unfortunate position of attempting to prevent drug abuse and to treat patients with drug abuse problems without knowing the causes. This is similar to the problem physicians used to experience when attempting to treat a patient with "fever," without knowledge of the source of the fever. Although application of cold baths was beneficial in some patients, the real solution to the "fever" problem had to await the discovery of the specific causes of fever. Once this was learned, effective treatment and preventive measures quickly followed.

Although much good can be accomplished through application of existing knowledge, the real solution to the drug abuse problem will have to await better understanding of causes of drug abuse. Such knowledge will most certainly provide the basis for more effective means of prevention and treatment.

National legislation designed to solve the drug abuse problem in absence of a program aimed at looking for the basic underlying causes and toward developing better treat-

ment methods is both nearsighted and unrealistic.

Your proposal, S. 2809, which is designed to provide for the development of desperately needed new knowledge in the drug abuse field, as well as training and education, is an important piece of legislation if we are to finally solve the drug abuse problem.

It is my sincere hope that the Senate will seriously consider the importance of the role of research in the solution of the drug abuse problem and will approve your bill S. 2809, or some other similar proposal.

Sincerely,

JAMES H. SATTERFIELD,
Director of Research, Andrew Norman Research Center.

WASHINGTON UNIVERSITY SCHOOL OF MEDICINE,
St. Louis, Mo., November 22, 1971.

Sen. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I have carefully read your amendment to the comprehensive drug bill (S. 2809) and consider it admirable in every respect. As a career investigator in the area of alcohol and drug abuse I paid particular attention to the section on career awards and found it realistic and complete. I will urge our Missouri members of Congress to support the amendment.

Sincerely,

DONALD W. GOODWIN, M.D.,
Assistant Professor of Psychiatry.

EASTERN PENNSYLVANIA PSYCHIATRIC INSTITUTE,
Philadelphia, Pa., November 22, 1971.

Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you very much for your letter of November 18 which contained the reprint of your bill. In my view, your bill is most enlightened and passage and implementation of it would contribute significantly to the future struggle against drug abuse. It lays the groundwork for a long-term effort and this is precisely what is needed.

I have not had time to think about any suggestions for change in the bill. I certainly hope that you will be able to see it through.

Yours sincerely,

CHARLES SHAGASS, M.D.,
Professor of Psychiatry,
Temple University.

MONTEFIORE HOSPITAL AND MEDICAL CENTER,
Bronx, N.Y., November 22, 1971.

Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you very much for your letter of the 18th of November 1971, and for the copy of the Congressional Record of the Senate dated the 3rd of November 1971. I deeply appreciate your allowing me to respond both to your letter and to your statement to the United States Senate.

I completely agree with you that there is a tremendous problem of drug abuse and that we are almost wholly ignorant of the causes of such abuse and the mechanisms by which drug dependency is established and maintained in its individual users. As with all other such matters, the approach to the treatment of drug abuse must be based on scientifically founded knowledge. Your proposed bill deals with just this problem with great foresight. Let me simply mention that the problem of drug abuse is probably a heterogeneous one. That is, the abuse of alcohol is quite different from the abuse of heroin and even of the hallucinogenic agents, such as Mescalline. We need all the information and talent to tackle each one of these separate problems. Your bill is certainly a major advance in this direction. It is particularly urgent that new information be gathered in order to avoid the social consequences of drug abuse. These consequences are not only in the form of crime, but in the terrible toll of disease and death which the abuse of alcohol particularly exacts.

Your proposal is certainly to be commended and your statements before the Senate are to be commended.

Sincerely yours,

HERBERT WEINER, M.D.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
November 19, 1971.

JOHN V. TUNNEY,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you for the opportunity to comment on your bill concerning drug abuse, I especially commend it. The idea of providing fixed or gradually increasing research money to workers outside the federal government is particularly attractive. Providing this is done in a limited manner around existing high level institutions (California, by the way, has no dearth of these), a sufficient nucleus of personnel and ideas should be available to make the experiment work.

As I understand your bill, it provides for research and education but not for service. This is an important point since there is, at present, unfortunately little that can be done for persons abusing drugs and pressure is strong to attempt quick remedies. It may seem humane to place all our money and effort in service connected endeavors but until there is substantial evidence that these remedies in fact work it is important for some inventive minds to look beyond the wish for immediate relief of our drug problems.

I hope the bill is successful and look forward to your sponsorship of future enlightened legislation. If I can be of help in this manner, please let me know.

Sincerely,

RICHARD J. WYATT, M.D.

UNIVERSITY OF SOUTHERN CALIFORNIA SCHOOL OF MEDICINE,
Los Angeles, Calif.

Senator JOHN V. TUNNEY,
U.S. Senate, Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR TUNNEY: I am writing you to express my appreciation and support for S. 2809, the bill recently introduced by you to encourage the development of knowledge and professional resources to meet the continuing problem of drug abuse in the future.

Current problems of drug abuse are simply a beginning, and it would be naive for anyone to believe other than that we will have a continuing and increasingly severe problem. We are on the threshold of great advances in psychopharmacology, but each advance in mind-altering or mood-altering drugs brings with it the potential for abuse. Our problems with hard narcotics will continue, and to this will be added future problems of great severity. Unfortunatley, we are already severely limited in our knowledge and manpower resources to deal even with the old problems.

Senate bill 2809 addresses itself to what I believe to be a core problem. That problem is the training of a large number of professionals to deal with future problems of drug abuse in both the research laboratories and within the health delivery system. As your bill indicates, these human resources must be multidisciplinary. Speaking for one interested discipline, I can assure you that very little is being done currently in the United States to train our future psychiatrists in this area. I speak as the director of one of the largest university based psychiatric residency training programs in the United States, and as chairman of the Southern California Association of Directors of Residency Training. As a group we train approximately 20% of the nation's psychiatric residents. From our discussions there is no doubt that the issue of drug abuse is insufficiently dealt with in the training programs. This is largely due to the lack of teaching and institutional resources which would be rectified by S. 2809.

Since the location of the regional centers would most likely be at the major universities, the teaching and research resources would be available not only to psychiatrists in training but to trainees from other related interested disciplines.

The Career Awards portion of the bill is of course essential, and addresses itself to the serious problems of funding and research support that have inhibited our progress thus far. The availability and stability of funding and support would make a considerable difference in terms of attracting our top talent to this most important area. In addition, I would like to see another specific form of funding added to S. 2809. Namely, I would like to see each regional center given a number of fellowship stipends of one to two year duration. I would like to see a psychiatrist, after completing his three years in general psychiatry, being able to spend one or two years in a postgraduate fellowship in drug abuse; and similarly, other postdoctoral or graduate students from other disciplines being able to spend one to two years in this field. This would encourage interested young professionals to involve themselves early in their careers in the sub-specialty of drug abuse, and in my mind there is no question but what a large percentage would remain in the field.

We live in an age of obsolescence. We build buildings which are too small by the time they are completed, we address ourselves to problems which are different by the time we reach them. Your bill, and your remarks in the Congressional Record of November 3, 1971, are refreshing in their farsightedness. It is my sincere hope that your colleagues in Congress will recognize that the adoption of S. 2809 is an absolute essential if this country is to successfully address itself to the problems of drug abuse. Accordingly, I have taken the liberty of sending copies of this letter to Senator Hughes and to Senator Javits.

Sincerely yours,

SHERWYN M. WOODS, M.D.,
Associate Professor in Psychiatry.

INSTITUTE OF LIVING,
Hartford, Conn., November 23, 1971.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you very much for your letter of November 18th and the copy of your bill S. 2809. I believe the bill is worded in a most appropriate fashion and that your concern for the development of adequate personnel and facilities for handling the drug abuse problem is most timely. While a number of treatment centers have been opening across the country, they tend to be staffed by people with minimal experience with either narcotic or alcohol addiction problems and are drawing very heavily on the ex-addict population for their "professional" personnel. While this technique works up to a point, as has been demonstrated in AA and some of the narcotic addict programs, my main objection to depending too heavily upon this group is their unreliability over long time spans and their lack of a real professional commitment to the work. They tend to remain involved largely because they recognize that unless they are one-hundred per cent involved in such programs that they stand a very high chance of returning to drug or alcohol abuse.

Of especial importance are the research

aspects of the centers you are proposing, since a tremendous amount of basic research, as well as further clinical research, needs to be done in these areas. As I am sure you know, the restrictive aspects of the Harrison Act have for years prevented any investigation with compounds such as heroin and marijuana. Therefore, the necessary basic knowledge about the metabolic physiology of these substances is sadly lacking.

I will certainly communicate directly with Senators Hughes and Javits, supporting your proposals, and will also write to the Congressional members from the State of Connecticut. If I can be of any further assistance, please let me know, since I believe you are proposing a most important bill. In this regard, I hope you have contacted other key members of the group of physicians who fought so hard for appropriate drug legislation and who would be most interested in the proposals you are making in S. 2809.

Most sincerely,

BERNARD C. GLUECK, Jr., M.D.,
Director of Research.

THE JOHNS HOPKINS UNIVERSITY
SCHOOL OF MEDICINE,
Baltimore, Md., November 26, 1971.

Senator JOHN V. TUNNEY,
U.S. Senator,
Washington, D.C.

DEAR SENATOR TUNNEY: Thank you very much for your letter of November 18 and the copy of your bill S. 2809 "The Drug Abuse Research and Education Act of 1971." I heartily agree with the spirit as well as the specific details embodied in your proposed legislation. Indeed, even before hearing of your proposed bill, I had been thinking along the lines of developing regional drug abuse research centers and have since discussed such plans in detail with Dr. Arnold Mandell with whom I understand you have been in correspondence regarding this legislation.

Enclosed are copies of my letters to Senators Hughes and Javits explaining the reasons for my support of your legislation. If I can be of any further assistance feel free to call upon me (301)–955–3024.

Sincerely,

SOLOMON H. SNYDER, M.D.,
Professor of Psychiatry and Pharmacology, Director, Division of Psychopharmacology.

THE JOHNS HOPKINS UNIVERSITY
SCHOOL OF MEDICINE,
Baltimore, Md., November 26, 1971.

Senator HAROLD HUGHES,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUGHES: I am writing to you to express my interest in and support for the comprehensive drug bill S. 2097 and to urge your support, in addition, of S. 2809, a bill introduced by Senator John Tunney as "the drug abuse research and education act of 1971."

Mr. Tunney's bill is designed to set up regional centers for research and education in drug abuse as well as to institute a system of career awards to scientific and clinical investigators who are making a major commitment to research and training in drug abuse. The rationale for S. 2809 is to provide a continuing resource of research knowledge and trained personnel with a view to preventing future "drug abuse epidemics" before they begin. Accordingly, the aims of S. 2809 fit in quite well with those of S. 2097 and would be workable whether administered through a White House office, the National Institute of Mental Health or a special drug abuse research institute. In fact, it is my understanding that S. 2809 will be introduced as an amendment to S. 2097.

I feel strongly that, while labeling the drug abuse epidemic a "national emergency" and designing emergency legislation to deal with it is good, this approach may be shortsighted unless combined with provisions for longterm, on-going research and education in drug abuse as proposed in S. 2809. Moreover, it is worth noting that compared to the total current federal expenditures related directly to drug abuse, about 390 million dollars in the current fiscal year, the annual cost of S. 2809, considerable less than 30 million dollars, is quite nominal.

Thank you for your thoughtful consideration.

Sincerely,

SOLOMON H. SNYDER, M.D.,
Professor of Psychiatry and Pharmacology, Director, Division of Psychopharmacology.

THE JOHNS HOPKINS UNIVERSITY
SCHOOL OF MEDICINE,
Baltimore, Md., November 26, 1971.

Senator JACOB JAVITS,
U.S. Senate,
Washington, D.C.

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Thank you for your thoughtful consideration.

Sincerely,

SOLOMON H. SNYDER, M.D.,
Professor of Psychiatry and Pharmacology, Director, Division of Psychopharmacology.

THE JOHNS HOPKINS UNIVERSITY
SCHOOL OF MEDICINE,
Baltimore, Md., November 26, 1971.

Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I am writing to clarify certain points made in my letter to you of yesterday regarding your Bill S. 2809 "The Drug Abuse Research and Education Act of 1971." Although I agree very much with all the provisions of your bill, after rethinking the situation, I have come to the view that it may not be wise to offer them as an amendment to the comprehensive drug bill S. 2097. This might only serve to muddle the flexibility of the latter bill and conceivably interfere with its passage. I would, however, be happy to testify in behalf of S. 2809 in committee. I have written both Senators Hughes and Javits about these reservations.

Sincerely,

SOLOMON H. SNYDER, M.D.,
Professor of Psychiatry and Pharmacology, Director, Division of Psychopharmacology.

NOVEMBER 24, 1971.

Sen. JACOB JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I have had the opportunity to read Senator Tunney's proposed Drug Abuse Research and Education Act. This is an excellent plan, and I am particularly impressed with the idea of setting up "Career Awards in Drug Abuse Research and Education."

Patterned after the highly successful Career Development Award, such a program offers a uniquely economical approach to the pressing problems of drug abuse. The administrative overhead would be low, and the bulk of the support would go directly into the field. The idea of grants to establish "centers of excellence" in drug abuse teaching and research is appealing. However, a "center of excellence" depends primarily on an excellent man at the center. A large number of universities cannot find qualified men to fill well paid and prestigious chairs in psychiatry.

The first order of business is then to develop individuals of excellence. The heavy investment required to develop a center should be made with great caution.

Sincerely,

ENOCH CALLAWAY, M.D.

NOVEMBER 24, 1971.

Senator HAROLD HUGHES,
Chairman, Alcoholism and Narcotics Subcommittee, U.S. Senate, Washington, D.C.

DEAR SENATOR JAVITS: I have had the opportunity to read Senator Tunney's proposed Drug Abuse Research and Education Act. This is an excellent plan, and I am particularly impressed with the idea of setting up "Career Awards in Drug Abuse Research and Education."

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The first order of business is then to develop individuals of excellence. The heavy investment required to develop a center should be made with great caution.

Sincerely,

ENOCH CALLAWAY, M.D.

NOVEMBER 23, 1971.

Hon. JACOB JAVITS,
Senator from New York,
Senate Office Building,
Washington, D.C.

DEAR SIR: I am writing to express my strong support for Senator Tunney's S. 2809 as an amendment to S. 2097. Drug abuse is an overwhelming problem in the South Bronx and Albert Einstein College of Medicine is responsible for the drug abuse problems in that area. The passage of S. 2809 would be tremendously useful in the recruitment of scientists to work on these crucial problems.

Very truly yours,

WAGNER H. BRIDGER,
Professor of Psychiatry.

UNIVERSITY OF CALIFORNIA,
November 24, 1971.

Senator JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: I have read with great interest your bill S. 2809, an amendment to S. 2097, the Administration's drug bill. As a former awardee of the NIMH Career Development Program, a long time investigator in the field of alcoholism, and a current member of the Alcoholism and Alcohol Problems Review Committee of the NIMH, I find your bill extremely well-formulated and if enacted would deal a major blow to the ravages of alcoholism and drug abuse. I strongly support it and have written my views on this matter to Senator Hughes and Senator Javits. If I may be of further assistance in this matter, please contact me.

Yours sincerely,

ERNEST P. NOBLE' Ph. D., M.D.,
Professor of Psychiatry and Human Behavior, Psychobiology and Pharmacology.

RESOLUTION SUPPORTING DRUG ABUSE RESEARCH AND EDUCATION LEGISLATION

On motion of Supervisor Scheidle, seconded by Supervisor Craven, the following resolution is adopted:

Whereas, S. 2809, the Drug Abuse Research and Education Act of 1971, would authorize the establishment of regional centers of excellence in drug abuse research and education and for other purposes; and

Whereas, S. 2809 would provide for selection and establishment of regional centers; and specific drug abuse research and education programs and functions of such centers; and

Whereas, S. 2809 would provide grants for providing research and education services over a five-year period, renewable at the end of that period; and

Whereas, the County of San Diego was early in identifying and addressing itself to drug abuse problems and in developing a planned, coordinated method of working with these problems; and

Whereas, the County has been expedient in responding to the drug abuse problem, having a coordinated countywide drug control plan which incorporates such facilities as the University Hospital, Deer Park, a methadone maintenance facility and many street agencies located throughout the community; and

Whereas, the County of San Diego has shown its success in its multitude of programs and is a prime location for a regional center so proposed in S. 2809.

Now therefore, be it resolved by the Board of Supervisors of the County of San Diego that:

(1) This Board supports the "Drug Abuse Research and Education Act of 1971" (S. 2809); and

(2) The Congress of these United States are urged to cooperate in a bi-partisan effort to enact S. 2809 to meet the growing drug abuse problems that affect the health and welfare of the nation.

(3) The County, State and Federal Legislative Representatives be directed to take appropriate action to see that this Bill is enacted.

Mr. TUNNEY. Mr. President, I believe that my amendment can easily be combined with the legislation that we have before us. I think it would strengthen the legislation, good as that legislation is on its own. I have indicated that I strongly support S. 2097. But I think my amendment would increase the scope and the dimension of the legislation, and would make it more effective.

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

Mr. TUNNEY. I yield to the Senator from Iowa.

Mr. HUGHES. I compliment the distinguished Senator from California for calling up this amendment today. I want to say that in principle, the amendment, to establish a system of centers, would have some value, as the Senator from California has indicated.

If the Senator from California will permit, I would like to ask a couple of questions relating to the amendment.

Does the Senator envision that we are going to appropriate capital resources for funding research centers in the six different regions of the United States?

Mr. TUNNEY. It is my view that we would use existing facilities at universities, hospitals, and existing research centers. I would not anticipate that we would have to start a capital construction program in order to make these centers available for the training of personnel engaged in research and education. A modest amount would be authorized to allow some changes in physical facilities to allow for multidisciplinary efforts.

Mr. HUGHES. As the Senator probably knows, there is a policy in effect now of closing or advocating the closing of Public Health Service hospitals in some regions of the country.

Mr. President, the Senator from California introduced a bill similar if not identical to this amendment earlier in the year.

Mr. TUNNEY. That is correct.

Mr. HUGHES. The bill was referred to the Committee on Labor and Public Welfare, and then later referred to the Subcommittee on Alcoholism and Narcotics, of which I am the chairman.

Because of the burden of work that the subcommittee and the committee had, we were unable to hold hearings on this particular piece of legislation. However, I wish to state to the Senator from California that as chairman of the subcommittee I would be more than willing, early next year, as soon as possible, to hold hearings on his proposal, to explore it, get the witnesses that the Senator from California has talked about, and to follow through on the measure. In all probability I might join as a cosponsor of the legislation if I were given time to consider it through the process of hearings.

At this point, I would be forced to oppose it as an amendment to the pending bill, because I feel there has been a lack of study into the need for it at this point, though it has a great deal of weight and merit, and probably could be supported and passed in this body at an early date next year.

I ask the Senator from California if he would consider the possibility of perhaps withdrawing his amendment and then, early in the year, going to hearings to explore the matter further. In all probability the matter could then be brought to the floor as a separate piece of legislation.

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

Mr. TUNNEY. I yield.

Mr. JAVITS. I am the ranking member of the subcommittee the Senator from Iowa chairs so gracefully, and I should like to join with him in the assurances he has given the Senator from California, and to urge the Senator to consider his own deep feeling about this measure, and where we stand in the session.

I think he would be helping the country by letting the measure move along, and I believe also helping the proposal he has in mind, at one and the same time.

Mr. HUGHES. The Senator from Iowa would regret very much being placed in a position of opposing this amendment today, I might add. I do believe it has great merit and should probably become the law of the land. So I would repeat my request, and ask the Senator from California if he would consider withdrawing the amendment.

Mr. TUNNEY. Mr. President, I thank the Senator from Iowa and the Senator from New York for the remarks they have made. I recognize that the distinguished Senator from Iowa has been operating under a crushing schedule, and that there was not time to hold hearings on this amendment as separate legislation. I am also well aware of the very hard work which has gone to produce the bipartisan compromises we now have on this legislation. S. 2097 is a truly excellent bill and I do not wish to delay its passage or endanger its prospects in the House of Representatives or at the White House. We all believe very strongly that too much time has passed already in mounting a massive effort against drug abuse.

Considering the fact that the Senator from Iowa has been so kind to assure me today that he will hold hearings on this amendment as a separate bill in the early part of next year, I shall ask to withdraw the amendment. I do so with the understanding that there will be hearings in the early part of next year.

I feel personally that this proposal, as an amendment, is absolutely essential to provide the mechanism needed to create professional training and research centers around the country, and to do the investigative research that is necessary to fully combat the horrors of drug abuse. But I can certainly accept the compelling nature of the arguments which have been made to me by my distinguished colleagues and by members of the executive branch.

So, with that being said, Mr. President, I ask unanimous consent that my amendment No. 780 be withdrawn at this time.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Who yields time?

Mr. PACKWOOD. Mr. President, we have before us today one of the most urgent pieces of legislation of this session. S. 2097, the Drug Abuse Office and Treatment Act of 1971, of which I am proud to be a cosponsor, is the product of long and careful study by the administration, two Senate committees, and numerous groups and individuals. It is a study of this Nation's critical drug problem and what it will take to reach or at least approach a solution.

This bill is designed to meet our organizational needs by establishing in the White House a Special Action Office for

Drug Abuse Prevention, and in the National Institute of Mental Health, a new National Institute on Drug Abuse. S. 2097 will begin to meet our drug abuse education, prevention, treatment, rehabilitation, and training needs by establishing a formula and project grant program to assist State and local governments in their efforts to deal with drug abuse problems.

Although drug abuse in Oregon is not nearly as extensive as it is in many other States and urban areas, my State has been a pioneer in first, recognizing the drug problem and then, doing something about it. Oregon saw the critical nature of this devastating and unique problem and allocated significant resources at a time when budget funds were hard to come by.

Mr. President, drug abuse among our young people is now spreading like a cancer through our Nation. We here in Congress have the ability and the obligation to do something to stop it before further harm is done and before it is too late to rehabilitate those who have already been drawn into the vice-like grip of addictive drugs.

Let me, therefore, join with my distinguished colleagues on both sides of the aisle in urging speedy and favorable action today on this vital legislation. We can and we must approve these measures and move expeditiously on to the task of immediate implementation.

Mr. MATHIAS. Mr. President, I am very pleased to associate myself with S. 2097, a bill to create a new top level authority to combat drug abuse. This bill, as we know, would establish in the Executive office of the President a Special Action Office for Drug Abuse Prevention.

As one of the original cosponsors of this legislation and as a member of the Government Operations Committee, which reviewed and reported it, I have long become uncomfortably aware of the desperate need for this bill's enactment.

At present nine Federal agencies are involved with the problem of drug addiction, ranging all the way from vocational rehabilitation to highway safety. Because of this, Federal efforts have been fragmented and disorganized—through multiple authority, dispersed resources, competing priorities, and poor communications.

The magnitude and severity of the present threat no longer permit this piecemeal and bureaucratically dispersed effort. This absurdity, this tragedy we can no longer endure.

If we are to take effective steps against drug abuse, we must move to consolidate and coordinate our drug programs from the very highest level—from the Executive office of the President.

This bill creates the necessary authority to do this: It provides for unified White House coordination, with direct responsibility to command all major Federal drug abuse programs ranging from prevention and education to treatment, rehabilitation, and research.

The need for this legislation is compellingly clear. An estimate from the provost marshal's office in Saigon this past summer indicated, I understand, that between 30,000 and 40,000 American servicemen in Vietnam were using heroin. That stands close to 15 percent of our troops stationed there.

In New York City, as many of us know, the rate of deaths from narcotics jumped over 500 percent in the last decade. More New Yorkers between 15 and 35 die as a result of narcotics than from any other single cause. Each year in New York City 1,000 babies are born as addicts, as helpless and hapless heirs to their mothers' tragic weakness.

At the doorstep of the Capitol, in the model cities area of Washington, a scant 4 blocks away and just 6 blocks from the White House, I understand that 24 percent of boys between 15 and 19 and 36 percent between 20 and 24 are using heroin.

Heroin has no respect for age, sex or class. It is present in colleges, high schools, even in elementary schools. It can be found openly in any American city. For many youngsters, drugs are easier to find than a job. Almost three out of five addicts are under 30. In 1969 and 1970, new addicts under 18 increased at a rate three and a half times that of the preceding 3 years.

Like quicksand, drug addiction has slowly sucked thousands of youths into despair, crime, and often death.

Enactment of S. 2097 to create a Special Action Office for Drug Abuse Prevention is therefore essential. This legislation, I am confident, will give new force and direction not only to Federal, but to State and local efforts as well.

One of the most important provisions of S. 2097, in fact, is that which authorizes the Director of the Special Action Office to provide assistance to State and local governments. The bill would permit the use of Federal task forces and groups of experts to be called in to evaluate and make recommendations concerning State and local drug programs. In conjunction with this, the Director would establish an information clearinghouse at which State, local, and private agencies could study drug programs operating in all parts of the country, as well as on the Federal level. In addition, the Special Action Office would draft model drug abuse legislation for use by State and local governments. Another provision of the bill establishes guidelines for the organization of an overall drug abuse agency in each State. For a State to qualify for funds under the bill's formula grant program, a State plan would be required. This should promote a coordinated effort not only at the Federal level, but at the State and local levels as well.

Thus, with the Special Action Office acting as a coordinator of all Federal agencies dealing with drug abuse and as a liaison with the Congress and State and local governments, a comprehensive and well directed system of information and programs should be assured.

I am confident, Mr. President, that under the leadership of the Special Action Office, meaningful progress can and will be made in the short as well as the long run in our Nation's fight against drug abuse.

Mr. DOMINICK. Mr. President, as a member of the Alcoholism and Narcotics Subcommittee and as a cosponsor of S. 2097, I am gratified with the strong bipartisan effort to expeditiously move S. 2097 toward enactment.

Bipartisan effort has been the hallmark of this legislation which, after original compromises, emerged from both the Government Operations Committee and the Labor and Public Welfare Committee with rare unanimous support. All participants are to be congratulated for putting aside political differences for the sake of this most important legislation.

The unanimity is understandable when one considers the enormity of America's present drug abuse problems and the assistance in combating them, that S. 2097 contains. S. 2097 provides a comprehensive attack against drug abuse both within the Federal Government and among the Federal, State, and local governments. In giving legislative life and powers to the Special Action Office for Drug Abuse presently existing under President Nixon's Executive order, the bill coordinates all previous divergent and duplicative Federal drug abuse programs relating to the "demand" aspects of drug abuse, that is, education, training, treatment, rehabilitation, and research. This increased emphasis on the "demand" aspects of drug abuse is particularly important in view of the fact that in spite of the recent most concentrated drug abuse law enforcement efforts in our history, the incidence of drug abuse shows no signs of subsiding. It is now evident that law enforcement by itself is inadequate to do the entire job.

The realization that law enforcement individually is unable to curb drug abuse is not to discredit our law enforcement organizations, but rather, it is to acknowledge that the use of heroin, hallucinogens, amphetamines, barbiturates, and other controlled drugs is so pervasive and the causes so diverse that no single agency or organization can hope to control their abuses. It is exactly because of this fact that S. 2097 was drafted. This fact also caused the administration to recommend the creation of a long-term national drug abuse strategy developed by the director of the Special Action Office for Drug Abuse Prevention, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense, the Administrator of Veterans Affairs, and other appropriate officials. Title III of S. 2097 contains such a plan. It requires a comprehensive, coordinated long-term Federal strategy for all drug abuse programs, while the special action office coordinates the day-to-day operations of all "demand" aspect Federal drug programs, and the newly created National Institute on Drug Abuse administers all programs assigned to the Secretary of Health, Education, and Welfare.

Mr. President, S. 2097 recognizes the importance of State and local involvement in drug programs by authorizing $180 million in formula grant money to the States over a 5-year period and providing technical assistance to State and local agencies through the special action office. The formula grant provisions require strong State drug abuse program organization through a State plan, a sin-

gle State agency to supervise the preparation and administration of the plan, and a State advisory council. I am proud to inform my colleagues that the progressive State of Colorado has already enacted comprehensive drug abuse legislation and is presently preparing a State plan under the direction of a new Division of Alcohol and Drug Abuse and in consultation with a new State advisory council.

Additionally, title V, part B of S. 2097, authorizes $1.345 billion in funds over a 5-year period for special emphasis prevention and treatment programs. Such grants and contracts to public and private nonprofit agencies are to be coordinated with and reviewed by the appropriate State agency.

Mr. President, this quick synopsis of the salient provisions of S. 2097 demonstrates the scope and organizational framework of our effort to control drug abuse. It represents a sustained, organized attack on one of our Nation's most compelling problems. I urge the quick passage of this most necessary piece of legislation.

Mr. BENTSEN. Mr. President, I am pleased to join as a cosponsor of S. 2097, the Drug Abuse Office and Treatment Act of 1971.

For too long drug abuse efforts of the Federal Government have been fragmented and underfunded. The measure we pass today, by setting up a Special Action Office on Drug Abuse in the Office of the President, introduces a measure of coordination into Federal efforts to combat this serious social problem.

There is one section of the bill, Mr. President, in which I am particularly interested. Section 206(g) would require the Veterans' Administration to furnish treatment and rehabilitation services for drug dependence, without regard to the type of discharge a veteran has received.

This is in substance the content of a bill I introduced earlier this year, S. 2124, the Servicemen's Veterans', and Ex-Servicemen's Drug Treatment and Rehabilitation Act of 1971. I said at that time that recent stories out of Saigon offer compelling evidence that a drug epidemic is sweeping through our armed services personnel stationed there. Reports indicated that up to 15 percent of the GI's in Vietnam or recently returned from Southeast Asia have used hard drugs.

As in the present legislation, my bill provided for a full range of treatment in Veterans' Administration facilities—including educational, social, psychological, corrective, and preventive counseling.

It is particularly significant that the present legislation incorporates the concept of offering aid to the ex-serviceman. In June of this year, I called for such a measure saying:

> Through these procedures, we direct our efforts, not only to those, who for a variety of reasons, find a release in narcotics after returning to civilian life. Many of these men, physicians tell us, have been profoundly affected by their military experience and are casualties of war, regardless of their civilian status.

I want to express my gratitude to the chairman of the Subcommittee on Alcoholism and Narcotics, Mr. HUGHES, for including the thrust of my legislation in the present comprehensive drug bill.

I am pleased to offer my strong support of this legislation.

Mr. STAFFORD. Mr. President, I would like to add my unconditional support to S. 2097, the drug abuse prevention bill which has just been reported out of the Labor and Public Welfare Committee. This bill represents a concentrated effort of the Congress by the Senate and by the administration to come to grips with a problem that is sapping the strength of our Nation.

The need for this legislation is apparent to every member of our society, and the cooperation and hard work both the Congress and the executive branch have contributed in writing this legislation demonstrates that we can work together when there is an imperative problem confronting us.

I need not explain the provisions of the bill nor my belief that it will provide an effective beginning toward a solution of our Nation's drug problems. It is my hope that this act will be fully funded and the intent carried out aggressively by those who will manage the program so that drug abuse will be eradicated during the lifetime of my children.

Mr. GRIFFIN. Mr. President, this Nation is in the midst of one of the worst epidemics it has ever known, an epidemic which hits hardest at our youth—destroying their minds, conquering their spirits and, in many cases, leaving them dead in our streets.

The epidemic I speak of is drug abuse.

The Congress has not been standing idly by while this disease has spread. Last year we passed two major pieces of legislation designed to deal with drug abuse; the Drug Abuse Education Act and the Comprehensive Drug Prevention and Control Act. In 1966, we passed the Narcotic Addict Rehabilitation Act. These are but a few of the many laws we have enacted designed to curb the spread of drug abuse and aid those individuals already addicted.

As a result of our efforts a wide range of legislative authority has been created and a number of Federal agencies are now charged with responsibility in the area of drug abuse. But an unfortunate consequence is that no one unit of Government has been given responsibility or authority to organize and direct this effort. For this reason there has been some duplication and overlapping of effort in some areas, while in others there has been no effort at all. It is time we saw to it that this intolerable situation is remedied.

This legislation to establish the Special Action Office for Drug Abuse Prevention is designed to produce this change.

The Director of this office will report directly to the President and the Congress. His office will be part of the Executive Office of the President, carrying all of the weight and authority of that position. He will have the ability to examine thoroughly all of the ongoing research and clinical programs. He will be able to evaluate them to maintain and expand those which are working and dispense with those which are failures. He will insure to the extent possible, that necessary efforts are begun and the wasteful overlap is diminished.

In short, he will act as the central nervous system for all the arms of the Federal Government involved in drug abuse programs—giving them strength and direction.

None of us would view this office as a cure-all for this Nation's drug epidemic. Its existence will not make our addicts well, it will not keep the pushers off the streets and it will not stop all of our youth from being lured into the unknown hell of drug dependence. It will, however, enable us to marshal the many resources already available, to make the best use of the knowledge and facilities we already have, and to add wisely to them.

Mr. President, I urge passage of S. 2097, and hope that it is the last major piece of drug abuse legislation ever needed in this country.

Mr. BEALL. Mr. President, as a cosponsor of S. 2097, the Drug Abuse Office and Treatment Act of 1971, I strongly urge prompt and favorable action by the Senate on this measure designed to coordinate and concentrate the Nation's resources in an accelerated attack against drug abuse.

On June 18 I joined Senator PERCY and a bipartisan group of 16 Senators in introducing S. 2097, a bill advanced by the President in response to the drug abuse problem which has reached epidemic proportions in areas of America. This legislation demonstrates the working of Government in its finest fashion. Not only does it illustrate the cooperation of the executive and legislative branch in shaping legislation to meet a grave national problem, but it also shows the putting aside of narrow committee jurisdiction in the Congress itself and cooperation by the committees to produce a measure in the public interest. The President is to be congratulated for his initiative in submitting S. 2097 and the Senate Government Operations and Labor and Public Welfare Committees for their joint effort in bringing to the full Senate this bipartisan bill improving on the bill as originally introduced.

S. 2097 was unanimously reported by the Government Operations Committee on November 17 and subsequently referred to the Labor and Public Welfare Committee, on which I serve. Our committee on November 24 reported S. 2097 to the full Senate after adding new sections to the bill, as reported by the Government Operations Committee, establishing a new Federal assistance program to encourage and improve State and local drug abuse prevention; treatment, and rehabilitation programs; and creating a National Advisory Council on Drug Abuse.

The bill before the Senate also provides for the creation of a Special Action Office for Drug Abuse Prevention in the Executive Office of the President to coordinate all Federal narcotic and drug abuse programs, and calls for the development of a long term national strategy to fight drug abuse. Further, the pending proposal creates a special fund under which the director of the New Special Action Office may allocate funds to any

Federal agency to demonstrate new anti-drug programs or expand existing efforts. In total, this comprehensive drug bill authorizes $1.7 billion, 5-year, attack on drug abuse. Of the sum, $1.5 billion is for grants to States and agencies to help fund drug programs.

Mr. President, President Nixon in submitting his message accompanying S. 2097 noted:

> Drug addiction destroys lives, destroys families, and destroys communities.

The President further said:

> We must candidly recognize that the deliberate procedure embodied in present efforts to control drug abuse are not sufficient in themselves. The problem has assumed the dimensions of a national emergency.

DRUG ABUSE—A NATIONAL EMERGENCY

No one can deny the seriousness of the drug abuse problem. The National Institutes of Mental Health has estimated there are 250,000 heroin addicts in the United States, one-half of which are located in New York City alone. A 1970 survey of the District of Columbia estimated the heroin addiction problem in the Nation's Capital at 10,400 persons. In 1971 this estimate has risen to 16,880, an increase of 60 percent.

Mr. President, another problem closely related to the narcotic problem is the crimes caused by addiction as the drug user is forced to steal to satisfy his craving for drugs. It is estimated that the cost of heroin the average addict requires daily varies from $30 to $100 per day. To support the habit, it has been estimated that the addict would have to steal goods worth four or five times the cost of his habit per year.

I have seen estimates indicating that addicts might be stealing as much as $2.6 billion a year in New York City alone to support their habit and nationwide estimates as high as $8 billion a year. We have all read stories about the Post Office having to pay overtime pay in an effort to provide adequate postmen for safety reasons in heavy drug areas. This is because the narcotic addicts have come to regard checks, such as those of welfare, as a potential source of money with which to buy heroin. Since September of 1968 when a postman was found murdered in Brooklyn, the Post Office Department has found it necessary to institute the "buddy system" in three cities. It is estimated that in the Bronx and Brooklyn $627,000 was spent in overtime pay for the additional carriers needed on days checks were delivered.

Narcotic and drug abuse was once a phenomenon associated with ghettos. We now know that no place is truly safe from this national danger. The scourge of drug abuse is found in suburbia, in rural areas, and in the military. It is a national crisis requiring a coordinated national effort involving the cooperation of all levels of government, both private, and public agencies and private citizens. Time as well as vigorous action is important, for the very health of our citizens is at stake.

Mr. President, heroin is not the only drug problem. We know that in 1969 over 8 billion amphetamine pills were consumed in the United States, enough to make 40 doses for every man, woman, and child in the country. We also know that in the same year over 4 billion barbiturate capsules were consumed, a figure far in excess of that which we need for legitimate medical use.

Encouraging, the use of hallucinogens, such as LSD, appears to be diminishing as the public seems to have received the message with respect to the dangerous potential of such drugs. Finally, it is estimated that approximately 10 to 12 million Americans have used marihuana at least once, and that one college student in seven has used marihuana weekly or even more often. Admittedly, we do not have all the information we need with respect to marihuana. I for one certainly await receiving next year's report on the National Commission on Marihuana and Drug Abuse. While some debate whether marihuana is harmful, I have not seen any information indicating that it is helpful, and, therefore, prudence demands that we do everything we can to educate and encourage young men and women to refrain from the use of such a drug until we are sure about its consequences.

Mr. President. this stepped-up effort against drug abuse domestically must be coupled with a vigorous international effort to stop the production of drugs and narcotics at their source. Our citizens are angry over the drug abuse problem and are demanding that we take action to stop the drug traffic and severely punish those who do not care how they make a buck. For those who have been victimized by drugs, we must offer help; but for those who are pushing and profiting from the drug traffic, punishment must be sure and swift.

I am hopeful that the increased domestic assistance and efforts authorized by S. 2097 and an increased effort to battle international drug traffic will reverse the alarming statistics with respect to the use and abuse of narcotics and drugs. This would be a trend that would be welcomed by parents everywhere.

TOWARD A MORE EFFECTIVE FEDERAL EFFORT IN DRUG ABUSE

Mr. BOGGS. Mr. President, I rise in support today of S. 2097, a bill to create a Special Action Office for Drug Abuse Prevention.

The creation of this office is one facet of a multifaceted campaign against drug abuse and drug addiction announced by President Nixon on June 17, 1971. While the President established the Special Action Office by Executive order on that date, it is our responsibility—and I accept it gladly—to give this office the tools it needs to do the job.

For some time now, we have grown increasingly concerned about the increase of drug use and abuse among our citizens. The public is alarmed, indeed frightened, by this menace to our society. The Federal Government has reacted in a number of ways to this concern. The Comprehensive Drug Abuse Prevention and Control Act of 1970 consolidated and revised the various Federal narcotic, marihuana, and dangerous drug laws. The President has convened four White House conferences on drug abuse. Major international initiatives have been undertaken to reduce the supply of drugs reaching our shores.

With the creation of the Special Action Office for Drug Abuse Prevention, the President has taken a major step in coordinating and rationalizing the treatment, rehabilitation, education, and research activities of the Federal Government in the field of drug abuse. Our concern for this problem has led to increased funding for several agencies, but these agencies have not always worked in concert or jointly according to a rational plan. What the President has proposed is the development of a national strategy to combat abuse and addiction. The concept of a national strategy implies that all the various elements of the national Government will work together according to a definite plan to curb the menace of drug addiction. The President has charged the Special Action Office with developing that strategy and insuring that it is carried out by the several separate agencies.

We will spend almost $400 million on drug abuse control programs this year. We must assure the taxpayers of this country that that money will be spent wisely and produce the greatest possible effect. The Special Action Office would be that coordinating and rationalizing agency. By placing SAODAP within the Executive Office of the President, we are clearly indicating our concern for a solution to the problem of drug abuse.

The treatment of drug addicted persons will no doubt be a major priority in the national strategy of the Special Action Office. While we do not know as much as we would like about the nature and causes of drug addiction, we do know enough to offer treatment to many addicts. It is our responsibility to insure that the treatment offered will wisely and effectively reintegrate former addicts into the mainstream of our society. I am confident that under the leadership of the Special Action Office we will help reclaim the lives of many former addicts.

The problem confronting our Nation is obvious, and a major step toward its solution is now before us. I urge my colleagues to join with me in supporting this historic legislation.

Mr. SCOTT. Mr. President, as one of the original cosponsors of this drug abuse prevention legislation, I am gratified that it has been reported for consideration by the full Senate.

One of the major efforts of this administration has been directed toward stamping out the disastrous scourge of drug abuse. Both within the United States and abroad, the President has taken a personal hand in initiating and guiding Federal action.

In the legislative area, these actions include his proposal of the Comprehensive Drug Abuse Prevention and Control Act of 1970, which the President signed into law in October of that year. I was gratified to take an active part in the passage of this vital consolidation and revision of our dangerous-drug laws.

Executive action by the President has resulted in the Bureau of Customs tightening our Nation's borders against the importation of narcotics, a nationwide program of drug abuse research and edu-

cation by the Department of Health, Education, and Welfare, and increased efforts by the Department of Justice to halt the sale and distribution of dangerous drugs within our borders.

This legislation now before the Senate includes President Nixon's major drug abuse prevention proposals, including additional needed authorities for the Special Action Office for Drug Abuse Prevention within the Executive Office of the President. I urge the Congress to pass this legislation so that the President will have these vital additional tools to fight drug abuse.

I wish to commend the distinguished Senator from Illinois (Mr. PERCY) and all other Senators on both sides of the aisle who have worked so diligently to bring this legislation to the Senate floor.

Mr. BAKER. Mr. President, I rise in support of S. 2907 which would create a Special Action Office for Drug Abuse Prevention. The Special Action Office is a unique experiment in governmental response to a national medical and social crisis. The office and its Director is given a range of responsibilities and authorities designed to meet the national drug abuse crisis in an effectively expeditious manner.

Unlike prior governmental responses to national problems, there will be no new massive bureaucrats and duplicative programs. Instead there will be a small staff composed of highly qualified technical and management individuals coordinating a fully orchestrated national drug abuse program.

Unlike the usual coordinating bodies, the office is given budgetary and management controls over the drug abuse prevention programs of the Federal Government. This is a coordinating mechanism with teeth. Not only will it recommend and advise, but it will have responsibility for the management of resources and financial allocations within the limits of congressional appropriations.

Along with these responsibilities and powers, the office will be accountable for the effective implementation of the national drug abuse effort.

The office and its Director will have a special fund to permit the channeling of resources into the development of new and more effective drug abuse programs. With this fund the Director has the necessary flexibility to encourage the development of innovative solutions to the drug abuse problem.

S. 2097 gives this Nation a comprehensive and responsive mechanism to assure that the current drug abuse crisis is eliminated with maximum rapidity and effectiveness.

Mr. MUSKIE. Mr. President, the pending legislation, Senate bill S. 2097, as amended, the Drug Abuse Office and Treatment Act of 1971, is truly landmark antidrug legislation. It will restructure the entire national effort to combat drug abuse. It represents a major commitment to focus the resources of our Federal Government in an effort to deal with one of the most serious problems facing our Nation today.

This legislation represents a constructive compromise between legislation introduced earlier this year by Senator HUGHES and myself, with Senators JAVITS and WILLIAMS, and the administration's drug bill. It was reported unanimously by both the Committee on Government Operations and the Committee on Labor and Public Welfare, and every member of those committees has joined in cosponsorship. In all, 52 Members of this body have cosponsored S. 2097, as amended.

The legislation before us today is a bipartisan compromise bill, worked out among Senators on both committees that reported it and the administration.

Mr. President, I must especially commend the outstanding work of the senior Senator from Connecticut (Mr. RIBICOFF) whose Subcommittee on Executive Reorganization and Government Research considered this bill jointly with my own Subcommittee on Intergovernmental Relations. Senator RIBICOFF's efforts were of valuable assistance on the development of the compromise bill.

I would also like to commend the efforts of Senator PERCY, the sponsor of the administration bill, Senator JAVITS and Senator GURNEY, for their effective work toward reaching this compromise. In particular, I would like to cite Senator HUGHES, who has long provided leadership in the Senate in this important area, for his efforts in helping to draft this compromise legislation.

In addition, Mr. President, I would like this body to take note of the antidrug efforts of a Member of the other House, Representative JAMES H. SCHEUER, of New York, whose counsel was invaluable to me as we in the Senate were working toward this compromise legislation. Earlier this year, Congressman SCHEUER joined with me in introducing important drug legislation, the substance of which is incorporated in the bill we are considering today.

It is not difficult to understand why so many Senators, on both sides of the political aisle, have put political considerations aside to join in cosponsoring this bipartisan compromise, comprehensive drug legislation.

I am talking about the epidemic of heroin addiction which is infesting cities and towns across our land. I am talking about people twisted into addicts and lawbreakers:

About 1,000 babies born each year in New York City as addicts, helpless heirs to the terrible pain of their mothers' habit.

About a section of New York City, where 18,000 men and women—out of a total population of 58,000—are helpless slaves to the heroin habit.

About the model cities area right here in Washington, a scant four blocks from this Chamber and just six blocks from the White House, where 24 percent of the boys between 15 and 19 years old, and 36 percent of the young men between 20 and 24, are addicted to heroin.

About the soldiers who do not go to jail or flee to Canada—and are now carrying a horrible curse home to their towns and their families.

About 250,000 or 300,000 Americans who attack countless fellow citizens and steal billions of dollars to feed an expensive, murderous, implacable addiction.

As the hearings Senator RIBICOFF's subcommittee and mine conducted during July revealed, heroin is still too easily available in too many places and Federal, State, and local programs together are reaching just a small percentage of America's addicts.

Mr. President, we were fortunate to have before us three significant pieces of legislation to deal with the drug problem:

The Muskie-Scheuer bill to create a White House level office to coordinate the Federal antidrug effort;

The administration bill, introduced by Senator PERCY, to bring together under a Special Action Office for Drug Abuse Prevention major treatment, education, and research programs of the Federal Government; and

The Hughes-Muskie-Javits-Williams bill to create a White House office to coordinate and set policy for the Federal antidrug effort and to devote significant resources to the treatment of heroin addiction.

The extensive hearings we conducted on those pieces of legislation convinced me that we needed a bill to restructure the Federal drug effort. As I said at the close of those hearings:

> We need new ideas and new approaches to combat the drug problem. But most of all, we need the willingness on the part of the Administration to devote the resources necessary to deal with the problem.
>
> For my part, I am more and more convinced that the legislation that finally emerges from the Congress should be of the order of the legislation that Senator Hughes and I, with Senators Javits and Williams, introduced to reform the entire Federal attack on dangerous drugs. For whatever bill emerges from the Congress must contain, as that bill does, hundreds of millions of new dollars to do the research and develop the programs that are needed to fight the war against narcotics.

The compromise legislation we are considering today embodies the principal elements of the Hughes-Muskie bill. I believe the compromise bill is significant in several respects.

First, it calls for the development of a comprehensive, coordinated long-term Federal strategy to combat drug abuse, providing, for the first time, a mechanism to develop a unified Federal policy against drug abuse, focusing all of our resources, including law enforcement, treatment, education, and research.

Second, the bill creates a Special Action Office for Drug Abuse Prevention in the Executive Office of the President to pull together heretofore scattered Federal antidrug programs. The special action office will be broad in scope, responsible for determining the Federal policy toward treatment, education, and research programs, for recommending and consulting on law enforcement policy and for coordinating all Federal drug programs.

Third, it requires that the Veterans' Administration provide treatment and rehabilitation services for any former servicemen suffering from drug addiction, no matter the status of their discharge and it requires the Civil Service Commission to develop treatment and rehabilitation programs for drug addicts employed by the Federal Government.

Fourth, it establishes a National In-

stitute on Drug Abuse within the National Institute of Mental Health to administer of State drug abuse programs, currently in NIMH.

Fifth, it creates two much-needed programs to aid the States and localities in developing antidrug treatment and prevention programs of their own. The first of these provides funds, according to a formula, to the States to help them plan, establish, maintain, coordinate, and evaluate drug abuse programs. The need for this program was underscored by a survey Senator RIBICOFF and I took on behalf of our subcommittees, of State drug abuse programs, which indicated a great need among the States for learning more about the extent and nature of their drug problem and planning how to combat it.

The second of these provides funds for prevention and treatment programs in areas that we believe require special emphasis because they are of special importance. This program, for example, provides training seminars and educational programs for employees in the public and private sectors. It provides for vocational rehabilitation counseling, education and services for persons in treatment and rehabilitation programs. It provides for model and experimental treatment and rehabilitation programs within State and local criminal justice systems. It provides programs under which multidisciplinary groups can determine causes of drug abuse in a specific area and then prescribe and implement methods for dealing with that problem. And it provides for research grants to develop new and better ways to prevent and treat drug abuse.

Mr. President, this legislation is no panacea for the drug problem that afflicts our Nation. But it will have a significant impact on the drug abuse problem.

This bill proves once again that outstanding legislation in the public interest is the result of a generally bipartisan effort. It is most significant that Senators on both sides of the political aisle have put partisan considerations aside in drafting this legislation to deal with one of the most serious problems facing our Nation today.

Mr. KENNEDY. Mr. President, I am pleased to offer my support for the passage of S. 2097, the Drug Abuse Office, Control and Treatment Act of 1971. This legislation is designed to bring about much needed assistance in our national drug crisis. It includes the ingredients that many of us have long sought as essential in the battle against narcotics abuse. I believe the chairman of the Committee on Alcoholism and Narcotics should be commended for his success in bringing to this Senate a bill that includes substantial Federal assistance for this critical social problem.

America in the 1970's is a drug society. To get to sleep we pop a pill. To wake up we take another pill. Headaches, colds, aches, and pains are compelling reasons for taking more drugs. We take drugs to control our birthrate and we take drugs to keep from eating too much. We even have rituals for taking certain drugs so that we do not realize or look upon them as drugs—during the coffee break we get our daily intake of caffein; cigarettes satisfy our passion for nicotine, and the cocktail party meets our demand for alcohol. Ordinarily most of these drugs are totally safe. Aspirin and coffee surely do not pose a health threat under normal use. While birth control pills may have side effects, they too are generally safe. Other drugs are perhaps safe in limited use, but some are easily subject to abuse, like alcohol. Some drugs, though inherently dangerous and destructive even in ordinary use, like nicotine, are still somewhat controllable and pose little threat to the stability of society.

But, the building crescendo about a drug epidemic concerns a singularly lethal and debilitating drug—heroin. And the widely broadcast concern about an epidemic is stimulated by the mounting toll of lives that heroin ruins.

Heroin addiction and abuse are everywhere. Parents in the comforting affluence of Beverly Hills complain as much as mothers whose children are forced to play in the squalor of South Chicago.

In Washington, D.C., one-fifth of all young men between 20 and 24 are estimated to be heroin addicts. Experts claim that New York City, the Nation's drug capital, has more than 100,000 addicts. Wesley Uhlman, the mayor of Seattle, believes that there may be as many as 2,000 addicts in his city. Medical authorities put the number of addicts at 5,000 in Phoenix.

Narcotics, that is, heroin, is a plague ravaging all of our citizens. People are filled with terror at home and in our streets because the victims of heroin stalk the urban byways for money and goods to sate their craving. Each of us is in danger of becoming a casualty of the frenzy of the addict stealing for his habit.

In a community with 2 million citizens, at least $200 million is "ripped off" each year to support heroin addiction. In 1970, more than 2,000 deaths were caused by drugs. And the average age of users keeps dropping each year.

What can we do about this epidemic? Can it be stopped before it gets out of hand? Or, is it out of hand already?

As I see it, there are two alternatives. We can panic. In our panic we will only produce cosmetic changes that are superficial and insincere.

Or, we can really seek to resolve the basic causes of the problem.

In a startlingly ironic way, the widespread abuse of heroin compares with the nationwide mystique for guns.

Today, fear, apprehension, mistrust, anguish and pain are the dreaded products of our Nation's history with firearms. In early times guns were a necessity. They were used to claim a new nation; to establish a new life. Thus, through the years America has nurtured and worshipped the "power of the barrel." Today, guns are still an integral part of our society. But they are so abused and misused that among the nations of the world, America stands in the bloodiest pool of deaths by gunfire.

We have somehow managed to weave into the fabric of our new world culture a similarly mystical dependence upon drugs. So that, the switch from caffein to codein or from nicotine to marihuana is really no switch at all.

But rather, it is quite a predictable outcome for a population that insists on making life seem like a perpetual happy holiday—where a pill cures all.

So far even the way we have tried to deal with the drug problem is not unlike our approach to the gun problem.

"Guns don't kill, people do" cry the critics of gun controls. Upon that kind of misguided philosophy we have enacted a plethora of laws to punish people who maim, intimidate or kill with guns. But we have devised no effective method to control the availability of these deadly devices that caused 10,200 murders in 1970.

Shamefully, and perhaps blindly, America has adopted a singularly unenlightened policy about the misuse and abuse of narcotics. Our national and indeed our local policies dealing with narcotics substances seem to be founded on the notion that heroin does not steal, people do. And so, we have acted to lock up the user, while the flow of heroin and other narcotics remains almost unabated. Let us cut off the supply at the source and pursue drug traffickers relentlessly.

In July 1969, the administration announced its commitment to combat the drug menace. That announcement included all the right words about a balance of law enforcement, education, rehabilitation, and research. But 2 days later when the Senate received the administration bill, it was one dimensional. That bill was all enforcement and no rehabilitation, no research, and no education. Moreover, the administration blocked attempts of those of us who sought to add these other three dimensions. And so it is, that we seem doomed to suffer from the full visions of the past when dealing with the modern threat of a narcotics epidemic.

We seem compelled to continue believing that it is proper to place anyone who has had anything to do with drugs in jail. But what good is it to arrest drug users if we do not have the facilities to deal with them. If they are going to end up back on the streets and back on drugs.

We do the same with those arrested for gun crimes. They too wind up back on the streets with a gun back in their pocket.

To those who take the position that guns will always be with us, I submit that we must sustain an unending campaign to redevelop the proper role of firearms in our lives. For the current place that guns have in American life is tragically and needlessly destroying the quietude of our family and community life.

At the same moment, if we are to accept the claim that narcotics will always be a part of our life, then we must also seek to develop its proper role in our society. Unless we do so, there may be a gruesome nationwide contest to eradicate ourselves with either a shot of heroin or a shot of lead.

Yet, it seems clear that we have a chance to halt the madness of drug abuse, even though the problem continues to grow at a staggering rate. Our most important task, however, is to recognize that the answer is as complex as the problem. It is not sufficient just to seek

the elimination of heroin or other narcotics from our society. We must devise a fundamentally rational and coordinated attack so that new people will be prevented from getting caught up in the heroin morass; those who are already part of it must be rescued and others whose greed contributes to the spread of the problem must be effectively deterred.

Drs. Dupont and Katon, in Washington, D.C.'s narcotics treatment program call for a national commitment to end the current spread of narcotics abuse. They warn that even with a well structured treatment program there is a particularly cruel problem to be faced.

When a program is functioning well, the hercin addicts will come and come and come. There won't be enough money to treat them all. The program must either establish a waiting list or dilute services to an unacceptable level. The involved physician will be forced into the role of program advocate and contender for inadequate public or private funds. He will begin to fight with national granting programs such as the National Institute of Mental Health and the Office of Economic Opportunity. He will do battle with his local and state government. He will compete for funds with other health programs. The reason for this is as obvious as it is tragic; nowhere in the country has the leadership fully grasped the seriousness of the problem of heroin addiction and nowhere is enough money available.

Obviously, the only sensible answer is to pursue the drug problem with the same persistence that plunged us into justifying blowing up the tiny island of Amchitka, or building gigantic aircraft that refuse to fly, like the C–5A. But, to do that will involve a commitment on the part of all of us to think with open minds and to act with sense and balance.

I am privileged to serve on two Senate subcommittees—the Judiciary Subcommittee To Investigate Juvenile Delinquency and the Labor and Public Welfare Subcommittee on Alcoholism and Narcotics—which are jointly responsible for the development of programs on drug dependence and drug abuse. On the basis of my experience on these subcommittees, and with information I have obtained as chairman of the Health Subcommittee, it is clear that we must and can develop a comprehensive approach to the drug problem.

In 1970 I joined with Senator HAROLD HUGHES and the other members of the Labor and Public Welfare Committee who introduced an amendment to the Controlled Dangerous Substances Act that would have established a new National Institute for the Prevention and Treatment of Drug Abuse and Drug Dependence in the Department of Health, Education, and Welfare. That amendment provided for the emplacement of a centralized system to control government drug problems. I am pleased to support the present bill, S. 2097, because it insures that prevention, education, training, treatment, rehabilitation will all be in one highly visible place. The system to control narcotics abuse would have a mandate to insure that the Federal drug effort is effectively utilized; it would make sure that all government programs are funded and it would coordinate the many existing projects with each other.

In committee we obtained testimony that the proper structure of a drug program must include the three dimensions of research, rehabilitation, and education. They are the essential components that must be available to complement any aspects of enforcement that are implemented to stem the appalling increase in drug abuse. I firmly support adequate enforcement procedures that will seek out and prosecute importers, illegal manufacturers, distributors and others who make big business and big profit from destroying lives with heroin. But at the same time, it is clear that enforcement is ineffective when it operates without the benefit of adequate treatment, education, or research.

For those who are users, but not pushers, the emphasis should be prevention and rehabilitation, not simply throwing them in jail.

Dr. Vincent P. Dole, the renowned pioneer in methadone treatment procedures recognizes two elements in resolving an addict's dependence on heroin:

First, the users craving for heroin must be eliminated at the same time that moves are taken to end the criminal activity required to finance his habit; and

Second, society demands that the individual replace his social defects with socially productive work, like returning to school, seeking job training or job placement and reestablishing a normal family life.

But, says Dr. Dole, to insist that success in social rehabilitation should be the measure of efficacy of methadone treatment is like basing the efficacy of insulin treatment on the diabetic's ability to get a job rather than basing it on the ability of insulin to control blood sugar.

Again, as with our attitude toward guns, we tend to be more concerned about affecting the behavior of users than with eliminating the source of the problem. Heroin should never enter this country. Since it does, let us offer help to those who become slaves to its power. It makes no sense to wait until a person has already become a drug abuser before trying to do anything about him. We must decide what it is we need to know about the causes, mechanisms, and potential cures of drug abuse. And then we must stimulate and finance the best and quickest research. Right now our research is haphazard and reactive. Dissemination and analysis of results are slow and slipshod. There is no real mechanism at all for translating the most sophisticated and technical studies into a form and language that lawmakers and lawyers and social scientists and educators can use.

We must have an education program which prepares parents and children to handle the challenges and temptations which drugs present. These efforts must be honest and straightforward. They must not deceive, or they will be ignored. They must not merely frighten, they must explain. They must admit lack of knowledge where there is a lack of knowledge and describe risks where there are risks. The bill under consideration by the Senate today strives to meet these goals.

Mr. President, I urge the Senate to pass this bill so that we can give to the Nation the resources that are so badly needed to combat this tremendous social problem.

Mr. CRANSTON. Mr. President, I rise to comment on a number of specific provisions in the pending matter, S. 2097, a bill to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse, as reported from the Committee on Labor and Public Welfare.

First, I wish to explain two amendments which I offered and which were adopted during committee consideration of the bill. First was an amendment to clarify section 206(g) in the reported bill with respect to the authority of the Veterans' Administration to provide treatment and rehabilitation to veteran addicts and drug abusers without regard to the nature of their discharge or to whether their illness is service connected. This provision, as reported from the Committee on Government Operations on November 17, 1971, included a provision along these lines which stated:

The Director shall advise the Veterans' Administration in carrying out the intent of Congress that, notwithstanding any provisions of title 38 of the United States Code to the contrary, former members of the Armed Forces who served on active duty or active duty for training shall, without regard to the nature of their discharge or to whether the illness was service connected, receive treatment and rehabilitation services for drug dependency from the Veterans' Administration and other responsible agencies.

Because of my concern about the effectiveness of this language to carry out the intent of the Government Operations Committee, as expressed in its Committee Report No. 92–486—to create substantive rights, as chairman of the Subcommittee on Health and Hospitals of the Committee on Veterans' Affairs, I wrote to the Administrator of Veterans' Affairs on November 17 requesting a legal opinion regarding the effectiveness of that language.

In a November 22, 1971 letter to me, the Administrator responded that in the opinion of the Veterans' Administration the language in question was needlessly confusing, and should be clarified with a precise authorization for Veterans' Administration treatment and rehabilitative services for drug dependence. He concluded:

With respect, however, to the question as to the effect of the language now in section 206(g) of S. 2097, it seems completely clear that it would *not* expand our existing authority under chapter 17 of title 38, United States Code, to provide treatment for veterans, and that, hence, current medical care appropriations for the Veterans' Administration would *not* be automatically available to treat or rehabilitate individuals not now eligible under veterans laws. This is particularly true in view of the language in our appropriation act (Public Law 92–78) which prohibits the use of any part of appropriations to the Veterans' Administration for hospitalization or examination of any person except a beneficiary entitled under the laws bestowing such benefits to veterans, absent a reimbursement to the fund. (Emphasis added.)

Mr. President, I ask unanimous consent that the full text of the November 17 and 22 correspondence referred to above be printed at this point in the RECORD.

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

NOVEMBER 17, 1971.

Hon. DONALD E. JOHNSON,
Administrator of Veterans' Affairs, Veterans' Administration, Washington, D.C.

DEAR MR. ADMINISTRATOR: Today, the Committee on Government Operations ordered reported to the Senate S. 2097, a bill to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation against the problem of drug abuse, with a committee amendment in the nature of a substitute. Under a prior order, that bill will be referred to the Committee on Labor and Public Welfare for a period not to exceed 30 days. It is presently contemplated that the Committee will consider the bill and amendments to it in executive session on November 23.

The committee-reported bill is not at this time printed. However, I am enclosing a copy of a committee print which is identical to the version ordered reported by the Government Operations Committee. Section 206(g) of the reported bill states:

"The Director shall advise the Veterans' Administration in carrying out the intent of Congress that, notwithstanding any provisions of title 38 of the United States Code to the contrary, former members of the Armed Forces who served on active duty or active duty for training shall, without regard to the nature of their discharge or to whether the illness was service connected, receive treatment and rehabilitation services for drug dependency from the Veterans' Administration and other responsible agencies. Such services shall, pursuant to regulations promulgated by the Administrator of the Veterans' Administration, include inpatient treatment and outpatient treatment, psychiatric care, counseling, vocational training, or other rehabilitative services, and the funding, setting up, or operation of residential halfway houses."

As a member of the Labor and Public Welfare Committee and as Chairman of the Health and Hospitals Subcommittee of the Senate Veterans Affairs Committee, I am concerned about the legal effect of the first sentence of this provision. The intent of the Government Operations Committee, as expressed in its report, is to provide the Veterans Administration with legal authority to expend funds to provide treatment and rehabilitation services to drug dependent veterans regardless of the nature of their discharges or determinations of service connection for their conditions. I would greatly appreciate receiving from your General Counsel a legal opinion as to the legal effect of section 206(g) in terms of the Veterans' Administration drug treatment program, particularly, the effectiveness of the provision to achieve the above-intended purposes.

In view of the imminence of committee consideration of this measure and the urgency which all parties, including the administration, attach to its prompt consideration, I would appreciate receiving the report by Monday morning, November 22.

Thank you for your cooperation.

Sincerely,

ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals.

VERERANS' ADMINISTRATION,
Washington, D.C., November 22, 1971.

Hon. ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals, Committee on Veterans' Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of November 17, 1971, requested a legal opinion from the General Counsel of this agency as to the effect of section 206(g) of the Drug Abuse Office and Treatment Act of 1971 (S. 2097), as reported by the Senate Committee on Government Operations.

This subsection of the bill provides that the Director of the Special Action Office for Drug Abuse Prevention "shall advise the Veterans' Administration in carrying out the intent of Congress that, notwithstanding any provisions of title 38 of the United States Code to the contrary, former members of the Armed Forces who served on active duty or active duty for training shall, without regard to the nature of their discharge or to whether the illness was service connected, receive treatment and rehabilitation services for drug dependency from the Veterans' Administration and other responsible agencies."

The terminology employed is most unusual, and it is exceedingly difficult to forecast the ultimate effect of this provision because of the absence of legal precedents. Moreover, the report of the Senate Government Operations Committee to accompany the bill (S. Rept. No. 92-486) does not afford much by way of assistance. On page 14 of that report, it is stated that the Director is authorized to advise the Veterans' Administration in carrying out the Congressional policy of treating former members of the Armed Forces without regard to their discharge, and then goes into state "We intend the language pertaining to the Civil Service and the Veterans' Administration to be operative and an expression of congressional policy creating substantive rights." This can be read as expressing a doubt upon the part of the Committee as to whether the language does, indeed, create a substantive right.

S. 2097, as introduced, and as recommended by the Administration, contemplated that it would be supplemented by a separate bill (introduced in the Senate as S. 2139) which would have affirmatively provided that former members of the Armed Forces who served on active duty or active duty for training would be entitled to treatment and rehabilitation services by the Veterans Administration, or other responsible agencies, for drug dependency. While the language in section 206(g) of S. 2097 resembles the obviously effective language in S. 2139, it merely provides that the Director of the Special Action Office shall advise the Veterans Administration of congressional policy that this agency and other responsible agencies afford the specified treatment and rehabilitation services. I can perceive no reason why this confusion should be continued and hope that the language in S. 2097 will be clarified and that a precise appropriations for the Veterans' Administration to provide the treatment and rehabilitative services for the drug dependence will be substituted for the current language in section 206(g). As an alternative, it would be equally acceptable if one of the bills now pending before the Senate Committees on Veterans' Affairs and Armed Services (H.R. 9265, S. 2108, or S. 2139), which would provide such authority in clear terms, would receive prompt consideration.

With respect, however, to the question as to the effect of the language now in section 206(g) of S. 2097, it seems completely clear that it would not expand our existing authority under chapter 17 of title 38, United States Code, to provide treatment for veterans, and that, hence, current medical care appropriations for the Veterans Administration would not be automatically available to treat or rehabilitate individuals not now eligible under veterans laws. This is particularly true in view of the language in our appropriation act (Public Law 92-78) which prohibits the use of any part of appropriations to the Veterans Administration for hospitalization or examination of any person except a beneficiary entitled under the laws bestowing such benefits to veterans, absent a reimbursement to the fund. On the other hand, we feel that the maximum possible significance should be given to a congressional enactment. It would appear reasonable that section 206(g) of S. 2097 would support a request for appropriations to provide treatment and rehabilitation services for those within the compass of that subsection, but who are not eligible under the basic provisions of veterans laws. If the Congress appropriated funds for the specific purpose of implementing this program for section 206 (g) purposes, it would cure any deficiencies in the language of the bill. The Comptroller General, of course, would make the final determination as to the expenditure of any funds appropriated.

I hope that the foregoing will be of assistance to you in the consideration of this bill by the Senate Committee on Labor and Public Welfare.

Sincerely,

DONALD E. JOHNSON,
Administrator.

Mr. CRANSTON. Mr. President, in response to this legal opinion from the Administrator of Veterans' Administration, I offered an amendment striking the first 15 words of section 206(g) as reported from the Government Operations Committee, thereby making clear that the provision was a substantive one providing clear authority for treatment and rehabilitation not presently authorized under title 38 of the United States Code and also thereby removing any question of the legality of the Veterans' Administration expending for such purposes funds appropriated to it for medical care.

Thus, the provision as amended in the bill reported from the Labor and Public Welfare Committee now reads "Notwithstanding any provisions of title 38 of the United States Code to the contrary, former members of the Armed Forces who served on active duty or active duty for training shall, without regard to the nature of their discharge or to whether the illness was service connected, receive treatment and rehabilitation services for drug dependency from the Veterans' Administration and other responsible agencies." As so amended, this provision is substantively identical to provisions in S. 2139, the administration bill, H.R. 9265, the House-passed VA drug bill, and S. 2108, my VA drug treatment bill, both of which are now under active consideration in my Veterans' Subcommittee on Health and Hospitals.

My second amendment was of a more substantive nature and dealt with the National Drug Abuse Strategy Council, which would be established under section 301(a) of the reported bill. This Council is specifically given the responsibility of developing a comprehensive, coordinated long-term Federal strategy for all drug abuse programs and activities conducted, sponsored or supported by Federal funds. Under section 301(a)(3), as reported by the Government Operations Committee, membership on the Strategy Council was expressly provided for the Director of the Special Action Office, the Attorney General, the Secretaries of HEW, State, and Defense, and such other officials as the President may deem appropriate. My amendment added the Administrator of Veterans' Affairs as a statutory member of this Strategy Council.

My purpose in offering this amendment was to try to allay some of the very substantial concerns which had been expressed to me about S. 2097 by the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans as well as other individuals con-

cerned with maintaining the integrity and independence of the Veterans' Administrations medical program. These individuals, so highly dedicated to insuring high-quality medical care for our Nation's disabled veterans, had expressed grave reservations and in certain instances strong opposition to those provisions of the reported bill which bestowed upon the Special Action Office—SAODAP—the authority to review and modify Veterans' Administration medical care budget requests insofar as they relate to drug abuse treatment and rehabilitation; to withhold funds appropriated thereunder when he finds that programs are not being run effectively; and generally to exercise overall policy supervision of Veterans' Administration drug treatment and rehabilitation planning and programing.

I fully understand the grave concerns of those who with real justification believe that it is the intention of many in the Office of Management and Budget eventually to phase out the Veterans' Administration hospital system. Such fears produce a strong reaction of resistance to any incursion into Veterans' Administration autonomy in carrying out its medical program. This resistance and these concerns were aptly stated in letters to me and my staff from the three Veterans organizations just mentioned. I ask unanimous consent that these three letters—of November 19 from the American Legion, November 22 from the Veterans of Foreign Wars, and November 18 from the Disabled American Veterans—be set forth in the RECORD at this point.

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

THE AMERICAN LEGION,
Washington, D.C., November 19, 1971.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: The American Legion is concerned about certain amendments to S. 2097, to establish a Special Action Office for Drug Abuse Prevention, as it affects the Veterans Administration participation in the program.

The Legion wholeheartedly supports the concept of coordination and cooperation among all Federal agencies involved in programs of treatment and rehabilitation of drug involved persons, including servicemen and veterans. However, consistent with its historical and philosophical position, the Legion opposes the transfer of control of any programs, or of the funding of any programs for veterans (including drug treatment and rehabilitation programs), from the Veterans Administration to any other agency. The American Legion is totally committed to the proposition that programs relating to veterans should be administered by the Veterans Administration—and by no other agency. Experience through the years has demonstrated that the involvement of other agencies in veterans programs operates to the disadvantage of the veteran.

The American Legion is agreeable to the proposal that veterans with other than honorable discharges shall not be denied treatment and rehabilitative services by the Veterans Administration, or by any federally operated or funded program, for drug related conditions. In assuming this position the Legion is motivated by the overriding need to accomplish the rehabilitation of all drug involved persons to the end that they shall be reclaimed as useful and functioning members of society. The single caveat we state in this regard is that the above described entitlement shall not automatically, or by specific legislative authorization, make available to other than honorably discharged veterans any of the benefits included in the total veterans benefits program. To do so would diminish the value of the discharge issued under honorable conditions to the overwhelming majority of servicemen who perform their service to the Nation honorably and faithfully.

While it does not at this point appear in the text of S. 2097, it seems advisable here to reiterate the opposition of The American Legion to any legislative mechanism that would change the character of discharge issued to a serviceman. All veterans are entitled to review of discharge under current provisions of law. The procedures for review and correction of discharge are in place and functioning in a satisfactory manner. We repeat the point made above, that nothing should be done legislatively to mitigate the premium value of an honorable discharge earned by the honest and faithful performance of duty to country.

With specific references to Title III, Section 301(a)(3) of S. 2097, providing for the establishment of a Drug Abuse Strategy Council. The American Legion suggests that the membership of the Council should include the Administrator of Veterans Affairs. The exclusion of the Administrator would, in our judgement, be inappropriate in view of the fact that the Veterans Administration is currently operating the largest single integrated drug treatment and rehabilitation program in the Nation. This being so, the Administrator is in a position to make a significant contribution to the work of the Strategy Council. In the judgment of the Legion the exclusion of the Administrator from membership on the Strategy Council would be a serious mistake that would hamper the efficiency of the Council.

I would appreciate your making our views known to your colleagues on the Committee on Labor and Public Welfare at the time this measure is considered in executive session next Tuesday.

Sincerely yours,

HERALD E. STRINGER,
Director,
National Legislative Commission.

VETERANS OF FOREIGN WARS,
Washington, D.C., November 22, 1971.

Hon. ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals, Veterans' Affairs Committee,
Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in reference to S. 2097 to establish a Special Action Office for Drug Abuse Prevention, which has been ordered reported by the Committee on Government Operations and is now pending before the Senate Labor and Public Welfare Committee for its consideration and recommendations before going to the floor of the Senate for further consideration and vote.

The Veterans of Foreign Wars has always adhered to the position that the Veterans Administration should be the Federal agency with the responsibility of administering veterans rights, benefits, and programs, and always opposed any and all attempts and recommendations to transfer this responsibility to other Government agencies.

The Veterans of Foreign Wars has noted with alarm that there is a proposal in S. 2097 which collides with this longstanding position of the Veterans of Foreign Wars. It is the provision that the new Director for Drug Abuse Prevention, as proposed in this bill, will be armed with sweeping powers over all "Federal drug abuse training, education, rehabilitation, research, prevention, and treatment programs and activities" now carried on pursuant to a number of Acts specified in the bill, including "Title 38 of the United States Code, to the extent it pertains to drug abuse."

Title 38 of the United States Code embodies all veterans laws administered by the Veterans Administration. It is the transferring of existing authority to provide care and treatment for veterans as authorized by Title 38 which is strongly opposed by the Veterans of Foreign Wars of the United States. The Veterans of Foreign Wars urges your Subcommittee to delete this provision transferring existing authority in Title 38 from the Veterans Administration to the new Drug Czar proposed in S. 2097.

The bill to provide care and treatment of veterans suffering from drug abuse and drug dependency is House-approved H.R. 9265, which has been before your Veterans Affairs Committee since July, 1971. Previously a Joint Committee of the Senate Veterans Affairs and Labor and Public Welfare Committees, headed by yourself and Senator Hughes, held comprehensive hearings on the drug abuse problem as it relates to veterans and servicemen on June 15, 1971. It was during these joint hearings that your Subcommittee on Health and Hospitals of the Committee on Veterans Affairs and the Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare that evidence was obtained which demonstrated pressing and immediate need of legislation such as the proposal contained in H.R. 9265.

Subsequently, the newly-appointed Drug Czar, Dr. Jaffe, appeared before your Veterans Affairs Committee, but his testimony has not been printed.

Regardless of how one views this bill as it relates to veterans, one conclusion is inescapable. The Veterans Administration's responsibility as it relates to the care and treatment of veterans suffering from drug dependency will be taken over by a new agency, as proposed in this bill. This the Veterans of Foreign Wars strongly opposes.

In the affirmative, the House has approved a bill, H.R. 9265, which gives the Veterans Administration the necessary authority to go forward with its responsibility of caring for those who have become the victims of the Vietnam war as it relates to the use of drugs.

As an indication of how far down the ladder the Veterans Administrator would be placed—it is understood that there is proposed a Strategy Council comprised of certain high Government officials and Department heads. A glaring omission is that the Veterans Administrator would not even be on this Strategy Council.

The Veterans of Foreign Wars, therefore, is hopeful that you will agree with our position that this is not the time nor the program to start stripping away and reducing the capability of the Veterans Administration's Department of Medicine and Surgery to effectively carry out its mission of caring for veterans.

Hoping that you will agree with the position of the Veterans of Foreign Wars and work to delete the provisions of S. 2097 which relate to the Veterans Administration and with kind personal regards, I am

Sincerely,

FRANCIS W. STOVER,
Director, National Legislative Service.

DISABLED AMERICAN VETERANS,
November 18, 1971.

JONATHAN R. STEINBERG, Esq.,
Room 4230, New Senate Office Building,
Washington, D.C.

DEAR JOHN: I enjoyed the opportunity of meeting with you yesterday morning, and I wish to express my sincere appreciation for your detailed briefing on pending legislation pertaining to the drug problem.

In reply to your question concerning our position in connection with S. 2097, I wish to advise you that it has long been the feeling of the DAV that all veterans' programs can

best be administered by the Veterans Administration without interference from other government agencies.

For this reason, certain provisions of S. 2097 are objectionable to the Disabled American Veterans, and we could not support the bill as it is presently written.

If, however, the amendments discussed at the meeting yesterday are adopted and the Administrator of Veterans' Affairs is specifically named as a member of the Strategy Committee, we would not oppose S. 2097 in the Senate.

Thanking you in advance for any consideration that may be given to our views on this important subject, I am

Sincerely yours,

CHARLES L. HUBER,
National Director of Legislation.

Mr. CRANSTON. Mr. President, this very strong expression of concern was instrumental in my deciding that it would be very unwise not to include the Administrator of Veterans' Affairs as a statutory member of the strategy council. As the Federal office responsible for the largest single medical program in the United States with over 150,000 employees and a $2.1 billion budget, currently operating 32 separate drug treatment centers and scheduled to double that number in the next year, it seems to me beyond debate that the interests and confidence of the strategy council, as well as those of our Nation's veterans, would be better served by ensuring that the Administrator's voice would always be heard in the activities of this high-level policymaking body.

In closing, Mr. President, I wish to state with regard to the administrative structure established in S. 2097 as reported that I believe it can be a sound one despite the very serious considerations which I have just described. As a general matter, I believe that the autonomy and independence of the Veterans' Administration medical program must be maintained in order to make the maximum contribution to the health care of our disabled veterans and to overall health programs for the Nation. In this particular, instance, after the most serious and lengthy deliberations, I have concluded that an exception to this general rule is called for. The basic purpose of creating the Special Action Office is to provide for maximum coordination and central policymaking for a massive federally funded attack on the scourge of drug abuse afflicting our Nation.

Toward this end, the reported bill gives the Director of SAODAP overall programmatic and procedural responsibilities with respect to all Federal programs dealing with drug treatment and rehabilitation, including—although not specifically in the legislation—those of the Department of Defense.

Were a special exemption to this overall policy role introduced for the Veterans' Administration, I have every reason to believe that the whole fabric of this carefully constructed compromise would be torn apart. Next, the Department of Justice, then HEW, then the Department of Labor, and then the Office of Economic Opportunity, followed by every other bureaucratically zealous agency would beat a trail to congressional doors to achieve a similar exemption. This would undercut the whole concept contained in this bill which has been the subject of the most lengthy and high-level deliberations by leaders of the Government Operations Committee, the Labor and Public Welfare Committee, and the administration.

It should be clearly understood that the reported bill no longer includes the authority, originally contained in subsection 206(i) of the bill, to permit the Director of SAODAP to transfer appropriations from one agency to another and to assume direct operational responsibility for programs he funds are functioning ineffectively. Such authority would have gone far beyond that presently possessed by the Director of the Office of Management and Budget, whereas the present budgetary and policy-making functions given to the SAODAP Director are basically inherent in OMB to begin with. I would expect the exercise of these specific functions by the SAODAP Director with respect to VA or any other drug treatment programs with more informed compassionate and programmatically supportive than would such exercise by the Director of OMB.

Thus, Mr. President, I suggest to all those who are skeptical about this "SAODAP superstar" that we are creating with this legislation—and I must confess that I have shared some of these reservations when this concept was first introduced although my doubts have been allayed considerably by the excellent modifications in the reported bills—that we give the new office a change, withhold opposition and join with the sponsors of the legislation in critical oversight of this program which holds such great promise, in the words of the bill's title, "to coordinate the resources of the Nation in a crusade against drug abuse."

Mr. President, I wish to express to the leaders in the development of this legislation my gratitude for their courtesy, consideration, and outstanding cooperation in working out the amendments I have just described. I refer to the Senator from Connecticut (Mr. RIBICOFF), chairman of the Subcommittee on Executive Reorganization and Government Research, the Senator from Maine (Mr. MUSKIE), the chairman of the Subcommittee on Intergovernmental Relations of that committee, the Senator from Illinois (Mr. PERCY), the acting ranking minority member of that committee, and the Senator from New York (Mr. JAVITS), the ranking minority member of the Committee on Labor and Public Welfare. Finally, I want to pay special tribute and express my special thanks to my good friend, the Senator from Iowa (Mr. HUGHES), the chairman of the Subcommittee on Alcoholism and Narcotics of the Labor and Public Welfare Committee to whose steadfastness of purpose, unflinching dedication to principle, and commitment and concern in this vital fight against drug abuse and dependence has been primarily responsible for bringing about the bipartisan agreement between the Senate and the executive branch, which brings this bill to the floor today.

Mr. President, I urge my colleagues to support S. 2097 as reported by the Labor and Public Welfare Committee on November 24, 1971.

CONGRESS CONTINUES ITS COMMITMENT TO DRUG CONTROL LEGISLATION

Mr. RANDOLPH. Mr. President, in every forward movement there is usually one event, or one single incident, which galvanizes responsible people into action. It is not always a disaster or an earth-shaking event in itself.

The crusade against drug abuse was already well underway when the Nation's news media flashed a picture of a 12-year-old boy testifying on his drug habit. The child was seated on the lap of a social worker before a microphone, telling in a matter-of-fact tone how he had developed a $36-a-day habit.

For me, and I am sure for many thousands of other persons, this single act brought into clear focus the catastrophic consequence of the growing drug problem in America. Over the past few years, we have received much expert information on drugs, going all the way back to the early part of this century when this Nation had a severe "dope addiction" problem.

But it was not until this invaded the classrooms and recreation rooms of America's affluent young that its cancerous process became fully recognized.

This legislation may have come too late. Perhaps it cannot rescue many thousands of young people who have experimented with a wide variety of drugs and have irrevocably damaged their future.

Too much time is generally required to generate the acute public awareness prerequisite to effectively attacking social ills in a democratic society. Regrettably, there is little constructive activity until the public's conscience has been shocked into realization of the effects of a particular problem or set of problems. Similar circumstances prevail in our attitudes toward the addict in society.

But this legislation is evidence that the Congress and the people of this country have now developed that "acute awareness." We are in the process of counter-attacking an epidemic.

I want especially to commend all the Senators who cooperated in developing this legislation in a way that was free of partisanship. This is truly a bipartisan measure and I am gratified to be a cosponsor of the measure.

Not only is S. 2097, on which Democrats and Republicans worked closely together, but it is also a written demonstration of the cooperation between Senate committees—the Committee on Government Operations, and the Committee on Labor and Public Welfare, the latter on which I am the senior majority member. Among those who worked diligently on this bill, and who deserve special recognition, are Senators MCCLELLAN, RIBICOFF, MUSKIE and PERCY, particularly with respect to titles I, II, and III of the bill, the subject matter of which was under jurisdiction of the Government Operations Committee; and Senators HUGHES and JAVITS, who concentrated on titles IV through VIII of S. 2097, which deals with matters under the jurisdiction of the Labor and Public Welfare Com-

mittee. The Congress and the public should be aware of the intense interest, drive, and dedication of Senator HUGHES as chairman of the Alcoholism and Narcotics Subcommittee on which I also have the responsibility of serving.

Mr. CHURCH. Mr. President, I support S. 2097, a bill designed to do something about drug abuse.

This legislation, if enacted into law, provides new tools for the use of our Federal, State, and local governments in the fight against drug abuse. The purpose of the bill is simple and straightforward:

To focus the comprehensive resources of the Federal Government and bring them to bear on drug abuse with the immediate objective of significantly reducing the incidence of drug addiction and drug abuse within the United States in the shortest possible period of time.

The bill takes significant steps to implement that policy.

First. It establishes, within the Executive Office of the President, a Special Action Office for Drug Abuse Prevention. The new office would be responsible for the coordination of the Nation's drug abuse programs and provide assistance to State and local governments.

Second. It provides for the formulation of a national drug abuse strategy at the direction of the President. The information of such a strategy would include an analysis of drug abuse problems, determinations as to how best to make use of Federal funds and resources to combat the problems of drug abuse, and an evaluation of current programs and recommendations for action.

Third. The bill also provides significant financial aid to State and local units of government to help them formulate and implement drug abuse prevention and rehabilitation programs.

Fourth. It establishes a National Institute on Drug Abuse within the National Institute of Mental Health which will assist in the study as well as in the formulation of educational research to broaden understanding of, and battle against, the rising incidence of drug abuse in our Nation.

This is a brief summary, Mr. President, of an excellent piece of legislation. It is one of the steps which we can take to help stop the spiral of drug abuse. We cannot ignore the fact that this drug abuse is real. It extends from the slums to the suburbs across the land.

The support for this bill speaks for itself. It is cosponsored by Senators of both political parties whose views run from the very conservative to the very liberal. It is not a partisan issue. I shall cast my vote today in support of this legislation to help meet the need to create a coordinated Federal effort to curtail drug abuse in the United States.

Mr. CHILES. Mr. President, I think it is fair to say that there is no greater problem facing this Nation today than the already broad-based swelling growth of drug addiction. The problem has reached the emergency stage and it is with that emergency that we deal with today. We are all too familiar with the scope of the drug problem. There is an abundance of shocking evidence available showing the rapid increase in drug use in all sectors of society. The threat of drugs does not discriminate—all people are being affected either directly or indirectly. All are touched in some way by the effects of drug abuse and dependency. Crime ranging from petty theft to murder, disrespect for law and order, weakening of our moral and spiritual awareness, and a growing sense of despair and inability to cope with problems—all can be seen to be in some measure at least outgrowths of the drug problem.

It is true that the proportions of the drug situation have not been totally ignored. We could not possibly have avoided or disregarded them entirely. And as the problem grew, so too various programs grew to aid those who had become disciples of the drug habit. Medical, psychiatric, and legal aid was made available to many through a variety of offices, agencies at all levels of government.

But our current offering of programs is limited, uncoordinated, and disjointed and of doubtful effectiveness. In the July 16, 1971, RECORD, Congressman JAMES H. SCHEUER attempted to compile a list of all Federal agencies operating such programs. At the same time the administration officials were attempting to compile their own list. The Congressman's list was far from comprehensive by his own admission, but as Mr. SCHEUER stated:

The very fact that each list describes programs that the other omits dramatically illustrates how difficult it is to even determine the scope of the Federal effort in this area.

In the words of the President:

We must now candidly recognize that the deliberate procedures embodied in present efforts to control drug abuse are not sufficient in themselves. . . . Despite the magnitude of the problem, despite our very limited success in meeting it, and despite the common recognition of both circumstances, we nevertheless have thus far failed to develop a concerted effort to find a better solution to this increasingly grave threat.

There are at least nine Federal agencies involved with drug addiction. The efforts exerted through these agencies have been well intended, but ineffective because of lack of communication, limited and fragmented authorization as well as funding. If our dealing with this massive problem is to be at all effective the piecemeal approach must end. And S. 2097 would quickly draw it to an end. The bill would establish a Special Action Office for Drug Abuse Prevention in the Executive Office of the President to develop a comprehensive, coordinated, long term national strategy for all drug abuse programs and activities supported by any part of the Federal Government.

Our objective through this office—to reduce the incidence of drug abuse and drug dependency in the shortest possible period of time—would no doubt, parallel the general goal of the present variety of programs dealing with the problem. But the approach this bill provides would, at last, reflect in some measure the magnitude of the problem. The emergency proportions of the drug situation demand an organized, all-out attack which this measure would provide. The bill would constitute a total Federal effort through an office directly answerable to the President.

Party lines obviously have no influence here—no effect on the merit of the bill. The only real consideration ought to be—what is the most effective way we can deal with a problem that is growing, that touches all of us in some way and that must be stopped? I believe S. 2097 shows us the way.

Mr. EAGLETON. Mr. President, we act today on one of the most important measures of this session, a bill providing for a comprehensive, coordinated attack on drug abuse in this country. The drug abuse problem has been among my major concerns since I came to the Senate, and I am pleased to be among the cosponsors of this landmark bill.

The major impact of this bill will be the creation of a focus on drug abuse within the Federal Government so it can more effectively carry out its part in the fight against drug abuse. We need a unified policy in this area, and we need a coordinating mechanism at the Federal level.

President Nixon recommended, and I endorsed, the concept of a Special Action Office for Drug Abuse Prevention—SAODAP—in the Office of the President. This bill creates that office, giving it responsibility for providing overall strategy in the areas of drug abuse education, treatment, rehabilitation, and research. That is no small task considering that these drug programs are scattered among the Department of Health, Education, and Welfare, the Office of Economic Opportunity, the Veterans' Administration, the State Department, the Civil Service Commission, and the Department of Defense.

The second major step taken in this bill is the authorization of two grant programs designed to get more money into State and local drug abuse programs. Under the first program, Federal funds will go to the States on a formula basis, depending upon the State's population its financial need, and its need for prevention and treatment programs. The second program is for special emphasis grants for projects of special importance, including, for example, research grants and special training sessions.

One of the most important aspects of this legislation is the fact that it embodies a commitment to research in the area of drug abuse. Sadly, in this day of widespread drug abuse, we know remarkedly little about the precise nature of drug abuse and about effective treatment of drug dependence. There have been some promising breakthroughs—the possibility of developing safe blockage drugs for heroin addicts, for example. But until now we have lacked the funds and the commitment to follow through on these leads.

I have expressed to the members of the Labor Committee my concern that the Special Action Office be involved not only with the very critical problem of heroin addiction, but with the abuse of amphetamines, barbiturates, and other dangerous drugs as well. That is clearly the intention of the legislation before us.

No less significant is the provision of this bill which directs the Veterans' Administration to provide treatment and

rehabilitation services for drug dependence to veterans regardless of the kind of discharge he has received. Surely if a person's introduction to these dangerous substances occurred as a result of his military service, the responsibility of the military and the VA should not end with his dishonorable discharge.

I do not claim that this legislation will cure the drug abuse ills of this country, but surely it is a significant step in the right direction with respect to treatment and research. No doubt other steps will follow.

Of course my interest in the treatment and research aspects of the drug abuse problem has not dulled my concern about the law enforcement and control areas. I have worked for tighter control over dangerous drugs in the past and have every intention of doing so in the future.

I take pride in the long overdue tightening of controls over amphetamines and other stimulant drugs, a change I worked for for over a year. The administration fought my proposed rescheduling of these drugs in October 1970 and, as a result, it failed to pass into law. When I reintroduced my proposal this year, they did an aboutface and published a rescheduling order. I welcomed their action but was disturbed by two serious deficiencies. First, the rulemaking procedure allowed Smith Kline & French to file a petition for hearing on the largest selling diet pill, Eskatrol, thereby exempting that pill from stricter controls until its case could be decided separately. Second, it failed to include two amphetamine-like drugs, Ritalin and Preludin, which also have a history of abuse. That is why we held hearings in the Senate last July. Only after those hearings did Smith Kline & French withdraw its petition, and the administration changed its mind once again and decided to reschedule Ritalin and Preludin, as well.

Now the time has come for the administration to set manufacturing quotas on these dangerous drugs. I have expressed my concern to the Justice Department that they reflect the vast, irresponsible overproduction of these drugs in past years. If they do not, we only kid ourselves if we think the "speed" problem is taken care of.

I have also introduced legislation (S. 2911) which would insure that only responsible, cautious companies are authorized to manufacture and distribute dangerous drugs. Under current law, these companies are subject to certain criteria before they can receive their registrations, but the law is weak when it comes to taking registrations away from companies who abuse them. My bill would allow the Justice Department to revoke or suspend registrations whenever registrants fail to "provide a standard of control consistent with the public health or safety." Surely where this privilege is abused at the expense of the public, it should be possible to take it away before further damage is done. I intend to solicit comments on this legislation very soon and hope to see it pass into law within the next few months.

Mr. WILLIAMS. Mr. President, for several years now the Congress of the United States has devoted much of its time talking about the need for a massive Federal attack on drug abuse in the United States. Today we have the opportunity to enact a program which can serve to get that job done.

There is no longer any dispute that drug abuse has become a problem which pervades our whole society. It is no longer enough to talk about enforcing the laws against illegal drug use. We must now undertake a concerted, coordinated and comprehensive national effort which will combine all of our resources in order to overcome what has in fact developed into a national crisis.

Statistics alone do not adequately tell the full story:

Official estimates placed a number of heroin addicts at 250,000. Other estimates indicate that the real number may be closer to 600,000 nationwide.

The abuse of depressant and stimulant drugs is even more widespread and although the true number of abusers is not known, one survey indicates that 18 percent of college students have tried amphetamines and 15 percent have tried barbiturates.

Hallucinogenic drugs have been tried by an equally large segment of our young people. But the real crisis arises from the destruction which this drug abuse reaps on the fabric of our society.

And it is impossible to quantify these costs in terms of crime, lost productivity, unemployment and the spirit of the American people.

The bill which we have before us today is a product of years of work on the part of the Labor and Public Welfare Committee and the Committee on Government Operations. It establishes for the first time a framework within which Federal, State, and local governments can begin to effectively utilize and strengthen their resources to bring the drug abuse problem under control. It creates a Special Action Office for Drug Abuse Prevention in the Executive Office of the President which will provide overall planning and policy to establish objectives and priorities for all Federal drug abuse programs relating to education, training, treatment, rehabilitation, research, and many aspects of our law enforcement programs. It authorizes the Director of his Special Action Office to review budget requests of the affected Federal Departments and to lend technical assistance to State and local drug abuse control efforts. It requires the establishment by the President of a Strategy Council which can develop a comprehensive long-term Federal strategy for all drug abuse programs and activities supported by the Federal Government. It establishes a National Institute on Drug Abuse within the National Institute of Mental Health to conduct treatment and rehabilitation programs consistent with the policies and objectives established by the Special Action Office.

It provides for formula grants to the States so that they may develop effective drug abuse prevention and treatment plans. And it provides for special-emphasis grants to be made by the Institute to public and private nonprofit agencies so that these groups may carry out programs deemed to be of special importance in the area of drug abuse prevention and control.

Mr. President, I could of course spend a great deal of time discussing the need for this comprehensive legislation, the increase in public concern about the problem, and the details of the bill we are now considering. Frankly, I feel that this is no longer necessary. We all know what must be done. We all know that through great bipartisan effort which went into the fashioning of this bill the Drug Abuse Office and Treatment Act of 1971 will prove to be a monumental initiative by the Congress of the United States, and we all fervently hope and pray that this program will work.

Senator McCLELLAN, Senator MUSKIE, and Senator RIBICOFF have all performed valiantly in attempting to develop a practical and well-designed administrative structure for the Special Action Office. Senator HUGHES, as always, has demonstrated his unique talents in getting to the heart of the drug abuse problem and fashioning the kind of rehabilitation and treatment program which can and will prove successful. And a large share of the credit must also go to Senators JAVITS and PERCY.

Mr. President, this is more than a "national" crisis which we are faced with today. It is a human crisis. And we must not shrink from our responsibility to do everything within our power to help deal with it.

THE DEMAND FOR A TOTAL EFFORT TO CONTROL DRUG ABUSE

Mr. HUMPHREY. Mr. President, the menace of drug abuse, that reaches into every State and town in America, must be met head on by strong and comprehensive Federal programs of education, rehabilitation, and coordinated law enforcement. I have been gratified by the thorough and expeditious actions taken by the Senate Committees on Government Operations and on Labor and Public Welfare in reporting the historic legislation that will shortly be voted on by the Senate.

The Drug Abuse Office and Treatment Act of 1971, which I have been privileged to cosponsor, calls for a sustained and comprehensive attack, a coordinated Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective programs to treat and rehabilitate the victims of drug abuse. It recognizes the critical need for a high-level authority, directly responsible to the President, to accomplish the full implementation and total coordination of Federal agency programs which can effect the control of drug abuse.

The need for the substantial improvement and extensive reorganization of Federal programs addressed to the critical and pervasive problems of drug abuse and narcotic addiction was recognized months ago by the Senate Committee on Government Operations, of which I am a member. The evidence laid before our committee presented a picture, not only of totally inadequate efforts by the present administration to clamp down on the narcotics traffic, but also of piecemeal approaches—even working at cross pur-

poses—to employing medical research and rehabilitation resources and to tying these in with law enforcement procedures.

The result has been that far too often, the youth who has been subjected to peer group pressures is not reached before he becomes a victim of the drug habit; and the discharged serviceman who had become addicted to heroin is not being helped. Meanwhile, the professional traffickers in narcotics have continued to make a profit at the expense of human lives, and the rate of crimes associated with the maintenance of the drug habit has not abated.

In the face of this profoundly disturbing evidence I introduced an original bill, S. 2155, the Drug Cure and Control Authority Act, designed to launch a nationwide effort to control the abuse of drugs. I am gratified that the major features of this bill have been incorporated in the legislation presently before the Senate. Greatly dissatisfied with the half-way proposal originally made by the administration, I had included in my bill a central provision for a coordinating agency at the highest level of Government to assure the full implementation of Federal programs on drug abuse treatment and rehabilitation. And this agency would also accomplish the effective interaction of law enforcement agency efforts to halt the narcotics traffic and to apprehend the dope pushers, with the new emphasis upon drug abuse prevention, education, research, and treatment. My bill called not only for the expansion of new frontiers on drug abuse research and treatment techniques, but also for far more sophisticated and coordinated enforcement programs at all levels of government to halt the narcotics traffic. Law enforcement, however, had been specifically omitted from the President's message in connection with the original administration bill on drug abuse control.

Moreover, the legislation presently before the Senate adopts a basic premise of my original bill: That those directly responsible for administering Federal drug abuse control programs and those having expertise in all areas to be combined in an offensive against drug abuse and narcotic addiction, must be brought together in advisory, strategy planning, and program-monitoring councils tied in with the Federal drug abuse control action authority. Only in this way can we pull together all governmental and private resources, set schedules for meeting specific goals, fix responsibility, and accomplish a decisive advance in the war against the rising drug epidemic.

The central truth is that effective control has suffered from fragmentation of authority. The Bureau of Narcotics and Dangerous Drugs; the Law Enforcement Assistance Administration; the Department of Health, Education, and Welfare; the National Institute of Mental Health; and the Department of Defense all have responsibilities in the narcotics field. But they have lacked coordination. They have not made adequate use of the extensive public and private resources already at hand to combat drug abuse. They have not taken sufficient advantage of new advances in the prevention, treatment, and control of addiction. And they have failed to work together and with State, local, and private agencies to get at the source of drug abuse and to provide the help that hundreds of thousands of victims across America need and want.

I urge the Senate to pass the Drug Abuse Office and Treatment Act of 1971. I firmly believe that the American people expect and demand that this Congress take this decisive action to launch a total, sustained offensive against the despair, the agony, the crimes of violence, and the loss of human life left behind in the spreading wake of drug abuse.

Mr. STEVENS. Mr. President, we must stop the encroachment on our national health and strength which the rise of drug abuse in our land threatens to bring about. I believe the bill we vote on today holds the potential for doing this and I am pleased to cast my vote for its passage. S. 2097, by establishing a Special Action Office for Drug Abuse Prevention in the highest elective office in our country, that of the President's, will have the coordinating authority and power it requires to effectively unify our national attack on this problem. Every agency; every Federal program; both national and international, both preventive or educational and those dealing with the enforcement of current laws, will work with this new office. And this is as it should be. We must make our Federal commitment and our programs on drug abuse into a well planned and defined effort that is operated with unification of purpose and a sense of urgency that propels the many Federal programs forward together far more effectively then could ever be accomplished with them each going their separate way.

I am pleased, too, that the legislation also authorizes new Federal funds for grants to States and public and private organizations for projects of special significance in their efforts to solve this national problem.

In Alaska our situation is a bit different than many other States.

At this particular time, dealing with narcotics and drug abuse in Alaska could be compared with decisions to be made on the development of our natural resources.

We are on a threshold with respect to both problems—standing on a sort of continental divide.

What we do in the next few years—the policies we adopt—could well set our course for decades to come.

All of us would agree with that statement when it comes to devising a sensible balance between resource development and preservation of our fabulous natural environment.

But why do I compare this to drug control?

First, people are our most precious resource. Just like our natural environment, they can be destroyed—in this case by drug abuse.

Second, consider these statistics compiled by the Federal Bureau of Narcotics and Dangerous Drugs:

In 1967 and 1968 Alaska had seven known drug addicts—those known to be habitual users of hard drugs.

In 1968, in terms of arrests for violation of narcotics and drug laws, Alaska ranked 17th among the 50 States, averaging 57.8 arrests per 100,000 people.

The total number of people is not enormous. It does not compare, for instance, with New York City, where every day of the year, a school-age boy or girl dies from an overdose of heroin.

Or, where there are an estimated 90,000 drug addicts.

Or, where, according to the New York Board of Education, 35,000 of these known addicts are of school age.

These are appalling statistics telling of humans—more young than old—devastated and corrupted by drugs.

Yet Alaskans cannot turn away, and say it will not happen in our State. It can and is happening anywhere and everywhere, and our ranking with respect to narcotic and drug arrests is not the most reassuring. Therefore, I stand strongly for this legislation; for Alaskans and for all Americans who, if they have not yet been damaged by this blight in our Nation, may well be, if we do not act decisively—and act now.

Mr. BYRD of West Virginia. Mr. President, I rise to express my support for S. 2097, the Drug Abuse and Treatment Act of 1971. This bill will establish a Special Action Office for Drug Abuse in the Executive Office of the President, with the authority to develop a comprehensive, coordinated, long-term national strategy for all drug abuse programs and activities which are conducted, sponsored, or supported by any agency of the Federal Government.

The Department of Health, Education, and Welfare estimates that there are 250,000 heroin addicts in the United States, and other authoritative sources claim the number is closer to 600,000. Additionally, no one has any accurate estimates regarding the number of people who have tried heroin once, or who have had limited experience with this deadly drug. Another shocking factor which has recently surfaced in connection with drug abuse is the large number of GI's who have become addicted to heroin in Vietnam, and who are being mustered out all over the country. This entire spectrum of drug abuse is one of the most serious crises this country has ever encountered, and it will require a coordinated national effort to promote prevention, education, research, treatment, and rehabilitation.

In September 1962, the White House Conference on Narcotics and Drug Abuse considered the future of this country's drug abuse policy. As a result of that conference, the President established an Advisory Commission on Narcotics and Drug Abuse, which issued its report in November 1963. The final report of the Commission concluded that there had never been a sustained, organized attack on drug abuse in this country. Some 3 years later, the U.S. Crime Commission again reviewed the problems of drug abuse and drug dependency, and it urged certain comprehensive programs on both a voluntary and involuntary basis.

The Congress itself has attempted to conquer this problem by the passage of

the Narcotic Addict Rehabilitation Act of 1966, and subsequent amendments to that act passed in 1968. Apparently our prior efforts have not been entirely adequate, because in spite of these acts and other massive law enforcement activities mustered by this country, illegal drugs are available in every city in greater quantities than ever before, and in the majority of cases, at reduced prices.

S. 2097 establishes a comprehensive range of administrative tools in a single, broadly based institute structure within the National Institute of Mental Health, and in addition creates a mechanism whereby a national strategy against drug abuse can be developed. The President is directed to prepare such a strategy council. The national strategy factor is what has been lacking in previous efforts.

This Nation faces a serious problem, and there is no apparent easy solution. I sincerely hope that this new office of drug abuse will bring all of the available resources of the United States to bear on this problem in an effort to reduce the incidence of drug addiction and drug abuse within the shortest period of time practical.

Mr. HUGHES. Mr. President, I am prepared to yield back the remainder of my time on the bill, if the other side is prepared to do the same thing.

Mr. BROCK. Mr. President, if the Senator will yield, I have two further requests for time, and then we will do the same.

Mr. HUGHES. I withdraw the yielding back of time.

Mr. BROCK. I yield 2 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I have followed the path of S. 2097 as it progressed through the Senate. I welcomed President Nixon's initiative in proposing the establishment of a Special Action Office for Drug Abuse Prevention. I wish to praise the Committee on Government Operations and the Committee on Labor and Public Welfare for their fine and diligent work in following through with the President's initiative.

I feel that the establishment of a special office is an important step forward. It is a necessary focal point for marshaling our Nation's resources in an effort to defeat the most recent threat to our personal security and welfare—the scourge of drug addiction and drug abuse.

This legislation marks the turning point in our efforts to effectively combat the drug problem. In the past, the majority of our energies have been spent in programs to eliminate the supply of drugs and to increase the effectiveness of our law enforcement efforts. In reality, we were fighting only half of the problem. We must now dedicate ourselves to the rehabilitation of those lives which have been destroyed by drugs. I am extremely pleased with the special emphasis this legislation places on treatment and rehabilitation programs.

Furthermore, the bill goes one step further, and provides for additional emphasis on our efforts to prevent the spread of drug abuse.

The problems associated with drug abuse are multifaceted and complex. There are no simple solutions. However, I have been extremely encouraged by the increased interest of the public. Such efforts as the decision of the medical society of Houston to request its members to voluntarily regulate their prescription of amphetamines have been remarkably successful. But the drug problem is too great—and our knowledge is too limited—for this Nation to rely solely on individual community efforts. To win this battle, we must be able to coordinate our efforts—to share our Nation's resources and to share our knowledge of drugs in order to remove this curse from our land. The Special Action Office of Drug Abuse Prevention will be a step in that direction.

Mr. BROCK. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Florida (Mr. GURNEY).

The PRESIDING OFFICER. Without objection, the statement will be printed in the RECORD.

STATEMENT BY MR. GURNEY

Mr. President, as one of the principal cosponsors of S. 2097, I am here today to ask for unanimous support for this measure to establish a special action office for drug abuse prevention in the Executive Office of the President and to assist in concentrating the resources of the Nation against the problem of drug abuse.

We face today nothing less than an insidious menace which afflicts the body and soul of America. The peril of drug abuse has stealthily swept across our Nation, leaving behind its calling card of physical and psychological death and desolation. If we as a Nation do not act effectively to control this growing threat, it will increasingly cripple and eventually destroy the human and economic resources of America.

It is now obvious that efforts to control drug abuse have not been sufficiently effective. Drug abuse continues to wreck lives, destroy families, and seriously disrupt whole communities at an alarmingly increasing rate.

Statistics need no elaboration to bring emphasis to the frightening dimensions of the drug abuse problem. Truly, the following facts speak for themselves:

In 1969, there were estimated to be 330,000 narcotic addicts in the United States—95% of whom were addicted to heroin.

Of the 68,000 addicts on whom the Bureau of Narcotics and Dangerous Drugs has detailed information, almost 3 out of 5 are under the age of 30, and 8% are under 18. In the past two years (1969–1970), new addicts under the age of 18 have increased at a rate 3½ times the rate for the preceding three years.

The cost of maintaining a drug habit can range from $30 to $100 a day, or $11,000 to $35,000 a year. Nationally, the total cost of addiction *to the addicts* is estimated by the Bureau of Narcotics and Dangerous Drugs to be approximately $6 billion.

Narcotic addicts cannot usually hold jobs, and are forced to finance their habits through illegal activities—ranging from petty larceny and shoplifting through prostitution and armed robbery to murder. Nationally, the cost of crimes committed to sustain a habit is estimated to be in excess of $8 billion a year.

There are over 30,000 addicts in my home State of Florida—diverting 60% of all law enforcement efforts in Florida to drug related crimes.

In addition to the overwhelming cost of drug abuse reflected by the preceding statistics, the people of America pay an unmeasured daily toll in terms of personal and family suffering and misery. Not long ago, most Americans, including many Members of Congress, felt drug abuse to be primarily a class problem. Whether or not this was ever totally true is no longer relevant, in the face of unquestionable evidence that drug abuse now crosses all boundaries infecting every economic and social group in urban and rural America.

Despite the increasing dimensions of drug abuse, and despite our expanding awareness of the problem, we have not yet moved effectively to combat it. Our efforts to date have been strained, stymied and fragmented through competing priorities, lack of communication, multiple authority and limited and dispersed resources in the Federal bureaucracy.

I firmly believe that enlightened Government efforts to control and eventually eradicate the drug abuse epidemic can be successful only if channeled through a concerted program which coordinates and mobilizes national, State and local resources. We now have the opportunity to institute such efforts at the highest levels of Federal Government. We now have the opportunity to commit to the problem of drug abuse the focused efforts of State and local resources in the inter-related areas of education, treatment, rehabilitation, training, research and law enforcement.

The importance of legislation to provide formal structure and direction for these efforts is underscored by the strong bi-partisan support for S. 2097 in committee—both from fellow Senators from both sides of the aisle and from various administrative agencies. Over 50 Senators have joined to cosponsor this measure. It is supported by the administration. It is supported by State agencies. It deserves our support and immediate pasasge.

Failure to take decisive action now to provide the governmental mechanism needed for such a concentrated and coordinated attack on drug abuse and its related problems will inevitably result in additional human misery, social deterioration, increased crime, and an ultimate potential for the destruction of our society.

As President Nixon said in his message to Congress:

"The final issue is not whether we will conquer drug abuse, but how soon?"

I believe the answer to this question must be here and now.

Mr. BROCK. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Ohio (Mr. SAXBE).

The PRESIDING OFFICER. Without objection, the statement will be printed in the RECORD.

STATEMENT BY MR. SAXBE

Mr. President, last June President Nixon declared "war" on one of our most difficult and perplexing problems—drug abuse. In a major message to the Congress, he set the theme for the effort which he then proposed to deal with this problem when he said:

"We need a coordinated effort at the highest levels of the Federal Government . . . if we are to move effectively against drug abuse."

The legislation we consider today, S. 2097, is a direct and responsive answer to the President's call. It would establish a coordinated effort at the highest level of the Federal Government—in the form of the Special Action Office for Drug Abuse Prevention. It would also provide the mechanism for the development of a long term, comprehensive national strategy against drug abuse. These

two features are critical elements in this legislation.

The need for a coordinated federal program to marshal the resources of the federal government in a coherent way is obvious. Presently, there are thirteen federal departments and agencies involved in the non-law enforcement aspects of drug abuse prevention. Seven are in treatment; nine in rehabilitation; four in training; seven in education; four in evaluation, and seven in research. While solid accomplishments have been made by all of these programs, there has been too much duplication and overlap and not enough cooperation and coordination. Many agencies were concerned with parts of the problem, but no one agency had either the scope of authority or the responsibility to deal with all of it. The Special Action Office which is authorized in law by this bill will have the responsibility and the authority to bring together all the non-law enforcement programs of the federal government and to insure that the policies and plans of those programs work in a united way against the drug abuse problems of our society.

The Special Action Office, lodged in the White House with the backing of the President and the able leadership of Dr. Jaffee, will have free authority and major responsibilities. For drug abuse programs and activities dealing with education, training, treatment, rehabilitation, and research, the Office would provide overall planning and policy, establish objectives and priorities, reviews and modify budget requests, review implementation plans, and make appropriations available. In addition, the Director of the Office would possess the authority to make recommendations to the President concerning law enforcement and international aspects of the federal drug abuse programs. The important point is that the Director of the Special Action Office would be in the position to make key judgements on the direction of all the federal drug abuse programs. This, in itself, is a major step forward.

A second major provision in this legislation is that which insures the development of a comprehensive national strategy against drug abuse. The bill would establish a Strategy Council composed of the Director of the Special Action Office, the Attorney General, the Secretaries of Health, Education and Welfare, State, Defense and the Administrator of the Veterans Affairs and any other officials designated by the President. This Council would be responsible for the developing of a National Strategy which would include the law enforcement and international aspects of the drug problem as well as the treatment, rehabilitation, education and training, and research portions of it. The strategy will contain among other things a comprehensive federal plan specifying the objectives of the program and the uses of all available resources, funds, services, and facilities authorized under federal law. In short, it will be a total plan of action for the fight against the epidemic of drug abuse. The strategy is to be completed nine months after the enactment of the legislation, but is to be reviewed and updated at least once a year. This will insure a continuing analysis and evaluation of what has been done, what is being done, and what should be done in the future in the drug abuse field. Since unfortunately, the experts say this problem is not one to be solved quickly, the continuing review mandated by this legislation is most important.

Mr. President, drug abuse is a scourge which has attacked all segments of our society. It has touched too many families and has taken too many lives already. While S. 2097, authorizing the Special Action Office, may not be the total answer, it surely is what is needed today to move towards the effective control of drug abuse. I am happy to join my colleagues in complete support of this bill.

Mr. BROCK. I yield myself such time as I may require.

Mr. President, on June 17 of this year, President Nixon sent one of his most important messages to Congress. In that message he told Congress:

We must recognize that piecemeal efforts, even where individually successful, cannot have a major impact on the drug abuse problem unless and until they are forged together into a broader and more integrated program involving all levels of government and private effort.

This bill represents an effort to achieve that objective. It is brought before this body as a result of the efforts of the President, the executive branch, the Members of the Senate, and the respective committees. Others more eloquent than I have commended the efforts of the Senator from Connecticut, the Senator from Iowa, the Senator from New York, and the Senator from Illinois. Those efforts are legion, and their effect is represented in an excellent piece of legislation.

I think we do have some special problems to which I should like to draw attention.

At the present time the Federal Government is involved in a great many efforts designed to approach the drug abuse problem on a number of different fronts. Work is being done on the methodology of rehabilitating addicts, on the development of a workable detoxification agent which can ease the physical pain of withdrawal, on the development of a long-lasting antagonist drug to be used in the treatment of heroin addicts, and in a great many more areas vital to a comprehensive approach to this Nation's drug abuse problems.

All of these efforts are highly experimental in nature, and this is as it must be. We have no answers in the field of drug abuse. Few, if any, treatment programs have been able to claim any real success in the rehabilitation of drug addicts. We know that our education and prevention programs leave a good deal to be desired. In short, a great deal of work is yet to be done.

The Special Action Office for Drug Abuse Prevention, proposed in the President's message and in the legislation now before us, will perform a critical role in our efforts to provide solutions to the problems of drug abuse. It will coordinate and direct the entire Federal effort in this area. It will make certain that each component performs its assigned tasks, and that each serves to complement the functions and achievements of the other coordinates.

As I have indicated, much important work is now being done in the Federal Government, but I am also certain that the maze of legislative authorities and operating agencies involved in this work has led to much confusion and wasted effort. The Special Action Office will, amongst other things, eliminate this waste. It will assure that each agency of Government is aware of the related work being done in other agencies and will be able to build upon the knowledge gained in those agencies.

It is my view that a Special Action Office for Drug Abuse Prevention is critically needed if we are to make any real progress in eliminating the dilemma of drug abuse. The drug problem as we know it today began its enormous growth after the publicity arose in the early 1960's concerning the use of the hallucinogen, LSD. Soon illicit drug use became a type of weapon used to widen the so-called generation gap, a symbol of those who sought drastic changes in society against those who desired to preserve traditional values.

Since then, misunderstanding has clouded the horizon and the problem has been so outlandishly mismanaged that both the young and old have become deeply polarized. Not accepting that drug abuse was symptomatic of a wider problem, many adults reacted with panic and punitive action. In turn, many young people watching their parents use alcohol and become dependent on prescription drugs were forced to the conclusion that adults were either stupid, hypocritical, or both.

In that context, Mr. President, I ask unanimous consent to have printed at this point in the RECORD the additional views that I submitted to the committee report on S. 2097, relative to drug abuse prevention and control, specifically relating to what I consider to be inadequate national attention to the most pressing drug problem of all, the problem of alcohol.

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

DRUG ABUSE PREVENTION AND CONTROL

All in all, I feel the bill reported by our committee is a fine piece of legislation worthy of passage by the full Senate. Nevertheless, one area where the Record remains undefined is whether the control of alcohol abuse falls within the aegis of the Special Drug Action Office. The stated purpose of S. 2097 is to establish a Special Action Office for Drug Abuse Prevention and to develop a comprehensive, coordinated, long-term national strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government. There is no one who will debate that alcohol is a drug and indeed a highly addictive one. Yet, the Committee in reporting this bill has not addressed itself to a determination of this important point. I prefer to assume that the committee did not intend the use of illicit drugs to be the sole object of this legislation.

Alcohol is the nation's most used and abused drug. Alcoholism has been called the country's No. 1 public health problem—not heroin or amphetamine, nor marijuana usage. The failure to make a massive assault on alcohol addiction arises from the fact that the use of the causative agent is socially and legally acceptable. Such is not the case with the use of heroin, "speed", marijuana, or any equivalent drugs of the so-called "subculture."

Dr. Morris E. Chafetz, director of the National Institute on Alcohol Abuse and Alcoholism, estimates that there are 36 million problem drinkers in this country. Of that number, some 9 million are chronic alcoholics and this figure is rising by 100,000 a year. Further, he states the disease of alcoholism claimed 86,000 lives last year excluding traffic accidents and that at least 50 percent of the nation's annual 56,000 motor vehicle fatalities were caused by excessive drinking. Every two years, irresponsible drunk drivers account for more deaths than our total losses in Vietnam.

The costs of alcoholism are tremendous, far exceeding the benefits accrued to the public treasuries from taxes. Dr. Chafetz says alcohol costs $15 billion annually in in-

juries, property damage and welfare. A subcommittee of this Senate last year stated that an alcoholic costs his employee 25 percent of his salary due to poor performance, higher accidents rates and absenteeism. The estimated total cost to industry is between $4 billion and $7.5 billion each year.

On an average Americans spend close to $20 billion annually on alcoholic beverages. Of this amount the nation's 9 million alcoholics account for half the sales.

As is quickly becoming the case with the use of the drugs such as heroin, marijuana and their counterparts, the disease of alcoholism cuts across all social and economic lines. Individuals are susceptible to addiction to alcohol, regardless of one's educational, ethnic, cultural or economic background.

Reports indicate that of the country's 5.8 million arrests in 1969, a full third were related to the misuse of alcohol.

I need not continue this endless list of statistics to demonstrate the enormity of the problems related to overindulgence in alcohol. This problem in terms of its sheer size far outstrips the situation caused by the glamorous "escape drugs." This is not to say that attention should be paid to one situation over the other, but merely to point out that a crisis situation exists within the total definition of drug abuse, especially as it relates to alcoholism.

Staggering as present alcohol statistics are, the major effort to control drug abuse embodied in S. 2097 appears to exclude alcohol except in the limited areas of overlap on the general research and educational levels. In testimony received from Dr. Jerome Jaffee, Director of the Special Office, he indicates that it is his understanding that the authorities cited in this bill have by act of Congress delimited these authorities to drug abuse, excluding alcohol. To ignore the drug, alcohol, and alcoholism would be tragic. I pray we will not.

Mr. BROCK. Only after the problem was completely out of hand did both generations begin to look at the problem with a new insight. The problem of drug abuse is not limited to the young. It cuts across all social and economic lines. I am hopeful that the leadership provided by the Special Drug Action Office will serve to improve the atmosphere in which this society strives to combat misunderstanding and confusion that surrounds the misuse of drugs. For only in such an atmosphere can this society truly be effective in coping with this problem—a problem that has assumed all the proportions of a continuing national tragedy.

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

Mr. HUGHES. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

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 Georgia (Mr. GAMBRELL) 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 Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

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

If present and voting, the Senator from Ohio (Mr. SAXBE), the Senator from Colorado (Mr. DOMINICK), and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 92, nays 0, as follows:

[No. 429 Leg.]

YEAS—92

Aiken	Fannin	Montoya
Allen	Fong	Moss
Allott	Fulbright	Muskie
Anderson	Gravel	Nelson
Baker	Griffin	Packwood
Bayh	Gurney	Pastore
Beall	Hansen	Pearson
Bellmon	Harris	Pell
Bentsen	Hart	Percy
Bible	Hatfield	Proxmire
Boggs	Hollings	Randolph
Brock	Hruska	Ribicoff
Brooke	Hughes	Roth
Buckley	Humphrey	Schweiker
Burdick	Inouye	Scott
Byrd, Va.	Jackson	Smith
Byrd, W. Va.	Javits	Sparkman
Cannon	Jordan, N.C.	Spong
Case	Jordan, Idaho	Stafford
Chiles	Kennedy	Stennis
Church	Long	Stevens
Cook	Magnuson	Stevenson
Cooper	Mansfield	Symington
Cotton	Mathias	Talmadge
Cranston	McClellan	Thurmond
Curtis	McGee	Tower
Dole	McGovern	Tunney
Eagleton	McIntyre	Weicker
Eastland	Metcalf	Williams
Ellender	Miller	Young
Ervin	Mondale	

NAYS—0

NOT VOTING—8

Bennett	Goldwater	Saxbe
Dominick	Hartke	Taft
Gambrell	Mundt	

So the bill (S. 2097) was passed.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

A bill to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse.

Mr. MANSFIELD. Mr. President, the swift and expeditious action by the Senate today on S. 2097, demonstrates the Senate's deep commitment to the drug issue. This measure is designed to establish a Special Action Office for Drug Abuse Prevention. The misuse of drugs has become a dreadful blight upon this Nation. I am exceedingly pleased that the Senate has chosen to act effectively against the ravages of this problem. Because of the multiple jurisdiction involved on this bill, two committees worked very hard, and through a truly bipartisan effort, brought to the floor a comprehensive measure which will hopefully help stem the tide of the rising drug problem.

The Senator from Iowa (Mr. HUGHES) is to be particularly commended. His overall leadership in this area has won him praise from all quarters. It is justly deserved.

Our gratitude goes especially to the chairman of the Government Operations Committee, the distinguished Senator from Arkansas (Mr. MCCLELLAN). He and his committee worked diligently to report out this measure so that it could be be considered prior to adjournment. As always, his contributions are of the highest caliber and greatly appreciated.

The very able Senator from Illinois (Mr. PERCY) is to be commended as well for his efforts on the measure and the expertise and enthusiasm which he brings to the deliberations. For his articulate advocacy we are deeply indebted.

We are indebted equally to the Senator from Connecticut (Mr. RIBICOFF) and to the Senator from California (Mr. TUNNEY) for their thoughtful contributions.

THE ECONOMIC OPPORTUNITIES AMENDMENTS OF 1971—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the next order of business will be the conference report on the Economic Opportunity Amendments of 1971.

Mr. JAVITS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of November 29, 1971, at pp. 43117–43133.)

PRIVILEGE OF THE FLOOR

Mr. JAVITS. Mr. President, I ask unanimous consent that during the debate on the conference report, Mr. John K. Scales may be granted the privilege of the floor.

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

Time is limited and controlled. The Senator from New York has 3 hours and the Senator from Wisconsin (Mr. NELSON) 15 minutes.

Who yields time?

Mr. JAVITS. Mr. President, I yield myself a minute.

The PRESIDING OFFICER. The Senator from New York is recognized for a minute.

Mr. JAVITS. Mr. President, apparently this matter broke a little earlier than those who wish to speak first had anticipated. I therefore ask the indulgence of the Senate and suggest the absence of a quorum, which I will not maintain for more than 5 minutes, and ask unanimous consent that the time not be charged to either side.

Mr. NELSON. Mr. President, I am disturbed about getting it through in time to go to the House. They will be waiting on the bill.

The time may be taken out of my time if the Senator wishes. I would rather do that than lose the time.

Mr. JAVITS. Mr. President, I yield 15 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 15 minutes.

Mr. BEALL. Mr. President, although I was one of the conferees on S. 2007, I did not sign the report that is now under consideration. I would like to explain my principal reasons for not signing the conference report on S. 2007, the Economic Opportunity Amendments of 1971.

S. 2007 was advanced as a 2-year extension of the Economic Opportunity Act. I support that extension because I know there are many citizens in the country who need help and a hand to get out of poverty.

I believe our difficulties began when the decision was made to couple the OEO extension with the Comprehensive Child Care Act. I am aware of the growing evidence with respect to the importance of the early learning years on a child's development. I also am aware that these early years may be particularly significant for disadvantaged youngsters.

I want to make it perfectly clear that early child development should receive the highest priority for attention from the National Government. But because we are dealing with early learning years and generally with disadvantaged children, I think we must be extremely careful as to the character and the quality of the programs that are offered. We must be absolutely sure that those sponsoring the programs have the professional competence to provide the quality that is so necessary for the success of these programs. We are dealing with preschool-age children whose whole learning process will be affected by the training received in the child development program. There is a real danger that more harm than good can be done for such a child through an improperly structured program.

It is because of the bill's importance that I felt it was a mistake to add the child development program to the OEO extension. I say this because I believe it is impossible to give the careful consideration that both bills deserve when they are considered as a single unit. As a result, I do not believe the committee did justice to either the child development program, or the OEO extension. That is why the many questions with respect to the child-development provisions are being raised by even strong supporters of the program. I just received a copy of a telegram that Governor Mandel sent to Representative PERKINS which I ask unanimous consent to have printed in the RECORD at this point.

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

HON. CARL D. PERKINS,
Chairman, House Education and Labor Committee, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN PERKINS: I have received your telegram concerning S. 2007 and, although I share your desire to continue Headstart, JOBS, the Job Corps, and the other worthwhile programs it includes, I cannot ask the Maryland delegation to support the bill. You contend that S. 2007 leaves the States with a meaningful role in early childhood development, I do not agree. We in Maryland have put together a workable and coordinated State program of day care and early childhood development, this statewide approach would be effectively sabotaged by the conference bill.

I would like to see the OEO programs continued, but I cannot support S. 2007 while it contains this feature so destructive of our comprehensive statewide program.

MARVIN MANDEL,
Governor of Maryland.

Mr. BEALL. Mr. President, my colleagues will note that in his telegram Governor Mandel felt that the child-care provisions would effectively sabotage the statewide effort that is going on in Maryland.

I believe that the prime sponsor should be that entity which is capable of producing the best, comprehensive program. That and that alone should be the test. The administration felt that in some instances the best qualified entity would be the States and reasoned where a State could operate higher quality care programs and have the greatest ability to provide the link with other child related services, which the bill itself deems essential, the State should be the prime sponsor. The administration's position is certainly sound and I support it.

Unfortunately, as Secretary Richardson said:

> The present language mandates in all cases priority be given to local prime sponsors, with the states left only as residual catch-all for geographical areas which have submitted either no applications or a wholly inadequate application for prime sponsorship. In effect, we would be wholly powerless to choose a state application over a local application, even if the state application would better assure quality care for children.

Since the conference, Senator TAFT and myself and others have been trying to iron out some of the problems and indeed some improvements have been made. For example, I was concerned that school systems would not be eligible as a prime sponsor. This was particularly bothersome because I have observed that in Maryland some of the most successful headstart programs have been run by the school system. I also raised the issue whether Maryland's recently promulgated child care standards would govern programs funded under this child development program. I hope to have this point further clarified.

Thus, a very important part of S. 2007, the child development provisions, which will have a profound effect on our society and on youngsters decades hence, still leaves many questions unanswered. The only real test should be who best can provide the highest child development programs for children.

In addition to questions I have with respect to the child care provisions, I continue to object to the earmarking provisions. While I recognize Congress has a right to earmark programs, I believe that such earmarking in this instance was excessive and detrimental to the OEO role as an innovator for poverty programs. What program of the Office of Economic Opportunity will be harmed most by this excessive earmarking? Ironically the agency's research and development functions. One area which may be the hardest hit is the health programs funded under the research and development provisions. This particularly is undesirable in view of the national focus on health care problems and the need to have all the evidence that we can accumulate in making a decision on the directions and from that the Nation's health care programs should take in the coming years.

I also object to the prohibition against the transfer or delegation of programs. The Office of Economic Opportunity from its beginning, has had the role of giving birth to new programs, testing them, and after they have proven successful, the programs were transferred or delegated to another agency or department. This has been done both in the previous Johnson administration and in the Nixon administration. No other Director of the Office of Economic Opportunity has been denied the right to delegate or spin off programs and this policy has enabled the Office of Economic Opportunity to move in new directions in an effort to devise better ways of serving the poor. I ask unanimous consent that at the conclusion of my remarks a chart outlining programs that have been transferred or delegated since 1965 be printed in the RECORD.

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

(See exhibit 1.)

Mr. BEALL. Mr. President, as a representative of one of the Appalachia States, I also am concerned with respect to the preservation of a role for the Appalachia Regional Commission in child development programs. The Senate had adopted an amendment offered by the Senator from West Virginia (Mr. RANDOLPH) along these lines, but the Randolph amendment was deleted in conference. I am pleased that important report language has been adopted to clarify the situation somewhat.

Mr. President, I am concerned about one other factor in this legislation, and that is the authorization itself. This bill provides a rather generous authorization for child development, as it should, but again we are deceiving those we are trying to help because in making this authorization we are leading people to believe that the money will be appropriated when we know that it will not be appropriated. We should tell the citizens, the boards of education, and the local governments throughout the country that although Congress in this particular conference report, and the bill itself, is authorizing $2 billion to be spent in fiscal year 1973 for child development, that we really do not have any hope at all that the Committee on Appropriations will appropriate that much money for expenditures. We should tell the people when they go into a program of this sort even though there is authorizing legislation there is no guarantee that the money will be available.

I have always felt that the Government at the Federal level has done somewhat of a disservice to itself and the

American people by not being perfectly candid and leading them to expect more than we can ever hope to deliver. I find fault with this legislation in that regard.

Mr. President, this is an important bill; as I have stated, it will have a profound effect on society and on the Nation's children for years to come. That is why I believe it was essential to shape the most workable bill possible and one that would assure the highest quality of programs possible. Like Governor Mandel, I question whether S. 2007 did that, and for the above reasons I declined to sign the conference report.

I hope that during the course of the debate this afternoon that we can during the colloquy make certain points clear that will give more guidance to the Secretary of Health, Education, and Welfare in the enforcement and carrying out of phases of this legislation, and that will bring some clarity to the problem, and place the interpretation of the legislation into such a condition that some of us will be able to support it.

[Exhibit 1]

OEO PROGRAMS WHICH HAVE BEEN TRANSFERRED OR DELEGATED

TRANSFERRED PROGRAMS

College Work Study, HEW, Higher Education Act of 1965.

Small Business Loan Program, SBA, EOA Amendments of 1966.

Adult Basic Education, HEW, Adult Education Act of 1966.

Upward Bound, HEW, Higher Education Act Amendments of 1968.

Foster Grandparents [1], HEW, Older Americans Act Amendments of 1969.

VISTA, Action, Reorganization Plan No. 1, of 1971.

DELEGATED PROGRAMS

Rural Loans, USDA, Delegation in 1964

Work Experience [2], HEW, Delegation in 1964.

Work and Training Programs for Youth and Adults (I–B), Labor, Original Delegation in 1964; revised delegation in 1968.

Follow Through, HEW, Delegation in June 1967.

Head Start, HEW, Delegation in June 1969.

Job Corps, Labor, Delegation in June 1969.

Special Work and Career Development Programs (I–E), Labor, Delegation in May 1970.

Opportunities Industrialization Centers, Labor, Delegation in June 1971.

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

The PRESIDING OFFICER. Is the Senator from Maryland agreeable to having the time for the quorum call taken from his time?

Mr. BEALL. It is agreeable.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

[1] Operated by OEO under Title I–B authority prior to enactment of the Older Americans Amendments, which created it as a statutorily-authorized program for the first time.

[2] This program has since expired. It has been succeeded by the Work Incentive (WIN) program operated by the Department of Labor.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, I urge adoption of the conference report on S. 2007, the Economic Opportunity Amendments of 1971.

As this has been a matter of considerable and lengthy consideration with deep speculation as to the administration's position on the legislation, I, as the ranking minority member of the committee and an author of many of these provisions and of the compromises worked out, consider it important that I indicate not only why the report should be adopted but specifically why the President should sign it into law.

EXTENSION

First, the conference bill would extend the various authorities for the poverty program for 2 additional years, through June 30, 1973. This meets the request for a 2-year extension made by the President early this year as embodied in S. 1290, which I introduced with broad bipartisan support.

This 2-year extension is vitally needed now as a reassurance to those who work in the essential poverty programs that—although changes are being contemplated and will be considered by the Congress—the basic structure of the poverty program, the continued existence of OEO on the national level and community action agencies on the local level will be preserved.

We cannot afford to delay—awaiting new action on legislation—giving this vital reassurance and a new charter to extend these programs. They continue to represent a unique means of closing the gap that still remains in our society between the various racial and economic groups and between such groups and the governmental "establishment" at all levels.

These efforts include such essential activities as manpower training programs for youth and others, emergency food and medical services to provide outreach to the poor, as well as the crucial "local initiative" activities conducted by the poor themselves.

CHILD DEVELOPMENT

Second, the conference bill would establish a comprehensive child development program as a new title under the Economic Opportunity Act, as proposed by Senators MONDALE, NELSON, SCHWEIKER and myself.

Mr. President, a principal purpose of this title is to redeem families from poverty, and the only way we can redeem families from poverty is through work and training opportunities and comprehensive programs for children. The biggest barriers for poor families—especially families where a father is not around—is dealing with children in the household so that children will not, as in my own city of New York, be left on the street with a key tied around their necks so they can go home when they need to and feed themselves and look after themselves.

Therefore, we drafted something which would fill that gap. Through the very gifted work of the Senator from Minnesota (Mr. MONDALE), a concept emerged which would make this a bill not only for the parents but a bill for the child, so that not only the parents would be able to be redeemed from poverty, but a child would have some chance to broaden and expand his or her life.

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

Mr. JAVITS. I yield myself another 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. JAVITS. Mr. President, the establishment of such programs—with emphasis on local decisionmaking, parental involvement and developmental, as opposed to custodial services—was identified as the top priority for the next decade by the White House Conference on Children, held almost exactly a year ago.

This aspect of the bill has been the most debated and has contributed most significantly to the delay in reaching agreement in conference.

While there has been general agreement on the need for a comprehensive system and for these programs, there have been wide gaps between the administration's desire on the one hand and those of the various conferees on the other.

However, I wish to state emphatically and document specifically the fact that these gaps have been substantially closed, with significant deference to the administration's viewpoint in each case. Specifically:

With respect to charges for services, the Conference bill meets the administration's request that free services be provided only to children in families having an income below the family assistance eligibility "cutoff" of $4,320 for a family of four, as provided in the House bill. The Senate bill provided for free services up to the so-called lower living budget standard, established by the Bureau of Labor Statistics at $6,960 for a family of four.

The Conference bill authorizes the Secretary to establish the fee schedule above the $4,320 level, subject only to the limitation that the charge may not exceed 10 percent of the incremental family income between $4,320 and 15 percent of the incremental income between $5,910 and $6,960. There are no limitations on fees which the Secretary may prescribe above the $6,960 point.

Although I cannot say so officially, I have every reason to believe that the limitations in the $4,320 to $6,960 range are compatible with what may be anticipated as the schedule to be established under the Family Assistance Act, with which the administration wishes this legislation to be consistent.

With respect to the administration's related objective of allocating the greater portion of resources under the bill to the most disadvantaged—essentially those below the $4,320 level—the conference bill provides substantial means of meeting that objective: Of the $2,000,000,000 that would be authorized in the first fully operative year, fiscal year 1973, $500 million is reserved for projects for low-income persons; that is, children in fam-

ilies below the poverty level of $3,900 for a family of four. Moreover, of the remaining amount allocated to the States, 65 percent must be used for children in families which are "economically disadvantaged." While that term includes families up to the $6,960 level, a number of provisions give the Secretary authority to direct funds to the most needy segments. Furthermore, the 65 percent is a minimum and the Secretary may insure that a substantial portion of the remaining funds are applied to children whose families are in the category of welfare eligibles.

With respect to prime sponsorship, the administration has requested latitude to designate States as prime sponsors where necessary to insure the high quality of programs.

The administration's position is set forth in a letter dated November 18, 1971, from Secretary of Health, Education, and Welfare Richardson to GAYLORD NELSON, chairman of the Senate conferees.

I ask unanimous consent that material portions of the letter be inserted at this point in the RECORD.

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

DEAR MR. CHAIRMAN: Throughout the consideration of the child care provisions of the Economic Opportunity Act Amendments of 1971, I have stressed the Administration's concern that at least some of the prime sponsors likely to be funded under the bill be States. It was our clear understanding that the language agreed to by the Conferees would permit this result.

Unfortunately, I now find upon analysis of the latest language that far too little flexibility is afforded to the Secretary of Health, Education, and Welfare to designate States as prime sponsors where such designation would assure higher quality care through greater access to child-related social services within the State. The present language instead mandates that in all cases priority be given to local prime sponsors, with the State left only as a residual catch-all for geographical areas which have submitted either no application or a wholly inadequate application for prime sponsorship. In effect, we would be wholly powerless to choose a State application over a local application, even if the State application would better assure quality care for children.

I have testified that we never have planned to choose only States as prime sponsors, but it is essential, in my view, that the delivery system provide flexibility to choose a State as a prime sponsor, when localities within that State have submitted applications which technically meet the criteria listed in the bill but do so less effectively than the particular State application.

With kind regards,

Sincerely,

ELLIOT LEE RICHARDSON,
Secretary.

Mr. JAVITS. Mr. President, in the course of the next few minutes, as soon as the manager of the Conference report, the Senator from Wisconsin (Mr. NELSON), arrives, I will have a colloquy with him which will make clear that the criteria, no matter which way you start—whether you start from the bottom or start from the top—will be the same, and that will be the capability to carry out, with the necessary resources and the necessary efficiency and the necessary expertise, a comprehensive child development program for a given viable area.

The colloquy will also bring out that if one sponsor—to wit, starting, as the conference report does, at the lowest level, the locality—is, in the judgment of the Secretary—which obviously cannot be arbitrary and capricious—not capable of doing a job, then he has a double track. He may go to the next sponsor, to wit, a combination of localities, or he may go to the State. At that point, in other words, the Secretary is left free to choose another sponsorship, which may be the State.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I yield myself 3 additional minutes.

Mr. President, it just seems to me that with so great a reform in prospect, to allow this thing to break up on so narrow a difference would be highly regrettable, since the test—whether you start from the lowest level, or highest—is capability; and the discretion is in the hands of the Secretary of HEW in whom we must assume the President has confidence, or he would not keep him on the job; and he should likewise have a certain amount of confidence and trust even from conservatives.

LEGAL SERVICES

Mr. President, third, the Conference bill would add a new title under the Economic Opportunity Act, establishing a nonprofit corporation for the legal services program. This step, which was proposed first by the administration as a followup on the Asch Commission report and by a number of Senators in both Houses represents a general bipartisan consensus on the desirability of giving top priority to the program as an effective antipoverty effort, insuring its independence from political influence, and preserving the right of the legal services attorney to do what he considers to be in the best interest of his client. As President Nixon stated, in his message to the Congress of May 5, 1971:

The legal problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this manner can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so central to our judicial process.

Again, despite this shared objective, there existed substantial differences over the composition of the board of directors and the powers to be given the corporation.

These issues, too, have been resolved by the Conference with deference to the viewpoints of the administration:

With respect to the board, the administration's bill, S. 1769, introduced early this year, provided for an 11-member board appointed entirely by the President.

S. 1305, introduced by Senator MONDALE, provided for a 19-member board, only seven of whom were to be appointed by the President.

As passed by the Senate, S. 2007 provided for a 15-member board, with only nine members appointed by the President.

The House adopted a 17-member board, appointed entirely by the President.

The administration indicated during the conference its clear preference for the House board.

The Conference bill accepts the 17-member Presidentially appointed board contained in the House bill with the modification that in a number of cases the President's appointments are to be made from lists submitted by such respected organizations such as the American Bar Association, the Judicial Conference of the United States, and certain clients and project attorney's advisory groups. Each list is to contain from three to 10 names.

But, even in these cases the President has the clear right to turn down an entire list and request another one. This is made clear in section 904(a) of the Conference committee bill.

With respect to six positions on the Board, the President may appoint public members completely free of the list procedure, subject only to the consent of the Senate.

Mr. President, I submit therefore that the Conference bill strikes a very fair and appropriate balance between executive prerogative on the one hand and on the other hand the opportunity for input from these nationally recognized respected groups which have given such great support to the program.

Again, with respect to the other major element of contention—the question of criminal representation—the Conference bill completely sustains the position of the administration.

The administration bill contained a flat prohibition against representation in criminal cases.

The Senate bill prohibited such representation as a general matter but would have permitted the board of directors to make exceptions, generally along the lines of the current law.

The Conference bill adopts the House version which contains the flat prohibition which the administration requested.

COMMUNITY ECONOMIC DEVELOPMENT

Fourth, Mr. President, the Conference bill would establish a new title for community economic development.

This title which is coauthored by Senator KENNEDY and myself, builds upon title I–D of the Economic Opportunity Act's "special impact" which was included in the law in 1967 by myself and the late Senator Robert Kennedy, on the model of a very successful program in the Bedford-Stuyvesant section of Brooklyn, N.Y.

In a recent task force report, the 20th century fund of New York, concluded on the basis of a review of the experience of more than 75 urban and rural community development corporations throughout the country that—

Such corporations have a unique capacity for pooling a community's talents and resources—for linking together a variety of businesses and projects—and for organizing the community to accept and effectively utilize resources and assistance from outside the poverty area.

This program clearly is in keeping with the administration's objective of encouraging minority enterprise efforts in combination with the private sector and provides additional tools to make that objective more attainable.

DRUG PROBLEMS

Fifth, the conference bill adopts a provision contained in the House bill to encourage the Director of the Office of Economic Opportunity to undertake special programs promoting employment opportunities for drug dependent individuals.

Importantly, through a modification which I offered in conference, the amendment would include addicts enrolled and actively participating in methadone maintenance treatment and other therapeutic programs and give priority to areas within States having the highest percentage of addicts.

The Office of Economic Opportunity has reported that approximately 1,000 drug addicts were enrolled in methadone maintenance treatment programs as of September 1, 1971; and that these efforts hold great promise.

It is well known that the drug problem has reached incredible proportions—with as many as 125,000 addicts in New York City alone—and that the combination of drugs, poverty, and joblessness have high costs for society in terms of crime, as well as for the individuals involved.

The conference bill would earmark $18 million for this purpose in each fiscal year; it's not much when one considers the scale of the problem, but it is a start and it is essential that the start be made.

MANPOWER PROGRAMS

Sixth, the Conference bill contains the very essential authorization for a major part of manpower training programs conducted by the Department of Labor for the current fiscal year.

Under section 3 of the Conference bill $900 million would be authorized for programs generally and an additional $500 million would be provided for the Neighborhood Youth Corps summer in-school, and out-of-school programs.

The current economic situation especially victimizes the young, the black, and the disadvantaged. While unemployment nationally is only slightly below the 6-percent point, unemployment among the disadvantaged young is in the range from five to six times that percentage.

The Emergency Employment Act of 1971—which the President signed into law in the clear national interest—has helped the overall unemployment situation but because it was charted to cover all socioeconomic groups it cannot be regarded as an adequate provision for the poor, especially the young.

Mr. President, for these and other reasons, I take this occasion to urge the President, as well as the Senate, to insure that this Conference bill is signed into law. Although it is not so named, it is by nature emergency legislation for the Nation's more than 24 million poor. Many of us have made concessions with great reluctance, but in the interest of the bill becoming law. Enactment will provide an important "insurance policy" against further costs under welfare, through jobs, child development, and other self-help efforts such as I have noted, and should aid rather than detract from the commitment to a minimum floor of benefits under the family assistance plan, which the President has asked us to make. I hope very much that it will be viewed in that way—in terms of the national interest—and that action by this body, by the House, and by the Executive will be favorable.

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

Mr. JAVITS. I yield.

Mr. BEALL. Mr. President, I think the RECORD should show at this juncture that it is only through the very successful and conscientious efforts of the senior Senator from New York, as far as this Senator is concerned, that we have the bill, hopefully as a result of the colloquy that will take place later in the debate, in such shape that I find myself probably in the position of being able to support it. I think we all are indebted to the distinguished senior Senator from New York for his efforts in this regard.

As he understands, I am not so deeply concerned about the States' involvement—although I am concerned about the States' involvement. I am very concerned, though, that it be made perfectly clear that wherever possible the child development program be in the hands of those people who are charged at the local and State level with educating the young people of our country, because I think this is a vital part of the educational process, and that we ought to be very concerned that those people with professional capability of educating young people have this responsibility.

I think that the Senator probably agrees with me on that point, that this should be one of the objectives of the program.

Mr. JAVITS. I yield myself 2 minutes.

I agree with the Senator thoroughly, and I am so heartened about the fact that he feels—without in any way committing himself—that he may be able to support the report, because I really think that in the first place the whole thrust and embodiment of the bill is to educate the child rather than just to give him merely custodial care.

I would say to my colleague, and to every Senator who will support the conference report, that I personally, as the ranking member of this committee, have undertaken a moral obligation to ride herd on this, and to see that the words of the statute reflect this purpose. Title 5 of our findings and purpose, says, in section 501(a)(2):

> Comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of the Nation's children.

I assure the Senator that this will be the aim and objective of anything and everything that I do with respect to this particular matter.

Mr. BEALL. I thank the Senator for that assurance.

Mr. JAVITS. Mr. President, as the Senator from Wisconsin has not arrived in the Chamber, I again suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. JAVITS. I yield myself 5 minutes.

Mr. President, I wish to propound a number of questions to the manager of the conference report, the Senator from Wisconsin (Mr. NELSON), the chairman of our subcommittee which handled this bill. I think the questions and answers will be of great importance both to the Members who must decide how they will vote on the conference report and to the administration.

My questions concern the selection of prime sponsors for child development programs.

It is my understanding of the conference bill that a State, a locality, a combination of localities, Indian tribal organizations or public or private nonprofit agencies or organizations may be designated by the Secretary as a prime sponsor for the purpose of entering into arrangements to carry out child development programs upon meeting the requirements spelled out in the bill.

Mr. NELSON. The Senator is correct. Section 513 so provides. In the case of localities and combinations of localities there is a requirement that the units of general local government cover an area having a population of 5,000 or more persons.

Mr. JAVITS. Am I also correct that in considering applications for prime sponsorship—which is called the "prime sponsorship plan"—the Secretary is required to act upon plans submitted by localities and combinations of localities, in that order; but he may designate a State as prime sponsor as to areas where localities or combinations thereof fail to meet the requirements contained in the bill?

Mr. NELSON. Yes. And that order of consideration applies also to prime sponsorship plans submitted by Indian tribal organizations, so that he must act first on its application, and can designate the State for the area if the Indian tribal organization fails to meet the requirements in the bill.

Mr. JAVITS. Would the Senator from Wisconsin (Mr. NELSON) please spell out the prime sponsorship requirements that any applicant must meet.

Mr. NELSON. Yes. In reviewing plans submitted by localities, combinations of localities, and Indian tribal organizations, or States, the Secretary must make the judgment in each case that:

The plan sets forth "satisfactory provisions" for establishing and maintaining a Child Development Council meeting the requirements of section 514, section 513(a)(2);

The plan provides that the Child Development Council shall be responsible for developing and preparing a comprehensive child development plan, section 513(a)(3);

The plan sets forth arrangements under which the Child Development Council will be responsible for planning, coordinating, monitoring, and evaluating child development programs, section 513(a)(4);

In the case of applicants which are units of government, the plan provides for the operation of programs through contracts with public or private agencies, section 513(a)(5);

The plan contains assurances that the Council has the administrative capacity to provide—itself or by contact or other arrangement—effective and comprehensive child related family, social and rehabilitative services, coordination with educational services, and health and other services, section 513(a)(6);

The plan also includes "adequate provisions for carrying out comprehensive child development programs in the area to be served."—section 513 (b), (c), (d).

Mr. JAVITS. With respect to the last requirement, in determining whether the plan includes "adequate provisions for carrying out comprehensive child development programs," it is anticipated by the conferees that, in addition to other appropriate factors, the Secretary may make a judgment as to the capability of the particular applicant to carry out effectively comprehensive child development programs?

Mr. NELSON. The Senator is correct.

Mr. JAVITS. And by the term "comprehensive child development programs" do not the conferees expressly contemplate programs of high quality providing the educational, nutritional, social, medical, psychological, and physical services needed for children to attain their full potential?

Mr. NELSON. The Senator is correct. Sections 501(a)(2), section 571(3) and other provisions of the title make the meaning of that phrase clear.

Mr. JAVITS. So there is a responsibility with the Secretary to satisfy himself that any applicant, whether a locality, a combination, or an Indian tribe or a State, has the administrative capability to marshal resources and to provide effectively or assure access to the educational, social, and other services needed to insure the comprehensiveness and high qualities and standards for programs conducted under the title.

Mr. NELSON. Yes, subject to the qualification that whatever standards he may apply under these provisions are objective and applied to each case with an even hand; it is not intended as a license to develop standards such as population criteria which would have the practical effect of excluding a particular class of eligible applicants.

The Secretary's determination of the particular facts on which he bases his decision is conclusive if supported by substantial evidence. The conference agreement is explicit on this point, in section 513(h)(2).

Mr. JAVITS. Therefore, if an applicant which is a locality, or a combination of localities, or an Indian tribe lacks the capability to carry out comprehensive programs or if the plan fails to meet the other requirements under the sections which the Senator has outlined, then the Secretary clearly has the authority to reject that application and to designate a State or other public or private nonprofit agency as prime sponsor, if it meets the requirements.

Mr. NELSON. Yes, and the requirements that would apply would be the same.

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

Mr. JAVITS. I yield myself 5 additional minutes.

In summary, then, while the conference bill reflects the judgment that the Secretary should look first to locally run programs—in the interest of parental participation and other elements—the Secretary is not powerless to choose a State over a locality and he is granted ample flexibility and freedom to make reasonable judgments to insure the comprehensiveness and high quality of care for children as long as he is prepared to support them with findings of fact.

Mr. NELSON. The Senator is correct.

Mr. JAVITS. And is it also true that if none of the units of governments, whether they be localities or combinations of localities, Indian tribal organizations, or the State itself qualify as prime sponsors, or in certain other specified conditions that he still has authority under the so-called bypass provisions to fund programs directly, and a State, as well as any other public or private agency, could qualify as a grantee under that provision?

Mr. NELSON. Yes. Section 513 (j) and (k) so provide.

Mr. JAVITS. And am I correct that even in respect to areas where a locality or a combination of localities or an Indian tribe may be designated as prime sponsor, that the State is to have a significant role?

Mr. NELSON. Yes. The conference bill authorizes the Secretary to utilize up to 5 percent of the funds allocated for use in each State for activities by States, in the nature of technical assistance to localities, combinations thereof and Indian tribes including assisting in the establishment of child development councils, encouraging the cooperation and participation of State agencies and the full utilization of resources, and developing information useful in reviewing prime sponsorship plans and comprehensive child development plans submitted by localities, combinations thereof, and Indian tribes. Section 513(a) and section 515(b)(3) require that the Governor have the right to review prime sponsorship plans and comprehensive plans, respectively, with the right in each case, to submit comments to the Secretary.

Mr. JAVITS. Although the Secretary would not be bound by those comments, would they be among the factors he could consider in making the determinations relating to prime sponsorship which we discussed earlier?

Mr. NELSON. Yes.

Mr. JAVITS. So one may reasonably conclude that under the conference bill the Secretary has the authority to significantly involve the States, in order to assure high quality care.

Mr. NELSON. The Senator is correct. That is the intent.

Mr. JAVITS. I thank my colleague very much. If he will bear with me for one further point, the conference report authorizes $2 billion in appropriations for child development care for the first year in which it is fully spelled out—to wit, fiscal 1973; $100 million is provided for fiscal 1972 for startup activities. It has been my understanding that the $2 billion authorization is intended by the conferees as a goal which we have established, without knowing what the total picture may be at the time of appropriation; for example, we do not know what may be available from other sources such as the family assistance plan, H.R. 1, if that should become law.

Mr. NELSON. The Senator is correct. The authorization is, of course, subject to the appropriation process and to the influence of various factors, as the Senator suggests.

Mr. JAVITS. I thank my colleague very much. I think that this colloquy—which I am sure will be repeated in the other body when this matter is acted on there—makes it absolutely crystal clear that the Secretary has very powerful discretion, including the discretion to use the States in order to put it into effect the best possible performance in respect to child development. It seems to me that is the essential substance we seek.

It is for those reasons I urge the Senate to approve it.

Mr. NELSON. Mr. President, I hope the Senate will approve the conference report on S. 2007, the Economic Opportunity Amendments of 1971. The Senate passed S. 2007 on September 9, 1971, by a vote of 49 to 12. The Senate and the House conferees began meeting October 12 and after nine lengthy meetings over a period of 2 months reached agreement on the conference report.

The conference report extends the Economic Opportunity Act for an additional 2 years, establishes a Legal Services Corporation, and authorizes a landmark new Child Development program.

ISSUES IN THE CONFERENCE

By far the most difficult issue to resolve in the conference concerned the child development program. Both the Senate and the House and all the members of the conference favored a major expansion of child development programs based on the experience of Headstart; that is, programs which are aimed both at caring for children while their mothers work and providing an enriching experience for children so that they may have a chance to succeed in school and to break out of the cycle of poverty. Both bills provided also that federally supported Child Development Centers should be open to children from moderate income working families as well as to the children of the poor. Both bills provided that child development programs should be designed and operated wherever possible at the local level.

There was, however, sharp disagreement over the level of free services. The Senate bill provided that all children from families of four earning $6,960—the Bureau of Labor Statistics figure for a minimum adequate budget for an urban worker's family of four in the spring of 1970—be afforded free services. The House provision on the other hand left the setting of the level for free services to the Secretary directing him to make such level in accordance with provision of other laws. The Secretary of Health, Education, and Welfare made clear that free services could be provided only to

those eligible for benefits under H.R. 1, the administration's welfare reform measure. That level is $4,320 a year for a family of four.

This issue was discussed at great length. Agreement was finally reached among the conferees which is acceptable to the administration. The conference report provides for free services to $4,230, as the administration has requested. In addition, it provides for a modest fee schedule for families earning between $4,320 and the Bureau's minimum adequate budget, $6,960. That fee schedule is as follows: a family could be charged no more than 10 percent of its income above $4,320 to $5,916 and no more than an additional 15 percent of its income from $5,916 to $6,960. That means that a family earning $6,960 could be charged no more than $316.20 for federally assisted child development programs. Above the $6,960 level the Secretary of HEW would set a fee schedule as provided in both bills.

The second major issue in child development in conference concerned the "delivery system," that is to say, who will run the programs and what their relationship will be with the Secretary of HEW. The conferees very strongly believe that the child development programs, like local school systems, must be designed and operated at the local level. We believe it is desirable that government operate as close to the people as possible. When the bureaucrat who makes a decision which vitally affects your life is 500 or 1,000 or 3,000 miles away in Washington, or 200 or 300 miles away in the State Capital, citizens often feel a sense of hopeless frustration. This is true in all programs, but it is doubly true in the case of programs which affect the lives and education of our children.

The Senate bill provided that the design and operation of child development programs shall take place at the local community level, with the State government providing technical assistance and operating programs in areas and communities that are either not interested or do not have the capability, in the Secretary's judgment, to operate child development programs themselves. The Senate set no minimum population requirement for prime sponsorship of child development programs.

Although the principle of local control, of child development councils and project policy committees to assure ample local parental participation, was common to both bills, the child development provisions adopted by the other body contained two important differences.

The House-passed bill provided that any city of 10,000 or more population had the right to be designated as prime sponsor if it submitted an applicable plan. It also provided that when both a State and county apply to be a prime sponsor for the same area, the Secretary of HEW would choose whichever he felt could do a more effective job.

The first of these issues, the population minimum for applicants, was relatively easy to settle. The conference agreed to a minimum of 5,000 population, and that any city or county of such size or a combination thereof has the right to apply for prime sponsorship and be designated if its plan meets the requirements of the legislation.

The second of these issues was the role of State government. The conference report provides a significant role for States. It sets aside up to 5 percent of the funds to be allocated to the States for programs extending technical assistance to local prime sponsors. It provides that States shall run programs in areas either unwilling or lacking capability to run programs as prime sponsors themselves. But the conference agreement does clearly provide that where a community—a city or a county or a combination of such units—is willing to run the local program, and in the Secretary's judgment has the capacity to do so, then the local community is to be recognized as prime sponsor to run the local program.

Opponents of this agreement believe that the Secretary ought to have the power to deal exclusively with State governments. The Senate-passed child development legislation did not take that position. The majority of the conferees did not take that position, and the conference report now before the Senate retains the provisions for local design and control of child development programs.

THE LEGAL SERVICES CORPORATION

Over the question of the new Legal Services Corporation there was prolonged negotiation. Both bills and all conferees agreed on the wisdom of establishing the legal services program in a corporation which would remove the program insofar as possible from political controversy. However, there was disagreement over two questions: the structure of the Legal Services Corporation board of directors and the question of criminal representation.

Let me say first that as to the question of criminal representation the conference decided that in no case shall Corporation funds be expended to defend individuals in criminal actions. The Senate bill had provided that the Corporation set guidelines for criminal representation. The House amendment contained a flat prohibition against the use of funds or personnel provided by the Corporation to provide legal services in any criminal proceedings. The Senate receded on this issue, but the Joint Explanatory Statement of the Committee of Conference contains the following phrase:

> The conferees want to make clear that this prohibition does not in any way relieve any attorney from specific or general responsibilities posed on him as an officer of the court by the courts before which he practices.

Thus, although the Corporation could not expend funds for defending in criminal actions, legal services attorneys would not be prohibited from undertaking such actions when required by a judge to do so as an officer of the court.

On the question of the membership of the Legal Services Board a compromise was reached providing for a Board of 17 members, six of whom would be chosen by the President outright, the others to be nominated from lists submitted to the President, two by the U.S. Judicial Conference, five by the major bar groups, and two each by the National Legal Services Project Attorneys Advisory Council and the Clients Advisory Council.

OEO EXTENSIONS

Over the extension of the Economic Opportunity Act, there was little difference between the Senate and House versions of the legislation. Both the Senate and House bills provided for a 2-year extension, and for a level of authorization for the Office of Economic Opportunity close to the current spending level. Senate provisions prohibiting the further delegation or transfer of programs from OEO to other agencies without congressional approval were agreed to by the conference. The Senate bill this year, as in past years, earmarked funds authorized to the Office of Economic Opportunity. In addition, the Senate increased the flexibility as to transfer of funds between programs to 25 percent. The conference agreement accepted the Senate earmarks and the increased flexibility. By and large, these earmarks represent precisely the administration's request for funds. But in four areas the Senate earmarked more funds than the administration requested. For these four programs, the conference agreement like the Senate bill contains the earmarking levels passed by Congress in the last OEO extension bill. For example, the administration proposed only 3.5 million this year to phase out the emergency food and medical services program. Congress had earmarked $62.5 million for the program for 1971, and $45.2 million actually was made available. The testimony before our committee indicated that the emergency food and medical services program is one of the most vital programs operated by OEO with support from all areas. It was the opinion of the Committee on Labor and Public Welfare that it would be a tragedy to terminate this program. Therefore, the committee recommended, and the Senate adopted, earmarking of $62.5 million, the same level of funding it had earmarked for the last 2 years. The other three programs are alcoholic counseling and recovery, local initiative funds, and community economic development.

In the case of local initiative funds which provide the basic operating budgets for the 930 community action agencies around the country, the administration proposed a cutback from $328.9 million to $314.9. At a time of rising costs, and rising poverty the committee refused to go along with a reduction in local initiative funds below the level of present earmarking.

Alcoholic counseling and recovery programs, now earmarked at the $15 million level, would be cut by the administration to only $2 million. The conference agreed to the Senate figure of $18 million.

For community economic development programs, including the title I–D special impact program and the rural loan program, title III–A; the agency received $42 million in fiscal year 1971. The administration has sought to eliminate the rural loan program entirely this year and to cut back on special impact programs to $25 million. The Senate combined these two programs into a new

title VII, community economic development, and earmarked $58 million for them. The conferees agreed to this earmarking.

The Senate-passed bill also provided an additional $500 million authorization for the Neighborhood Youth Corps in order to provide funds for an additional 100,000 jobs and training opportunities for young men and women during this time of extraordinarily high unemployment. During the second quarter of 1971 teenage unemployment among blacks in inner city neighborhoods stood at an astonishing 39.1 percent. The conferees agreed to the Senate Neighborhood Youth Corps figure.

The conferees also agreed to the new programs voted by the Senate, that is, title VII, the community economic development program, the recreation and sports program, and the community design center program, and in addition accepted two new programs authorized by the other body, an environmental action and a rural housing program.

SUMMARY

The conferees have met over a period of 2 months. They have discussed, debated, and resolved compromises on a number of very complex differences. While the Senate conferees were unable to prevail on certain points, in my judgment the compromises arrived at were the best that could be obtained under the circumstances. The resulting conference report deserves the support of the Members of this body.

The antipoverty programs authorized in this legislation have just begun to make headway toward the goal of reducing poverty in this Nation. With over 5 million unemployed, the number of people below the Federal Government's official poverty line has actually increased in the past year, and increased substantially.

However, the programs operated by the Office of Economic Opportunity, Headstart, and Operation Mainstream, the community health centers, and the emergency food and medical services program, have won wide acceptance in communities across the Nation. In our hearings on the extension of the Economic Opportunity Act, some 90 national organizations testified on the vital role played by economic opportunity programs in the lives of individuals and the health of American communities. At every level of government, America is today more responsive and offers more opportunity to its poor because of the efforts of these programs. It is crucial that the Congress give the program a new mandate to carry on for another 2 years. The new programs authorized by this legislation—especially the child development program and the Legal Services Corporation—represent important steps forward in the Nation's efforts to provide genuine equal opportunity to all its citizens. I ask the support of all the Members of the Senate for this conference report.

Mr. JAVITS. Mr. President, I yield 2 minutes to the distinguished Senator from Maryland (Mr. BEALL) for a colloquy with the distinguished Senator from Minnesota.

Mr. BEALL. I thank the Senator from New York.

Mr. President, I wish to ask the Senator from Minnesota to clarify the role of public school districts—local educational agencies—under the child development provisions of the conference report.

Priority to serve as prime sponsor of child development programs is placed on units of general local government with populations of 5,000 or more. It is my understanding, however, that where units of local government, or combinations of units of local government, do not qualify or submit unacceptable applications, a local school district might serve as prime sponsor.

Mr. MONDALE. The Senator is correct. First, under section 515(a)(18), a local school district may be designated as "delegate agency" to do the day-to-day work of administering child development programs where a unit of local government has been chosen as prime sponsor.

Second, under section 513(f)(1), a local school district or other public or private nonprofit agency may be designated prime sponsor where a locality has not applied for prime sponsorship or where its application has been denied.

Third, section 513(f)(1) provides that where an existing prime sponsor is not adequately serving a particular area of its jurisdiction, a local school district or other public or private nonprofit agency could be designated prime sponsor to serve that area.

Fourth, also under section 513(f)(1), a school district or other public or private nonprofit agency could be designated prime sponsor for the purpose of making special services—for example, special services for handicapped children—available to economically disadvantaged or preschoolchildren.

Fifth, under section 513(f)(3), local educational agencies and other public or private nonprofit agencies are eligible to serve as prime sponsors of model programs for economically disadvantaged minority group of bilingual preschoolchildren.

Finally, under section 513(k) the Secretary may directly fund a local school district or other public or private nonprofit agency—without going through the more complicated procedure to designate it a prime sponsor—to conduct a project where no unit, or combination of units, of local government—or Indian tribal organization—has submitted an acceptable child development plan, or where direct funding is needed to meet the needs of children of migrant workers, preschoolchildren, children of working mothers or single parents, minority group children, or children of economically disadvantaged parents.

Mr. BEALL. I wish to ask the Senator from Minnesota whether my understanding is correct, that standards for child development programs set by the States must continue to be met by programs receiving assistance under the pending bill.

Mr. MONDALE. The Senator is again correct. The measure reported by the conference in no way repeals or modifies provisions of State law establishing standards for child care. The bill does contain its own very high standards for quality, developmental child care, which must be met in addition to any standards imposed by the State.

Mr. BEALL. I thank the Senator from Minnesota for this colloquy with regard to the educational system.

Mr. MONDALE. I thank the Senator from Maryland very much. I think this colloquy will help to clarify the relationship of this program to local educational agencies.

Mr. JAVITS. Mr. President, I yield 20 minutes to the distinguished Senator from South Carolina (Mr. THURMOND).

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 20 minutes.

Mr. THURMOND. Mr. President, the bill which is now before us was deadlocked in the conference for many weeks. As time passed, more opportunity was afforded for analysis of the proposed legislation, and recognition of the far-reaching import of its provisions, particularly the so-called "child development programs." If there were no other reasons to oppose this bill, the child development provisions alone are enough. The ultimate impact of this section can indeed be revolutionary; and since revolutions can be for the good or for the worse, it behooves us to study such proposals carefully and enter into them after a great national debate.

There has been no such great national debate. The public is generally unaware of the content of this bill. Even the informed press refers to it usually as a "day-care bill." Yet the proponents of such programs emphasize the need "to stress that the needs of children and families with which we are concerned are not restricted to daytime hours, and that child care must always be developmental, not simply custodial."

That quotation is from the recently published report of the White House Conference on Children. It emphasizes that the child development concept places great emphasis on the manipulation and formulation of a child's direction and character. As this report says further:

> A day care program that ministers to a child from six months to six years of age has over 8,000 hours to teach him values, fears, beliefs, and behaviors.

It is quite obvious, therefore, that a comprehensive child development program, touching all or the vast majority of children in the United States, will put the children at the tender mercy of the behaviorists and other social scientists, who have indeed been devising the program.

Mr. President, those of us who fear that the Child Development Act will result in an attempt by the Federal Government to mold the characters of our Nation's young are concerned because of the manner in which this program is to be set up and administered. In essence, a new department will be set up within HEW which will direct this program and which is authorized by this act to establish guidelines and standards to determine whether or not child development centers ruled by governmental or nongovernmental agencies are entitled

to funding. Although section 578 states that no department, agency, officer, or employer of the United States shall exercise any direction, supervision, or control over personnel, curriculum, or methods of instruction of these centers, this act is replete with authorizations for the establishment of standards and guidelines by the Department of Health, Education, and Welfare and provisions for granting or withholding funds on the basis of compliance with these standards or guidelines.

It is clear, from the knowledge that many of us have of the expertise the Department of Health, Education, and Welfare has gained in requiring total subjection of local educational institutions to federally imposed standards, that it is only a matter of time before the child development centers across this country will be forced to slavishly follow the pattern or patterns developed by the bureaucracy here in Washington. There are those who believe that Washington experts have a better knowledge and understanding of what is good for people than the people themselves. I do not share that view. In my judgment, this bill, if enacted, will result in a federalization of the education and training of our young, particularly our low income young.

Mr. President, the act provides that each approved child development center will be governed by a board consisting of not less than 10 members. At least half of the members must be parents of children in the center. The remainder of the board is to represent the public and must include "professionals in the field." It is provided that at least one-third of the board shall consist of parents of economically disadvantaged children.

In my judgment, this policy will greatly facilitate dictation of standards by Washington. Parents who are economically and educationally disadvantaged are unfortunately ill-equipped to dispute Washington policy directives. I am confident that their concern for their children's welfare will be as intense if not more so than any other persons; but I believe that it is fair to say, as a generalization which obviously has exceptions, that those who have not been fortunate enough to have the economic and educational advantages of the professional educators and HEW personnel will hardly be in a position to question effectively whether or not methods of instruction and methods of dealing with the emotional, educational, and social problems of children are actually for the best.

What is at issue is whether the parents shall continue to have the right to form the character of the children, or whether the State with all its power and magnitude should be given the decisive tools and techniques for forming the young. There is no question that such a partnership is always unequal. Not only the children, but also the parents would be the beneficiaries of high-powered persuasion. The White House Conference on Children described it this way:

> Parents can learn a great deal about meeting the needs of their children by remaining open to new knowledge about child development. One of the socially beneficial aspects of a day care program is that it provides a forum for parents and staff to pursue jointly new understandings to guide child-rearing endeavors.

Let us not pretend that such "child development programs" will be philosophically neutral and that all this so-called "new knowledge" merely represents progress over ignorance. I think it is fair to suppose that by far the majority of such programs, even with alleged participation of parents, would concentrate on the inculcation of collectivist attitudes in the helpless children. This attitude thoroughly permeates the report of the White House Conference, and, indeed, is summarized in the following quotation from a resolution adopted at the conference:

> Society has the ultimate responsibility for the well-being and optimum development of all children.

In this respect, I fully agree with the Vice President of the United States, who said in his recent speech before the Illinois Agriculture Association:

> Character that was once molded in the home is now more often the product of the classroom, and there are some who would like to take it a step further and indoctrinate or condition all pre-school age children from infants on up to kindergarten age. They admire the Soviet system in which the State takes over this function from the parent.

The Vice President then quoted Dr. Reginald Lourie, president of the Joint Commission on Mental Health of Children, who recently told a congressional committee:

> There is serious thinking among some of the future-oriented child development research people that maybe we cannot trust the family alone to prepare young children for this new kind of world which is emerging.

Nor should we assume that this program is intended only for the economically disadvantaged or for those who seek it of their own free will. Voluntarism is seriously compromised when, as the bill would provide, the Government is given the resources of persuasion and propaganda. Moreover, the bill is simply the first step in a long-range program to reach all children. In its statement of findings and purposes, the bill says its aim is "to establish the legislative framework for the future expansion of such programs to be universally available child development services." Even if the sponsors were not so candid, we know from past experience with social programs that such would be the case.

In summary, I believe this act creates a Federal bureaucracy extending nationwide which will place the educational, moral, psychological, and social character of our pre-school children under the strong influence, if not control, of the HEW bureaucrats.

Mr. President, I urge my colleagues to vote against the acceptance of this bill from conference. It is philosophically unsound and poses many dangers. In my judgment, the President would be justified in vetoing this bill, if it should be presented to him for signature. But I hope that this body will reject it now, in toto, and to that end I will vote not to accept the conference report.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, the Senator from South Carolina has some additional time. Will he yield it to me?

The PRESIDING OFFICER. The Senator from South Carolina has 3 minutes remaining.

Mr. DOMINICK. Mr. President, will the Senator yield his 3 minutes to me?

Mr. THURMOND. I would be pleased to yield to the distinguished Senator from Colorado.

Mr. DOMINICK. Mr. President, I call the Senate's attention not only to the importance of what the Senator from South Carolina has already said, but also to some of the other problems I see in the bill.

I wonder if the Senator has had an opportunity to evaluate whether his constituency, for example, prefers to have the OEO programs operate as they are now operated, through the OEO, or whether they prefer to have them operated through other agencies, such as through spinoffs as has been done in the case of the work study program and things of that kind.

Mr. THURMOND. Mr. President, as far as my constituents are concerned, they are somewhat divided on the subject, and I would not say it would predominant either way.

Mr. DOMINICK. As far as I can see we have in the bill dealing with OEO programs over $3 billion tied up in this bill in the way of authorizations. It seems to me that one of the problems we have had in this whole program is the problem where OEO itself is operating, as opposed to innovating new ideas. I know one of the things the White House was doing was trying to make this innovative program, and when good ideas matured, to shift them over. I understand this bill does not do that.

Has the Senator had a chance to analyze that?

Mr. THURMOND. I agree with the distinguished Senator on that particular point. The point he makes along that line is very valid. I hope the Senate considers that when they get ready to vote on the bill.

Mr. DOMINICK. I thank the Senator for his contribution. I think it is extremely helpful.

I yield 25 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. BUCKLEY. Mr. President, I thank the distinguished Senator from Colorado for yielding.

Mr. President, I cannot in good conscience vote in favor of the Economic Opportunity Amendments of 1971 so long as they contain title V. The potential for harm contained in the child development proposal is so great that it far outweighs the good contained in other parts of the bill now before us.

The arguments that I shall present against the child development sections of the conference report are essentially four in number. The first of these, and to

my mind the most important, has to do with the substantive merits of the idea of so-called "comprehensive child development," an idea I believe to have been greatly oversold. The second argument, very simply, is that the need for institutionalized day care, whether custodial or comprehensive in nature, has been greatly overestimated and inadequately demonstrated. The third argument is that the cost now and for the foreseeable future will be prohibitive. The fourth and final argument is that the proposal threatens the very foundations of limited government and personal liberty.

I should like to deal with the four arguments in order.

First. Questionable merits of so-called comprehensive child development.

I cannot think of a better place to begin my remarks on this point than by quoting from the testimony of Dr. Edward Zigler before the Senate Finance Committee last September.

He remarked:

> Let me begin by saying that the area of early childhood intervention (*sic*) is still an art, an area filled with debate and controversy. You can find experts testifying to any position that one would like to see testified to. I have familiarized myself with this literature for about 15 years now, and I would certainly concur with the position that we do not know nearly as much as many experts say that we know.
>
> Another point that I would certainly like to concur with is that we have mounted many programs in this country for young children and have oversold them badly. . . . We have promised way more than we can deliver and we have advanced certain views of what it takes to change a child that are completely at odds with what we know about the difficulty in changing cognitive levels of children.

Dr. Zigler, I believe, is correct on all points. There are few men in the field as knowledgeable as he—and, I might add, few who are as candid. It is, if anything, an understatement to say that this is an area "filled with debate and controversy" and that experts can be found on all sides of the issue. Yet the surprising fact is that the debate and controversy so easily found in the professional literature are nowhere reflected in the testimony on the bill before us. Indeed, I am reliably informed by a staff aide, who troubled himself to read virtually all the testimony offered in the past 2 years on either side of the Hill, that there is hardly a hint of controversy to be found.

The general impression created by the testimony, and by the committee reports of both Houses, is that experts are in unanimous agreement as to the desirability of comprehensive child development. One can read the entire corpus of testimony and the committee reports without once discovering the wide range of divergent, even contradictory expert opinion. One would think that all experts on early childhood education had risen up as one man to proclaim the virtues of this bill. Yet the professional literature is, as Dr. Zigler notes, chockfull of controversy and debate. Notwithstanding the controversy, the committees of both Houses seized upon a single school of thought, highlighted it, advanced it, and without so much as a glance at opposing views, set it down as the foundation for what may turn out to be the most deeply radical social service program ever undertaken by our Government.

Just as one example of an opposing point of view, I would like to call to the attention of the Senate one paper, which seems to me to be both comprehensive in its scope and candid in its conclusions. It is a paper by Dr. Dale Meers entitled "International Day Care: A Selective Review and Psychoanalytic Critique," published in an official OEO document called "Day Care: Resources for Decisions" (1971). Dr. Meers is a highly qualified and widely recognized authority in the field of early childhood education who has spent a considerable amount of time studying the problem both at home and abroad. He is a psychoanalyst by training, affiliated with the department of psychiatry at Children's Hospital here in the District and with the Baltimore-District of Columbia Institute for Psychoanalysis. I cannot do justice in so short a space to the depth, thoughtfulness, and commonsense of Dr. Meers' findings, but I think it fair to say that they constitute the most fair- and sober-minded critique that anyone might wish to have of what is wrong with the present bill. For the sake of the record, Mr. President, I ask unanimous consent that Dr. Meers' paper be included in its entirety at the end of my remarks.

The PRESIDING OFFICER (Mr. HANSEN). Without objection, it is so ordered. (See exhibit 1).

Mr. BUCKLEY. For the moment, however, I would like to read a few paragraphs from the conclusion of this penetrating study. They convey the full flavor of Dr. Meers' position, and I can assure my colleagues that these findings are fully documented in the complete text. He writes:

> Child care by experts seems to have found a ready audience in both Congress and the general public. With Moynihan (1969) one may comfortably state that science is at its best as a critical tool, and that the scientist has lost his perspective when he commends modifications of such complex social-cultural-psycho-biological processes as child-rearing. Given the present state of our ignorance about psychiatric damage, massive Day Care programs appear all too much like Pandora's box. Those who would convey the idea that Day Care is unproblematic should review the programmatic, compensatory routines of Soviet texts (Tur, 1954; Schelovanova and Aksarina, 1960; Schelovanova, 1964) and the U.S. literature of child development research (e.g., Escalona and Leitch, 1952; Skeels, 1964; Mcv. Hunt, 1964; Bloom, Davis and Hess, 1965; A. Freud, 1965).
>
> In specifying the apparent dangers of early Day Care, one cannot ignore that some alternatives present even greater hazards. A range of studies of existing child care methods documents that disadvantaged children are too often left unattended for hours, or are cared for by older siblings of five and six years, or by ill and senile adults. The inadequacies of child care for some of our most disadvantaged mothers quite outweigh professional reservations and concerns about Day Care. Yet the danger in recommending Day Care, however conditionally, may be likened to the medical use of morphine. The pain of the symptom may be relieved without cure, and addiction may follow.
>
> Some clinicians and child development researchers, such as this author, are presently in an anomalous position. They have long and fervently recommended and supported the establishment of Day Care centers for special cases for the very young; yet, it now appears that a conditional recommendation may be misunderstood as a general endorsement. Professionals have previously carried partial responsibility for the oversale of institutional care, for foster care, and more recently for Head Start. Group Day Care entails far greater risks and these should be taken only where the alternative are patently worse.

Mr. President, I do not want to belabor the point. I simply want the record to show that experts in the field are far from unanimous in their recommendations regarding day care, whether custodial or comprehensive; that there are those who are not only skeptical about the alleged virtues of day care, but who think it is positively deleterious. For the Federal Government to embark on a program of such magnitude, given the extent of controversy among experts themselves, seems to me dangerous in the extreme.

Second, need for day care exaggerated and inadequately demonstrated.

Mr. President, it has been stated on the floor of the Senate as a "basic statistic" that "6 million children need day-care slots." That is an impressive figure, indeed, and it has been used on more than one occasion to convey the clear impression that these children are either languishing uncared for, or receiving such inadequate care as to necessitate the establishment of tens of thousands new, federally funded day-care centers. That sentiment is not only conveyed for rhetorical purposes, but is actually contained in the bill itself, which states in section 501(a)(1) that—

> The Congress finds that millions of children in the Nation are suffering unnecessary harm from the lack of adequate child development services, particularly during early childhood years.

If one seeks to discover the evidence on which this congressional "finding" is supposedly based, he will find that the "6 million" figure rests on some highly dubious grounds indeed. For one thing, as the Westinghouse Learning Corp. study "Day Care 1970," stated, "need for day care cannot be quantified" as easily as can, for example, need for nutritional elements. Most surveys frankly acknowledge that they are offering up "guesstimates," because it is not yet known how many mothers would place their children in day-care centers if such were more or less universally available. Statistical caution, however, is hardly the hallmark of those who use the 6 million figure as an allegedly reliable number. In fact, the 6 million figure represents the entire universe of children under 6 years of age whose mothers work either full time or part time, or are currently unemployed but regarded as part of the labor force. Whether this gross, undiscriminating figure can be used as a basis for establishing "need" is a very questionable proposition, regardless of how one feels about the merits of child development.

In all candor, it must be acknowledged that such things are exceedingly difficult to measure. The most recent detailed information on actual need is found in a study entitled "Child Care Arrangements

of Working Mothers in the United States," conducted by the Children's Bureau in 1965 and published in 1968. The study reveals that over 99 percent of children under 6 whose mothers work full time are receiving care while their mothers are away from the house. The great majority are cared for in their own home or in someone else's home by relatives; and this is, by the way, the predominant preference of working mothers. Only 0.3 percent of these children were for all intents and purposes left uncared for, which is a very tragic circumstance indeed and one that cries out for remedy. That figure, as I say, was based on 1965 data, but I am informed that it would be appropriate to apply a straight-line extrapolation to bring us up to date, and that places the total number of uncared-for children under 6 at something like 12,000. While that figure is nonetheless deplorable, and while I would readily concede that many times more are inadequately cared for, I can find no hard evidence for a "crisis" figure as to warrant a massive Federal program such as the one before us today.

The point I am getting at, however, is not only that those who are in truly desperate need are a miniscule percentage of the whole, but that those who talk of a need for 6 million day-care slots do so on the basis of a tacit premise. That premise is, as section 501 of the bill states, that all 99.7 percent of the children of working mothers now being cared for in some way are being cared for with grossly negligent inadequacy. Such inadequacy, indeed, as to require the establishment of a nationwide network of federally funded comprehensive child development centers. Those who, like myself, tend to question the validity, not to say arrogance, of this premise, may perhaps be forgiven. For the Westinghouse Report, Day Care 1970, found that fully 82 percent of working mothers were "pretty well" or "very well satisfied" with their present child-care arrangements, and that of these not fewer than 68 percent were "very well satisfied." Only 9 percent were reported as being "not very well satisfied" with present arrangements. That most or, indeed, all such arrangements could be improved, Mr. President, I have no doubt. But I am not prepared to accept on the basis of the available evidence that most or all such agreements are so inadequate as to require extensive governmental intervention. Let us seek to improve such arrangements as we have; let us assist mothers who desire betterment for their children; but let us not, on the basis of such flimsy evidence, put the Government on the line as saying that it knows better than mothers what is good for their child.

Thus the so-called need that is spoken of is, in fact, only possible need, and a need, moreover, arising not from demonstrated deprivation or necessity, but from convenience or preference. This possible need, which might be more accurately spoken of in terms of potential demand, can be accommodated, it seems to me, almost entirely through the use of an income tax deduction of the sort we just approved in the tax bill, or through welfare channels in the case of the poor. This would not only be cheaper by far than the proposal before us, but would have the added virtue of maximizing freedom of choice for parents, thereby lessening the danger that the Federal Government will become "Superparent" for all American children.

The potential demand alleged to exist by the proponents, however, could become actual demand by the simple device of artificial stimulation. And that is precisely what the bill before us would do. As the day care 1970 report noted:

> Presumably, demand for day-care slots could be greatly stimulated by increasing quality and subsidization.

In short, a significant increase in the number of free or subsidized day care centers will result in a significant increase in the need for such facilities. Passage of the bill before us would thus establish post facto the need that was alleged to exist in the first place; it would also serve to justify the continuation and expansion of the program in perpetuity. It is a classic case of supply creating its own demand.

Third. Prohibitive cost of comprehensive child development.

Touching this point, Mr. President, I do not think it is necessary for me to add to the abundant evidence already available in the RECORD and in testimony before the Finance Committee and the Committee on Labor and Public Welfare. It is universally recognized that comprehensive child development is an extraordinarily expensive proposition. And this for two reasons: First, because the range of services to be provided leaves nothing—or perhaps too much—to the imagination. For those who may still be in doubt as to what these services are, I would recommend that they turn to section 512 of the bill, which lists in dizzying detail what can only be described as the most comprehensive list of educational, social, and medical services ever assembled in one place. It is no wonder that many consider the estimate of $1,600 per child to be extremely conservative. Given the nature of the services proposed by the bill, there would be a constant race between those who invent new necessary services and those who run the presses at the Bureau of Printing and Engraving.

Second, the proposal will be enormously, even prohibitively expensive, because it is intended eventually to apply not just to the children of the poor but to all children without regard to family income.

Under the circumstances, I believe that Secretary Richardson's estimate of a possible cost of $20 billion within the next few years is remarkably conservative. At a moment when the current annual deficit threatens to reach $40 billion, at a moment when there are so many competing demands for a limited amount of funds, it is difficult to escape the conclusion that comprehensive child development is a luxury—and a dangerous one at that—we can ill afford.

Fourth. Comprehensive child development: A treat to limited government and personal liberty.

Mr. President, it cannot be emphasized strongly enough that this is not an anti-poverty measure as such. It intends eventually to be universal in its coverage, both with respect to the nature of the services to be provided and with respect to the eligibility of participants. It is nothing more nor less than the attempt to make the Federal Government, through the Office of Child Development, a significant—and ultimately, the most significant—arbiter of child-rearing practices in the United States. Men may differ on the merits of such a proposal, but they cannot differ on the overwhelming character of its implications. The bill grants to the Federal Government more authority, it seems to me, than has ever been granted by any measure which has ever come before Congress. I know of nothing in the entire history of the country which begins to match this proposal in potential scope or thrust; and I cannot imagine how any bill on any subject could conceivably attempt to do more than this one does. There are those, I know, who believe that such authority is both necessary and proper and that it will be put to the beneficial use of all children. But, in all candor, I cannot accept such optimism, however sincere, however well-intentioned, as anything other than the reflection of an extraordinary naivete.

I do not think it is humanly possible for the Federal Government, or for any government, to eradicate the infinite inadequacies of the human condition as they affect babies and small children, or to insulate the Nation's children from the vicissitudes imposed by nature, social condition, or chance. Yet that is, I believe, precisely what this bill is attempting to do. Its utopian language, its terminological plasticity, its exhaustive and exhausting attempt to list in minute detail the services to be provided—these are nothing short of an effort to cover any and every possible contingency that might be thought of as adversely affecting the development of children. I cannot escape the haunting fear that if this measure is enacted we shall be taking a final, fatal step down the road which leads to a completely controlled existence of the kind portrayed by Orwell's "1984" and Huxley's "Brave New World" and, most recently, by the work of B. F. Skinner. Rather than breeding that race of wise and just philosopher-kings dreamed of by Plato, however, we are more likely to end up producing a race of docile automatons. The proposal as it is now designed cannot possibly rise to the level of its utopian expectations; and that failure will, in time, produce widespread frustration and, in all likelihood, a yet more stringent program to remedy the deficiencies of this one. And that, in turn, will be a good deal less voluntary.

Mr. President, it seems to me that if the Federal Government has the authority to enact this type of bill, it has the authority to enact absolutely anything. What is the use of having the Bill of Rights as a safeguard against unwarranted governmental intervention when we establish a program that puts the Federal Government into the business of determining the nature and quality of child rearing in the United States? How

can we possibly deny the Government entrance at the front door, when we welcome it with open arms at the back? Why should we want to deny the Government the right to eavesdrop on our conversations when we admit it warmly into the nursery? Why raise the hue and cry about "thought control" in the public school classroom because of school prayer, only to embrace "cognitive developmental services" in the nursery school?

In this respect, Mr. President, I cannot resist quoting from a recent letter to Members of the House written by Dolores Mitchell, chairman of the executive committee of Americans for Democratic Action. Urging Congressmen to vote against the school prayer amendment, she argued that the "voluntary" character of the proposed prayer was "a hoax." She added:

> As a mother of young children, I know perfectly well that the school room situation, particularly at the elementary school level, leaves little room for youngsters to exercise their theoretical right to refuse to participate.

That argument applies with even greater force to the conditions that will prevail in nurseries and day-care centers under this bill. After all, it is not schoolchildren alone we are talking about, but infants and toddlers; and it is not a mere 2-minute school prayer that is in issue, but a full, comprehensive, indeed, all-inclusive curriculum designed to cover the totality of a child's existence. Under the circumstances, Mr. President, I believe that the constitutional objections to the idea of school prayer are but of little moment when compared to the objections that can and should be raised against this bill.

I cannot think of a better way to conclude my remarks, Mr. President, than by taking note of an exceptionally thoughtful address on this general subject by the Vice President 2 weeks ago. In his remarks, Mr. AGNEW warned against the dangers of granting what is, in effect, a carte blanche to those behaviorists who would, with the very best of intentions, undertake to remake mankind; and he warned especially against the danger of allowing our children to become perpetual wards of an allegedly benevolent state. The Vice President's speech, I am happy to say, has not gone unnoticed. "Behavior Today", a publication for social science professionals, suggested in its November 29 issue that the Vice President's address should be read not only as an attack against mind-managing behaviorists, but also as an attack against this bill. It called upon its professional leadership to put pressure on Congress to pass comprehensive child development and warned that time was of the essence, because Mr. AGNEW had "struck a responsive chord in a public far to the left" of his "normal constituency". A proponent of comprehensive child development is then quoted as saying:

> If we don't get a bill right now, we will never get a bill. It will become an issue no politician will touch.

No politician will touch it, Mr. President, because I firmly believe that once the public has had a chance to study this bill and reflect on the concepts behind it, they will not tolerate its being enacted into law.

Mr. President, I most earnestly recommend that the conference report be rejected.

I ask unanimous consent that the following documents be printed in the RECORD at the conclusion of my remarks:

First "A Review and Report of the Proposed Federal Program of Child Development" which was recently issued by the Emergency Committee for Children. This committee is composed of the following educators, editors and religious leaders: Dr. George Baird, president of the Educational Research Council of America; Dr. David Crane, a psychiatrist; Dr. George Crane, psychologist, columnist, and author; M. Stanton Evans, editor of the Indianapolis News; Robert Galm, director of the Indiana Youth Council; Dr. Jerzy Hauptmann, editor of the Lutheran Scholar; Dr. Will Herberg, a professor at Drew University; Dr. Russell Kirk, author, educator, and lecturer; Fulton Lewis III, columnist and author; Rev. Angus MacDonald, Editor of Religion and Society; Dr. William H. Marra, professor at Fordham University; Dr. William Oliver Martin, a professor at the University of Rhode Island and author of "Realism in Education"; Dr. Charles Moser, a professor at George Washington University; Dr. Gerhart Niemeyer, a professor at the University of Notre Dame; Dr. Charles E. Rice, a professor of law at the University of Notre Dame; Dr. George Roche III, president of Hillsdale College; H. Lyman Stebbins, president of Catholics United for the Faith; and, Dr. Ben Wood, director of collegiate research at Columbia University.

Second. The text of a speech delivered by Vice President AGNEW in Chicago on November 17, 1971.

Third. A page from "Behavior Today," November 29, 1971.

Fourth. A table from the report of the Westinghouse Learning Corp., Day Care, 1970.

Fifth. A table from a publication of the Senate Finance Committee, "Child Care Data and Materials" (1971).

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

A REVIEW AND REPORT OF THE PROPOSED FEDERAL PROGRAM OF "CHILD DEVELOPMENT"

THE BILL

This bill provides for the establishment of "Child Development Programs" (comprehensive childrearing centers), "Child Development Councils" (to govern the programs), and a "Model Federal Government Child Development Program" (to try out the idea on the children of civilian government employees). It also provides guidelines and money for "National Child Advocacy Projects" (to draw attention to the needs of children), "Neighborhood Offices of Child Advocacy", and "Neighborhood Councils on Child Development". A permanent HEW Office of Child Development would also be established.

The Bill would see, in a few years, that the Federal government will have assumed a major role in the mental, physical, and social examination, diagnosis, identification, and treatment for every child under 15 years of age in the nation. As a matter of the child's right shall the government exert this control over the family, because, as one proponent of the bill has said, "We have recognized that the child is a care of the State." It would seem that the supporters of this legislation are interested in a Federally-cared for and governmentally-nurtured child.

"CHILD DEVELOPMENT" ADVOCATES

"Recognizing that communal forms of upbringing have an unquestionable superiority over all others, we are faced with the task in the immediate years ahead of expanding the network of such institutions at such a pace that within fifteen to twenty years they are available—from cradle to graduation—to the entire population of the country."

Dr. Urie Bronfenbrenner, a leader at the White House Conference on Children, quotes such statements in his book *Two Worlds of Childhood: U.S. and U.S.S.R.*, one of the popular authorities cited in defense of the child development proposals presently in Joint Conference and shortly to go before the President for approval or veto. The public relations of this bill presented it as strictly a beneficient day care program, to facilitate the employment of poverty-level mothers. The provisions of the bill are somewhat more wide. And the supporters of the legislation indicate their support in such ways as to cause trepidation regarding the eventual course of some of their provisions.

Statements like one by Siv Thorsell, a Swedish child development expert: "It is unreasonable to demand that the parents should meet all the child's needs, still less that the mother should accept responsibility for the child's upbringing to the extent she does now" reflect a lack of proper respect for certain fundamental institutions of society. Dr. Reginald Lourie, President of the Joint Commission on Mental Health of Children, is openly opposed to the family: "there is serious thinking," he says, "that maybe we can't trust the family . . . to prepare young children for this new kind of world which is emerging."

The child development bill is obviously more than another anti-poverty measure; it is blatantly a social experiment scheme to change the nature of American society by undermining the basic unit of that society: the family. It falls well beyond the range of necessary and proper legislation into the discolored realms of orwellianism and mind-control. It is more than a violation of the rights of citizens: it is an assault on the already weakened fortifications of Western civilization.

CONGRESSIONAL FINDINGS

In examining the legislation, the intent of its framers and supporters must be carefully scrutinized. We find the first section (501) of the Senate bill (S. 2007) particularly revealing in this regard. This section purports to reveal "Congressional findings", namely:

That "millions of children . . . are suffering unnecessary harm from the lack of adequate child development services";

But there is no evidence that anywhere near such numbers of children suffer such harm. Since the beginnings of the Republic, there have been laws governing mistreatment of children. Some children may, indeed, suffer deprivation or cruelty—but they do not suffer the lack of government services. And what are "child development services" anyway? "Comprehensive physical and mental health, social and cognitive development services necessary . . . to profit fully from . . . educational opportunities", says the bill elsewhere [§ 512(2)(A)]. That provides little clarification. What is meant by "mental health services"? Mandatory examination and treatment? Experimental therapy? The bill does not indicate.

That "comprehensive child development programs . . . should be available as a matter of right to all children."

The language of the legislation as it passed the House established in law that children have a "right" which they formerly did not possess. The nature of that right/rights is not explained other than by implication, e.g., the various programs and projects created by the Department of Health, Education, and Welfare and institutionalized through the HEW Office of Child Development will be available to children as a matter of "right".

Let us presume for a moment that a parent is against a program or unwilling to permit his child to be incorporated into it. The result will be that the parent was/is depriving the child of "rights" established by law, and could be potentially confronted by some remedial action to "restore" to that child his "rights" under the child development act. One could envision the future in which a "child advocate", in an attempt to restore a child's "rights", could obligate the parent to appear before some board or court for purposes of reviewing his qualifications for parenthood.

Even if such a formal mechanism is not established, the child development act, by its nature when operational, would establish a *de facto* situation in which those operating the program could cause significant turmoil between the program and the parent, and between the parent and the child.

That "it is essential that such programs be undertaken as a partnership of parents, community, and State and local government, with appropriate assistance from the Federal Government";

But it is not at all "essential" that every level of government become involved in the training of the children of private citizens. History invariably shows that "partnerships" with the government soon become greatly imbalanced. The Child Advocacy section of this bill might be a classic example of that "partnership". Child Advocacy Officers, positions established by this bill to find and satisfy otherwise undiscovered needs of children, will seek to defend the child's right against his parents' ignorance or reluctance to submit him to federal assistance. Professionally-trained, overzealous staffers will be no match for simple parents whose instincts are right, but who are not educated or prepared to argue with program operatives. A *de facto* situation of coercion will be created.

That "it is the purpose . . . to provide every child with a fair and full opportunity to reach his full potential";

It is good for children to have opportunities exist in multitude, probably more so than anywhere else in the world. The nation's children, from A. Lincoln on, have certainly reached great potential, and have done so without "child development services". The fact of the matter is that such extensive governmental intervention will probably accomplish precisely the opposite of the stated intent. Large institutions, as opposed to parental initiative, tend to stifle the child's imagination and expressiveness. Government intervention can make the deeply personal experience of growth and education a massive bore, and forget that it is trying to provide opportunities as it becomes preoccupied with standardizing results.

And "to establish the legislative framework of the future expansion of such programs to universally available child development services."

What is perhaps most alarming is the provision for these programs to be universal. Such a provision discloses that the framers implicitly contend that, whatever maladies may exist among the nation's children, they are not limited to the economically deprived. The premise is that practically every child is deprived in some way. But every child in America does not suffer otherwise irremediable wrongs; in fact, most children are well cared for and well provided for by their parents, with adequate amounts of love and generally sufficient amounts of discipline. The demand for universal application of any program to *all* American children leaves far too much room for irresponsible social experimentation with the nation's youth by excessively idealistic or ideologized executors.

LIMITED HEARINGS

The fallacious contentions and erroneous conceptions of this bill should have been revealed and publicized in the Committee hearings. But the investigative function of the Committee hearings was largely ignored with this bill. The House Committee on Education and Labor, Subcommittee on Education, held a total of three hearings on the bill, with only five main witnesses. Two of them, Congresswomen Chisholm and Abzug, aired some rhetoric on the sufferings of women in need of day care. Two Governors and one former Governor also testified, but their discussion focused almost exclusively on technicalities of administration. Many times before, Federal administration of Federal programs on local levels has created duplication of these efforts with State efforts, squandering considerable money in the process. Governor Moore of West Virginia cautioned in his testimony that ". . . the proposed system . . . would spawn so cumbersome and conflicting a bureaucracy that the needs of children—and of quality services for children—would be overshadowed by political and bureaucratic concerns."

RIGHT TO NOT PARTICIPATE

That the proposed legislation would spawn anything more than an inefficient bureaucracy was not considered in the Hearings. Discussion of the substance of the bill was carefully avoided. With one exception, the written testimony submitted to the Committee was invited and devoted itself to praising the legislation. The one exception was C. Ross Cunningham, of the Christian Science Committee on Publication, who stated that "specific language in the statute itself is necessary to protect those with religious scruples from over-zealous workers at the local level." A clause to exempt children from treatment on grounds of religious objection was later added to S. 207, perhaps in direct response to this testimony. Testimonies from other religious leaders were evidently not solicited.

Furthermore, there is reason to believe that the limiting provision to permit religious objections might be unconstitutional as a denial of equal protection of the law. Regardless, the provision acknowledging the right of the parent to be free of meddlesome bureaucrats is far too narrow. The right to rear the child rests exclusively with the parent, and the law in the interests of family structure ought to reflect that relationship. While in the minds of many, religion may be the foundation of the parental right, it should be expressed in the law that as a matter of right the parent is not required to either participate in any "child development" program or even explain his reason.

PARENTAL RELATIONSHIP

Included in the report of the hearings was a recent report of the Education Commission of the States, Task Force on Early Childhood Education. This report supported the adoption of more extensive child development programs, but in one respect it differs significantly from Federal concepts. The first priority of the States regarding child development services was "strengthening of the role of the family as the first and most fundamental influence on child development."

To the Emergency Committee for Children this seems an entirely proper emphasis to maintain. The Bill adopted by the House, like that by the Senate, mentions scarcely anything to indicate respect for this basic institution. The Education Commission of the States was not preoccupied with promoting the "emotional and social adjustment" of children, as seems to be the case with legislative proposals from the Congress.

The potential of this piece of legislation is clearly and definitely the revolutionizing of the traditional family structure in America. The parental role in children's upbringing will be deemphasized and the role of government greatly expanded. As government assumes parents' responsibilities, parents' rights over their children will tend to be sacrificed, *de facto* or *de jure*. Such a development, in our opinion, is contrary to the best interests of our society and not in concert with the Western tradition. It is disastrous and tragic. The family is the cornerstone of emotional stability and strength, the first educator and strongest influence toward decent human natures and relationships. To replace the rich, loving family with depersonalized bureaucracy would be to destroy the most valuable social institution in America, and to weaken immeasurably the strength of the American nation.

COMMUNALITY FOR CHILDREN

Central to the arguments of certain advocates and sponsors of the child development bill is an implicit direction toward a total revamping of American society, beginning with the popularization of one or another form of collective child-rearing. Occasionally this direction becomes explicit, as in the writings of Dr. Urie Bronfenbrenner. Bronfenbrenner's contention is that Soviet society is worth more than American society because the concern of one generation for the next is so much greater there. This concern is exemplified for him in the "children's collectives," where infants from three months of age are brought for communal upbringing.

The most lauded advantage of communality is the facilitation of discipline. The greatest virtues of a Soviet child are obedience and self-discipline, both developed through skillful fostering of the earnest desire to conform to the group, which, in turn, accepts its values from adults or other authoritative figures, eventually the State. Conformity, thus, is the paramount virtue in collectivized children, and, of course, in collectivized adults.

Yet the Soviet Union seems more than satisfied with its crop of programmed citizens. Plans for the future are burgeoning to make a child's life a series of transitions from nursery to day and night kindergarten, to boarding school, to independent life, in the hopes that, in time, the family "will dissolve within the context of the future social commune."

Dr. Bronfenbrenner is, of course, entitled to his views. But what he advocates is, fortunately, so alien to our culture that any attempt to impose the Soviet system here would be doomed to disastrous failure. However, the proposals of this bill definitely encourage the attitudes necessary for such a system to ever be adopted. This country does not want Soviet childrearing. Conformity has never been regarded as a supreme virtue by the American people; in fact, individuality from diversity within and among families is much sounder and more reflective of American institutions. Parents love their children and are dedicated to their welfare. Privacy and personal intimacy are the keynotes of American family life. Congress may write lists of contrived complaints about American childrearing, but such complaints will not reconcile the American public or the traditions of American life to surrendering children to government agents.

CONCLUSION

We of the Emergency Committee for Children are grateful for the individualistic

streak in the American personality, believing that it is the greatest possible protection against the utopian schemes of misguided collectivists. We of the Committee, whose backgrounds are in the Academy and religious life, are united in our concern and opposition to what we see as a significant threat to Western civilization and American society as we presently know it.

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES, ILLINOIS AGRICULTURE ASSOCIATION DINNER, NOVEMBER 17, 1971

America as a society was founded on respect for the individual and an unshakable belief in his worth and dignity. We believe an individual should be able to assume whatever position in society his intelligence, character and ability can earn for him—regardless of his status at birth—and we guarantee that he shall have that opportunity. He has, we say, an "inalienable right" to life, liberty and the pursuit of happiness so long as he does not trample on the equal rights of others. Unlike many other societies, we ask only in time of national emergency that he subordinate his individual freedom in the interest of his country.

"Individuality is the aim of political liberty," wrote James Fenimore Cooper. "By leaving to the citizen as much freedom of action and being as comports with order and the rights of others, the institutions render him truly a free man. He is left to pursue his means of happiness in his own manner."

The spirit of American individualism opened a frontier and built a nation. It imbues our institutions of today and we guard it jealously. Nowhere have I seen the importance of individualism and the threat to it better expressed than in the philosophy of your own organization, the Farm Bureau.

Let me read these few excerpts which are very pertinent to what I want to discuss with you tonight. I quote from your brochure, "1971 Policy Resolutions of the Illinois Agricultural Association."

"Farm Bureau recognizes freedom, the dignity and worth of the individual, equal opportunity, initiative and compensation for accomplishment, as basic concepts in a large way responsible for our country's progress and stature among the nations of the world . . .

"Today there are those who with well-planned purpose or unwitting action would lead our country and our people into state socialism with its controls of our lives and our means to produce and distribute the products of our labor, capital and management, with little or no regard for the contribution of individuals. Such a course leads steadily and surely to the degeneration of moral and economic standards and to a leveled, disillusioned, government-directed people and a decadent economy.

"We reaffirm our faith in incentives, individual responsibility, initiative and freedom, rather than over-dependence on government. We believe that we should act as individuals and as an organization to keep the determination of our destiny in the hands of the people where it must remain, if our organization and our country are to continue to be free and strong."

That is a creed that the overwhelming majority of Americans can subscribe to, and I wish it could be read and repeated every day at every gathering of the "futuristic planners" who are so anxious to change our society by tinkering with the individual. For there is currently a body of thought which I believe presents serious threats to our individual liberties. These threats are often couched in the language of human benevolence. Such subtle encroachments on human freedom and dignity are for the most part proposed by social planners who believe that the individual is incapable of managing his own affairs or, indeed, of even *knowing* what is best for him.

Let me share with you a few excerpts from a recent report published in the NEA journal, Today's Education, on future trends in education.

"Biochemical and psychological mediation of learning is likely to increase. New drama will play on the educational stage as drugs are introduced experimentally to improve in the learner such qualities as personality, concentration and memory . . .

"The roles and responsibilities of teachers will alter. . . . The basic role of the teacher will change noticeably. Ten years hence it should be more accurate to term him a 'learning clinician.' This title is intended to convey the idea that schools are becoming 'clinics' whose purpose is to provide individualized psychosocial 'treatment' for the student, thus increasing his value both to himself and to society."

We don't have to wait 10 years for this to happen, ladies and gentlemen. It is already here in what some would term our more progressive public schools. Perhaps you have heard of the so-called "pyscho-dramas" that children of all ages are forced to act out in the classroom. Listen to this account that I read recently in a newspaper:

". . . teachers frequently ask them (the pupils) to act out such things as obtaining an abortion, inter-racial dating, smoking marijuana—and how their parents would react. Parents find even more objectionable 'psycho-dramas' in which children act out actual incidents from the home, something which parents consider a clear invasion of their privacy. There have also been 'talk-ins' where two or three children will go to the school counselor and answer highly personal questions, such as: 'What does your father wear when he shaves?' or 'Do you love your parents?' One child was assigned an essay on the subject, 'Why do I hate my mother more than my father?' "

Character that was once molded in the home is now more often the product of the classroom, and there are some who would like to take it a step further and indoctrinate or condition all pre-school age children from infants on up to kindergarten age. They admire the Soviet system in which the State takes over this function from the parent.

Dr. Reginald Lourie, President of the Joint Commission on Mental Health of Children, recently told a Congressional Committee: "There is serious thinking among some of the future-oriented child development research people that maybe we can't trust the family alone to prepare young children for this new kind of world which is emerging."

The Soviets, Dr. Lourie said, have long recognized the shortcomings of the family. That, he added, is "one of the reasons why they felt they needed to have access to the babies."

Dr. Lourie said that in the first 18 months of life the brain is growing faster than it ever will again. "It is then also more plastic and most available for appropriate experience and corrective interventions," he said.

Another expert witness testified that child-rearing by the State produces more obedient adults because the individual child is conditioned to conform to the behavior and values of the group in which he is reared.

You can see here that our traditional concept of the individual would disappear completely if it were left up to the behaviorists; moreover, the family would become an anachronism in the new scheme of things.

Now, I believe there are occasions when a child needs to be taken out of the home, both for his own good and that of society. I have said this many times. It may be he is totally neglected by his parents in his upbringing, or it may be that they are faced with severe problems that prevent him from receiving the kind of care and attention that he needs. In such cases, he would be better off in a foster home or boarding school. And certainly this Administration favors federal support of day care centers where children left by working parents can receive care and educational opportunities so critical in the early years. We have also encouraged innovations in educational techniques.

But what has been suggested in the examples I have cited to you is radical surgery on the national psyche—and it is absolutely unjustified under the circumstances that exist. Our futuristic thinkers might render society a better service by devoting their thinking to some of the immediate problems that confront us.

For example, instead of psycho-drama in the classroom let's restore conditions that permit and encourage learning. I saw an article in a Baltimore newspaper a few days ago where city officials were calling for the installation of metal detectors at school entrances to prevent acts of violence by *gun-carrying youngsters!* Now when discipline and respect for authority deteriorate that far, conditions have gotten pretty bad. But I'm sure they're no worse at schools in Baltimore than they are in many other cities of the land. I would think restoration of discipline and order ought to be a first priority—even ahead of curriculum—in the schools of this country. Because it's a simple fact that unless order is maintained there can be very little learning accomplished, no matter how modern or innovative the teaching techniques may be.

Instead of having students write essays on why they hate their mother more than their father, or relate what their father wears while shaving, educators might use this time more productively by emphasizing basic skills and subjects that will enable these students to make the most of their lives and their talents and improve their worth as individuals.

The principal danger in all of this, in my opinion, is a steady erosion of our belief in the individual and the value of his role in society. The assault continues daily.

One of the hottest books on the current best-seller list deals with "conditioning" people to conform to a bizarre view of what society should be like—a utopia to be achieved through what the author calls a "technology of behavior." The author is Harvard psychologist B. F. Skinner. The book is appropriately entitled "Beyond Freedom and Dignity."

Dr. Skinner holds, in effect, that man has neither soul nor intellect and is completely a creature of his environment. If you can control man's environment, he theorizes, you can control his actions and his thoughts.

The book can be expected to have a substantial impact. Dr. Skinner is generally regarded as the most influential of American psychologists and social thinkers. He is widely known and respected, even by some who disagree with him.

The magazine Psychology Today said of the Skinner book: "This new crusading manifesto . . . is an intellectually ruthless demand for the faithful to move ever onward—into domestic policy, business, education, the family and every other part of life. Their time, they believe, is now."

In a recent article, Time Magazine quoted Dr. Skinner as saying the concept of freedom once played a vital role in man's overthrow of tyrants but that it is now outmoded.

"My book," he said, "is an effort to demonstrate how things go bad when you make a fetish out of individual freedom and dignity. If you insist that individual rights are the *summum bonum*, then the whole structure of Society falls down."

In his book, Skinner attacks the very precepts on which our society is based saying that "Life, Liberty and the pursuit of happiness" were once valid goals but have no place in 20th Century America or in the creation of a new culture such as he proposes.

Another advocate of changing man's behavior through external means is Kenneth B. Clark, President of the American Psycho-

logical Association. Writing in the New York Times last week, he said the formerly useful appeals of religion, moral philosophy, law and education—in his words—"are, in themselves, no longer appropriate" in a nuclear age.

What is needed, suggested Dr. Clark, is to stimulate certain areas of the brain of national leaders or drug them in order to—in Dr. Clark's words—"assure their positive use of power and reduce or block the possibility of their using power destructively."

"This form of psychotechnological medication," he said, ". . . would assure that there would be no absurd or barbaric use of power. It would provide the masses of human beings with the security that their leaders would not or could not sacrifice them on the altars of their personal ego pathos, vulnerability and instability."

That sort of drivel doesn't need any further comment from me with this audience. It speaks eloquently for itself. But you cannot dismiss it as unimportant. That would be a big mistake.

Such "behavorial thinking," as it is called, has great impact in some of the intellectual circles of this country. For this reason, such thinking must be taken seriously and countered with logic and reason. It is potentially very dangerous, and it is completely at odds with our basic belief in the dignity and worth of the individual. To the behaviorist, man is not an individual; he is one of a herd, a particle in a mass of humanity who does not know what is good for him and who needs to be saved from himself by a superior elite using intellectual cattle prods. Note well Dr. Clark's use of the term—"provide the *masses of humanity* with the security that *their leaders* would not or could not sacrifice them on the altars of their personal ego . . ." What arrogance! What contempt for the individual!

John Stuart Mill, in his famous essay, "On Liberty" said in 1859, "Whatever crushes individuality is despotism, by whatever name it may be called."

Applying Mr. Mill's standard to the behaviorists of today, I would say we are contending with a new kind of despotism.

For a number of years now our young people have been concerned about a possible loss of identity through computerization and other technological advances. They do not want to become a mere number, another face in the crowd. "Do not fold, spindle or mutilate," they say in derision.

I would say to them in all sincerity that they, and future generations of Americans, face a far bigger threat to the loss of their individualism from the sugar-coated theories of social scientists and behavioral psychologists than they do from the machines we have developed, manufactured and can control in making life easier and more abundant for mankind.

The important thing is that we use our technological knowledge for the good of *all* mankind, that we use it in *solving* the problems that are now attacked more with rhetoric than with our God-given ingenuity. In the end, individuals—not masses—will come up with the answers to these problems, just as the Edisons, the Wrights, the Salks and the Einsteins have done so often during the past decades.

Perhaps there will be a Herbert Hoover combining his talents of engineering and management to organize a gigantic program for feeding the starving of this world, and marshaling the resources of not only this country but of other rich, producing lands.

It was a half-century ago that Mr. Hoover, who was later to become our 31st President, returned from his enormously successful food mission in Europe and put down on paper the spiritual, economic and political characteristics that enabled the American people to produce the materials needed to bring peace to the world and at the same time give economic assistance to people ravaged by war.

He called his book *American Individualism* and he spoke to the behaviorists of his day who would sacrifice the individual for the group.

"Salvation will not come to us out of the wreckage of individualism," said Mr. Hoover.

"What we need today is steady devotion to a better, brighter, broader individualism—an individualism that carries increasing responsibility and service to our fellows.

"Our need is not for a way out but for a way forward. We found our way out three centuries ago when our forefathers left Europe for these shores, to set up here a commonwealth conceived in liberty and dedicated to the development of individuality . . .

"Humanity has a long road to perfection, but we of America can make sure progress if we will preserve our individualism, if we will preserve and stimulate the initiative of our people, if we will build up our insistence and safeguards to equality of opportunity, if we will glorify service as part of our national character.

"Progress will march if we hold an abiding faith in the intelligence, the initiative, the character, the courage, and the divine touch in the individual. We can safeguard these ends if we give to each individual that opportunity for which the spirit of America stands. We can make a social system as perfect as our generation merits and one that will be received in gratitude by our children."

Ladies and gentlemen, Mr. Hoover's words are as applicable to our problems of today as they were to those of 50 years ago.

We have not yet achieved that perfect social system that he spoke of, but we have probably come closer than anyone else on earth, and we continue to make progress to that end.

And when we do finally achieve it, it will be because we have kept an abiding faith in the individual—in his intelligence, initiative, character, courage and the divine touch that exists in every man.

[From Behavior Today, Nov. 29, 1971]

AGNEW'S ATTACK

Spiro T. Agnew is after the behaviorists. His alert to the anti-democratic danger their theories represent is a bit stale, but coming from a Vice President, the attack moves the debate over behavior control to a top political rostrum. In his speech Nov. 17 to the Illinois Agricultural Assn., Agnew raised the specter of mass psychological-biochemical control, singled out B. F. Skinner and Kenneth B. Clark as villains . . . "I don't care whether he's for my ideas or against them," Skinner responded. "His speech is a sign people in high places are beginning to think about behavioral control and policy." Behaviorists in general reacted in the same vein, but worried that the political vitriol would distort the issues they want to introduce to the public . . . The worry is real. Insiders report a mounting right-wing attack on behaviorally based day care as a Sovietization of child rearing. And, they warn, the Nov. 17 speech struck a responsive chord in a public far to the left of Agnew's normal constituency. For copies of the speech, write Jean Spencer, Office of the V.P., Rm. 291, Executive Office Bldg., 17th and Pennsylvania Ave., Wash., D.C., 20501.

DAY CARE BILL IN TROUBLE

Landmark $2-billion child development bill now before Congress is in trouble. Supporters read Agnew's alert to dangers of "child rearing by the State" as sign of White House opposition to day care program which provides more than simple custodial services. Further evidence of Administration opposition closely followed Agnew's speech when HEW secretary Elliot Richardson, who earlier appeared to favor bill, announced in a letter to Congress that he opposed it in its present form. Package, compromise version of bill by Sen. Walter Mondale (D.-Minn.), faces final Congressional action in early December. Passage is a good possibility, but so are chances for a Presidential veto. Following major issues are at stake:

Cost. Bill would authorize $100-million for planning in FY '72 and $2-billion for centers, services and training in FY '73. But debate over cost is largely a smokescreen, since Administration and Congress recognize day care is an expensive undertaking.

Eligibility. Bill offers free services to poor, but would also allow middle-class families to use centers on a paying basis. Administration flatly disapproves, favors bill only to extent it puts welfare mothers to work.

Prime sponsorship. Curiously, while Agnew attacked state take over of child-raising, the Administration has attacked provisions in the bill insuring strong local control and parent involvement. Present bill would allow community groups to operate programs. The Administration wants politicians at the state level to control the purse strings, parents to serve as advisors.

Supporters argue that bill in its present form will put Congress on record in favor of comprehensive child development services, as opposed to custodial care. "If we don't get a bill right now," they warn, "we'll never get a bill. It will become an issue no politician will touch."

Supporters urge activists to woo the White House and the following key Congressional opponents: Rep. Albert Quie (R.-Minn.), Rm. 2334, Rayburn House Office Bldg., tel: 202–225–2271; Rep. William Steiger (R.-Wis.), Rm. 1025, Longworth House Office Bldg., tel: 225–2476; Rep. John Erlenborn (R.-Ill.), Rm. 330, Cannon House Office Bldg., tel: 225–3515; Rep. John Dellenback (R.-Ore.), Rm. 1214, Longworth House Office Bldg., tel: 225–6416; zip for all the above 20515.

TABLE 4.37—ESTIMATED NUMBER[1] AND PERCENTAGE DISTRIBUTION OF LEVEL OF SATISFACTION FOR EACH DAY CARE ARRANGEMENT BY TYPE OF ARRANGEMENT

[Numbers in thousand]

Type of arrangement	Total		Very well satisfied		Pretty well satisfied		Not very well satisfied		No answer	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Mother watches at work	134	100	56	41.8	26	19.4	36	26.9	16	11.9
Child cares for self	260	100	99	38.1	101	38.8	31	11.9	29	11.2
In-home care	2,172	100	1,610	74.1	230	10.6	126	5.8	206	9.5
Father	751	100	598	79.6	27	3.6	48	6.4	78	10.4
Sibling	474	100	275	58.0	107	22.6	35	7.4	57	12.0
Other relative	637	100	513	80.5	65	10.2	10	1.6	49	7.7
Nonrelative	310	100	225	72.6	31	10.0	32	10.3	22	7.1

TABLE 4.37—ESTIMATED NUMBER[1] AND PERCENTAGE DISTRIBUTION OF LEVEL OF SATISFACTION FOR EACH DAY CARE ARRANGEMENT BY TYPE OF ARRANGEMENT—Continued

[Numbers in thousand]

Type of arrangement	Total		Very well satisfied		Pretty well satisfied		Not very well satisfied		No answer	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Out-of-home care	1,384	100	927	67.0	182	13.2	165	11.9	110	7.9
Relative	584	100	391	67.0	72	12.3	76	13.0	45	7.7
Nonrelative	63	100	47	74.6	7	11.1	7	11.1	2	3.2
Day care home	500	100	304	60.8	79	15.8	73	14.6	44	8.8
Day care center	237	100	185	78.1	24	10.1	9	3.8	19	8.0
Before and after school programs	27	100	14	51.9	0	0	0	0	13	48.1
Total	3,977	100	2,707	68.1	539	13.5	358	9.0	373	9.4

[1] In-school arrangements were deleted from this table.

TABLE 4.—CHILD CARE ARRANGEMENTS FOR CHILDREN OF MOTHERS WORKING FULL TIME, 1965

	Total		Children under 6		Children 6 to 13	
	Number	Percent	Number	Percent	Number	Percent
1. Total number of children	8,315,000	100.0	2,561,000	100.0	5,753,000	100.0
2. Cared for in own home by—						
(a) Father	1,145,000	13.8	264,000	10.3	881,000	15.3
(b) Other relative	2,013,000	24.2	472,000	18.4	1,520,000	26.4
Under 16 years old	(397,000)	(4.7)	(25,000)	(1.0)	(372,000)	(6.5)
16 years and over	(1,615,000)	(19.5)	(446,000)	(17.4)	(1,149,000)	(20.0)
(c) Nonrelative who only looked after children	429,000	5.2	238,000	9.3	188,000	3.3
(d) Nonrelative who usually did additional household chores	513,000	6.2	236,000	9.2	281,000	4.9
(e) Subtotal, children cared for in own home	4,099,000	49.3	1,209,000	47.2	2,871,000	49.9
3. Cared for in someone else's home by—						
(a) Relative	801,000	9.6	452,000	17.6	354,000	6.2
(b) Nonrelative	836,000	10.1	502,000	19.6	341,000	5.9
(c) Subtotal, children cared for in someone else's home	1,637,000	19.7	954,000	37.3	695,000	12.1
4. Other arrangements:						
(a) Care in group care center	239,000	2.9	197,000	7.7	41,000	.7
(b) Child looked after self	800,000	9.6	7,000	.3	794,000	13.8
(c) Mother looked after child while working	575,000	6.9	171,000	6.7	407,000	7.1
(d) Mother worked only during child's school hours	917,000	11.0	12,000	.5	906,000	15.7
(e) Other	50,000	.6	10,000	.4	40,000	.7

Source: Seth Low and Pearl G. Spindler, "Child Care Arrangements of Working Mothers in the United States," Children's Bureau Publication 461–1968, tables A–2 and A–3, page 71.

EXHIBIT 1

INTERNATIONAL DAY CARE: A SELECTIVE REVIEW AND PSYCHOANALYTIC CRITIQUE

(By Dale R. Meers)

INTRODUCTION

Historically, social concern for the welfare of children is interrelated with the tenuous, often tortuous evolution of scientific knowledge of child development. The relationship is inevitably reciprocal. Social conscience has sometimes pushed the scientist where he has been hesitant to venture. Alternatively, scientific documentation has been the gadfly of social conscience, though society often has proven resistantly imperturbable where scientific clarity has presented a too discomforting mirror to social indifference.

Currently in the United States, social concern is reflected in legislative considerations of the special fate of children—often those of minority groups—whose home circumstances or natural parents have suffered so drastically that the young are not afforded optimal conditions for normal, healthy maturation of body and mind. The progression of social responsibility reflects, in some measure, advances in scientific comprehension of the fundamental importance of adequate nurture in the earliest years of childhood.

For example, just as the publicly maintained poorhouses once represented a significant advance in social commitments to child welfare, so the ensuing development of congregate child care institutions were a corrective response to limitations of the poorhouse. Once established, the congregate institution remained, for want of better solutions, and with it came the unforeseen consequences of hygienic institutionalization, particularly the continuous tragedy of marasmatic[1] deaths of infants and the pseudo-defectiveness of older children—outcomes that become the subjects of extended international research.

Consequently, by the 1920's a quiet social revolution came to pass in the federal state support of family nurture via foster home and adoption services that emptied the congregate institutions of the U.S. As appears true in all modern, industrial nations, however, social values of "the family" appear to dissipate with increasing options for economic and geographic mobility. With smaller families for the upwardly mobile, and decreasing community support for the direction of child activities, the qualitative base for foster home care in the U.S. now appears less than adequate. The "racial" prejudices of the nation, moreover, have further taxed the program for foster care. Massive migrations of our Negro population into urban visibility have simultaneously brought a belated concern for fragmented lives, a situation that was earlier ignored.

The inequities of foster home care have hit the Black child hardest, and we have seen his disadvantage exacerbated by his grossly disproportionate placement in our returning congregate institutions. There are parallel concerns with the stigmata suffered by the welfare-mother, and current social policy considerations suggest a new synthesis in which child Day Care might simultaneously diminish the need for foster/institutional placements and also permit the training of mothers for employment outside the home. Nationally, the over-sell of the Head Start Day Care type programs has been accepted by the public with convictions that are not shared by the scientific community that sponsored Head Start. For those families where there is no question of the adequacy of home life, the matter has been complicated further by the positive statements of the American Educational Association on the presumed salutary qualities of ever-earlier education, and these appear to have escalated popular interests in Day Care.

Popularized reports of the reputed virtues of international child care programs, particularly those of the U.S.S.R. and the Kibbutzim of Israel, appear as major contributions to present U.S. legislative proposals for national support of Day Care. One may speculate that the anomic phenomenon of our urban depersonalization has added to the romantic aura that surrounds the reputed virtues of the Kibbutzim. The extraordinary advances of Soviet atomic and space technology appear popularly, if obscurely, linked to that nation's innovations in education—as though technological advances were ultimately derivative of the early child care programs. In the absence of extended documentation, which is essential to scientific assessment of the effects of programs, imagination has colluded with scant observations, and some western observers have concluded that the Day Care of other nations is a singular blessing.

With such preconceptions, this author began his research explorations in 1964.[2] Review of the scant available literature led, subsequently, to reports of the National Academy of Science and then to correspondence with a number of prominent research and administrative directors of child care programs in the U.S.S.R., Hungary, German Democratic Republic (East Germany), Czechoslovakia, Greece, Israel and France. The study of these particular countries was a function of available literature, the responsiveness of the countries' research communities, and the character of particular types of child care programs. Professional visits were made to selected child care centers in each of these countries, other than the U.S.S.R., by Dr. Allen Marans in 1963 and by

Footnotes at end of article.

this author in 1965. Both tours included personal observations of centers, extended discussions and consultation with policy makers, administrative directors and child care staff. Because of the apparent importance of the Soviet Union's programs, and increasing uncertainty of their scope and purpose, support was requested and provided by the U.S. Public Health Service, under the U.S.-U.S.S.R. scientific exchange program, for this author and a colleague[3] to study in Moscow, Leningrad and Reiga (1967).

No claim is made here that the observations in these several countries provide some representative sampling, nor is it suggested that programs and centers are necessarily similar. Indeed, as a first generalization, one may note that greater differences appear to exist between some child care centers in the same country than between the best of each country. Extreme dissimilarities in any one country, however, appear as historical accidents in which older facilities have been bypassed because budget priorities have been given to the development of new improved centers. In the effort to highlight the characteristics and directions that seem most relevant to U.S. concerns, many differences of quality care are ignored here. Since the U.S. has little to learn from inadequate foreign centers, such facilities are discussed only where it seems important to illustrate particular programmatic or policy problems. The worst of U.S. urban Day Care occasionally may be equaled, but not easily exceeded, by the worst of those observed abroad by this author; however, the intent here is to studiously avoid any implication of invidious comparisons of the U.S. with other nations' programs. The following discussion is predominantly concerned with the best of international centers and technical management such that the ensuing critical evaluation relates to those special problems inherent in even the best of Day Care programs. Particular types of institutional experience and research is directly relevant to Day Care for the very young. Accordingly, this paper also makes selective reference to problems of "institutionalization" and "hospitalism."

The subject of child care cannot be readily separated from the philosophical/ideological commitments of the several countries reviewed. The collectivistic orientation of Kibbutzim child care is dramatically different from that of Greece or France, and surprisingly different from official policies of the Soviet Union. Philosophic views are inherently reflected, purposefully or unwittingly, in the social/economic priorities that underpin funding for child care staff, physical facilities, resources for the children, etc. Emphasis here is given to the programs of communist countries because their extended experience covers both decades and millions of children in Day Care. Administratively, their programs are not unlike those seemingly envisioned by U.S. legislation, i.e., with policy funding and standards nationally established yet with considerable regional and local latitude for the administration of the individual centers. The sheer magnitude of existing communist child care programs, which entail a radical departure from the conventions of family nurture, constitutes an extraordinary social experiment (with a fascinating range of scientific implications).

THE SOVIET MODEL AND EAST EUROPEAN ADAPTATIONS

The geographic span that separates the U.S. and the U.S.S.R. is less formidable than the ideological and conceptual distance that must be bridged in scientific dialogue. For Pavolov is to Soviet education, child care and psychiatry as Lyschenko was to agronomy and genetics (e.g., see: Tur, 1954; Barkoczi, 1964; Tardos, 1964). Since Pavolovian conceptions do not entertain the possibility that mental illness can be a consequence of adverse infant and childhood nurture, psychiatric research on the relationship of early Day Care and psychopathological disorders is notable only for its non-existence. During Stalin's life, both social psychiatry and social psychology were politically interdicted, presumably on the rationalization that social is a synonym for class and that, in a classless society, there were no differences to study. Similarly, with the establishment of the Communist state in Czechoslovakia, foster care and adoptions were replaced by state sustained Day Care and residential care for children and research on the complexities of these Czech programs was forbidden at the university level,[4] but indirectly possible in psychiatric settings.

The difficulties in reviewing Soviet research, such as there is, are compounded by their limited internal budgets for journal publications in the behavioral sciences; literature proves far more available via the East Europeans. The literature review that preceded these field studies began with a series of documents obtained in the U.S.S.R. by members of the President's Panel on Mental Retardation (1964) and the Child Psychiatry Mission to the U.S.S.R. (Lourie, 1962; Report of the Medical Exchange Mission, 1962). Our study was enriched by the translation of Schelovanova and Aksarina's basic text (1960), which had been made available in Russian by Professor Zaporozhets who had consulted in Washington in 1964. Bronfenbrenner's several papers (1963a, 1963b, 1964) were fascinating and we were prepared to see, in East European adaptations of Soviet models of Day Care, a coherent effort in which the state used the Day Care nursery to produce the "new Communist man."

It was a considerable surprise, therefore, to find that East European programs, in 1965, appeared to be not only prosaic but also struggling with such a multitude of organization and administrative problems that it was difficult to perceive anything in the way of nursery centered, conditioning. Self-consciously as aware of their problems as they were proud of their achievements, East European administrators made continued recommendations that one should see the truly successful Day Care centers in the U.S.S.R., where extended experience is matched by optimal funding. In the two years that preceded personal study of the Soviet centers, this author contributed a number of conclusions, from inferential data, as to Soviet programs that have since proved to be singularly erroneous (Meers and Marans, 1968).

We wrote at that time: "In 1965, Khrushchev introduced a nationwide program aimed at the creation of a new Soviet man's (Bronfenbrenner, 1963). To accomplish this objective a major portion of the responsibility for child-rearing was deliberately shifted from the family to the children's collectives, the U.S.S.R. day nursery." (*Ibid*, p. 239). Inherent in this (erroneous) formulation was the conclusion that the contemporary generation of Soviet parents, having been deprived of a "proper" upbringing, could not be expected to rear this new Soviet man without help from appropriately educated, state-supervised staff. The state thereby purportedly recognized the role of the "upbringer" as the purveyor of the new culture, since mother substitutes were nominally selected and trained to induce the political ideas of the state.

Whatever the political goals of social planners in the East European countries, however, it was clear in 1965 that the extraordinary complexities of staffing and developing massive programs precluded any systematic induction of political-cultural values. Surprised by the absence of ideological implications in programming, this author raised the question repeatedly. As a typical response, Pikler (Budapest) advised that in three decades of close and cooperative working relationships with Soviet child care specialists, she was quite unaware of any such state policy.

During the author's three weeks of study in Moscow, Leningrad and Reiga, there were continuous occasions to discuss Soviet Day Care policy, from the ministerial level, through administrative and research staffs down to the various Day Care centers' personnel. It is clear that the Soviet Union would indeed like to provide the best-of-all-possible worlds for their children, so that their new Soviet man would have every advantage that a modern industrial nation might provide. The status of the Soviet child is considered unique and there is a presumption, not unlike that held in the U.S., that the best is being done for their children. It is humorously suggested that children are the new "upper class" of the classless society. And, indeed, part of the Soviet claim appears merited by the extraordinary priorities and investments that sustain the multiplicity of child care programs.

The Soviet Day Care programs, however, appear anything but revolutionary in their intent. They are designed to provide the type of comprehensive care that has been depicted in the U.S. as "Head Start." The term, in U.S. usage, is a misnomer since our programs, like those of the U.S.S.R., are intended to provide a *better* start and not an accelerated introduction to intellectual/academic matters. In the vast Soviet federal state, which encompasses disparate nationalities and ethnic peoples, the provision of basic, high-quality health and social services continues as a fundamental problem. The provision of early Day Care has the explicit intent of ensuring the best health and nurture that can be uniformly provided. If there is an unstated, implicit political intent in these programs, this author would conclude that it has to do less with the creation of the ideal communist than with the creation, in the younger generation, of a "national citizen" who is free from regional and ethnocentric biases.

Parenthetically, one should add that the Soviet Day Care centers are hardly oriented to the introduction of reading, writing, and arithmetic at ever younger years. On the contrary, only scant and incidental "educational" material is introduced in the last year of nursery school, and formal education is only started at age seven a year later than in the United States.

Day Care programs of the East European nations differ most in the intent and rationalizations of their separate cultural, economic and political status. The Hungarian programs evolved from an organic community need to provide for homeless, parentless children who were incidental victims of the Nazi siege of Budapest. Economic dislocation from western Europe and the attempt to industrialize provided powerful government incentives to adopt and implement Soviet models of Day Care and the frugal conditions of the post war economy provided substantial incentives for mothers to place their children in Day Care and secure work. From meager beginnings in Budapest, Day Care centers were established wherever possible, e.g., in unused factories, and these centers proliferated through the following decades with an express government intent to provide equal and adequate services in rural as well as urban centers.

While pleased with their continued upgrading of building design, staff ratios, etc., Hungarian Day Care of infants under the age of three has been viewed as a regrettable side effect to the necessary employment of mothers and therefore has been considered a program that should be progressively limited and eventually terminated as economic conditions might permit. This conviction appeared to be based less on any question of possible damage or retardation of the children concerned, than on humanitarian responses to the manifest unhappiness that

Footnotes at end of article.

substitute care creates for the small child separated from home and mother (Laslow, 1965).

In East Germany[5] a different confluence of factors has affected the characteristics of Day Care. Under Communism, a "feminist" movement appears to present a powerful, government-sustained reaction to the residual patriarchal dominance of the old-time German family. Day Care provides not only for children, but also gives women an alternative to the domesticity that has carried a cultural aura of subservience.

East Germany suffered a massive loss of manpower in the war and was further plagued by the succession of Nazi extermination of "liberal" professionals, the postwar exclusion of established pro-Nazis from responsible positions, and the exodus to West Germany. Massive displacement of populations and extended war damage led the country into an austerity program from which it has yet to emerge. Extended efforts to industrialize a previously agrarian area only added to the chronic and severe manpower shortage, adding urgency to the need for the labor of women. The establishment of Day Care centers on a mass scale, however, placed the Day Care programs in direct competition for the already short supply of woman power. With the inception of the programs, it appeared that many of the older and least suitable women, who were unable to find better employment in industry, secured employment in child care. Recruitment, staffing and training continue as major problems.

Czechoslovakia was spared much of the war devastation suffered by Germany and Hungary. Its industrial base and professional population were left relatively intact. Economic reorientation to the East and severe planning/production limits on luxury goods contribute to a continuing austerity and provide strong economic motivations for families to secure a second income through the work of mothers. Government support and encouragement of the use of Day Care has appeared more doctrinaire than economically motivated. The best of Czech Day Care appeared hygienic, sterile and depressing; the worst seemed melancholically, fatalistically sorrowful, Czechoslovakia in transition may reflect severe anomic reactions to the enforced and extended readaptations of cultural values to the changed political and economic ways of communism.

THE SCOPE AND COSTS OF COMMUNIST DAY CARE

In 1964, some 10% of the Soviet Union's pre-school child population were cared for in various types of child care facilities; five of seven million children were in (non-residential) nurseries and Kindergartens. Consonant with Zaporozhets' (1964) projections, 1967 estimates (provided in the U.S.S.R.) indicated that 30% of the nation's pre-schoolers were then enrolled, and that the figure was as high as 60% in major Soviet cities. In 1964, Zaporozhets had anticipated that a goal of 100% would be achieved by the 1980s. East European estimates in 1965 approximated those of the U.S.S.R., i.e., some 30% of these nations' children were in Day Care. By 1970, East Germany had between 30% to 45% of under-threes in Day Care, and 51% of the older children in Kindergarten. Schmidt-Kolmer (1970) projected that by the 1980's nearly all of the four to six year olds, and some 50% of the under-threes, would be in Kindergarten/Day Care. Czechoslovakia, in surprising contrast, as a result of governmental policy responses to research evidence of emotional injury to the very young child, has systematically reduced its Day Care for children under three, and current estimates indicate an enrollment of only 12% of these children in 1970 (Langmeier and Matejcek, 1970; Matejcek, 1970).

In the Communist nations, financial support for both capital construction and operational expenses depends upon sponsorship, e.g., of factories, coops, urban micro-units, etc. The state is usually responsible for basic costs. The *capital* expenses for Day Care centers in East Germany approximate 11,000 Marks/per child, i.e., about $2,600 (as an under-estimate based on an official 4.2 rate of exchange). This represents a *quarter of a million dollars* in construction costs for each prefabricated unit that houses some 100 infants.

Operation budgets of both Czech and East German centers approximate one-quarter to one-third of the earned income of the average working parent, e.g., East German costs are 155 Marks per month per child (Schmidt-Kolmer, 1970) and Czech costs are 526 Crowns per month per child (Matejcek, 1970). Since the East German incomes, as a high estimate, are about 630 Marks per month and Czech incomes are about 1600 Crowns per month, the placement of three children from one family in Day Care would involve operating expenses equal to the income of a working mother. The costs to families remain low only because of state subsidization. Bronfenbrenner's estimate that Soviet expenditures equal the total cost of Soviet space exploration appears quite plausible.

In the continuing, philosophic commitments of the U.S.S.R., enormous expenses are involved in the construction of rural new-town communities and in the beginning ultra modernization of cities such as Moscow. Planners make use of the "micro-unit," an extended complex of modern, high-rise apartments (prefab) that are relatively self-contained as a neighborhood. These units include shopping, medical, and Day Care centers, plus related schools. Emphasizing the *family* as the core of the Soviet state, i.e., the child's first "collective" (Makarenko, 1954), Day Care is seen as but one of the adjunctive services provided by the state to sustain the uniqueness of each family.

QUALITATIVE DIFFICULTIES IN COMMUNIST DAY CARE

However philosophical their dedication to the new generation, Communist allocations of salaries and status to the child caregiver are marginal. Moreover, the vast extension of the programs appears to have made recruiting demands that do not permit the quality of staff selection aspired to by planners. Training, subsidized rather liberally by Western standards, aims at a continual upgrading in quality of service (Schmidt-Kolmer, 1970). Yet the self-selection of caregivers usually brings young, unmarried girls or women who cannot obtain better paying industrial employment. In 1965, the child caregiver population had a high mobility rate even after training. This experience is not peculiar to the Communist states, as is indicated by Israeli data showing that only 18% of Kibbutzim caregivers had worked for ten years or more, and that in a single year 28% had left their group of children (Gerson, 1970).

Communist literature tends to idealize the participation of parents, who purportedly participate actively with Day Care staff out of a sense of duty to child and country. Options for parents are clearly available for both conferences and staff lectures on child care and the desirability of continuing at home the routines established in the centers (Robinson, 1965). The realities of Communist life do not readily match the idealization of active parental participation. It is a long and arduous day for both working parents and one must question whether the educational options offered are in fact realistic. Informal Soviet humor suggests that Ivan's parents listen to free advice with closed ears.

One criterion of the adequacy of Day Care programs is the degree to which planning and administrative staff make use of them for their own children. While many senior staff appeared to be beyond child-rearing ages, it was notable that this author did not meet any such professionals who had their children in early Day Care nurseries. On the contrary, the few who did discuss this noted their preference to use their incomes to employ someone to care for their children at home.

MULTIPLE AND INTERMITTENT "MOTHERING"

The child caregiver is an employee, and there are prerogatives that derive from that status that are denied to most biological mothers, such as, coffee breaks, sick leave, holidays and the option to leave one's charges if the conditions of work are not sufficiently gratifying. Continuity of care, however, provides two major advantages for the child: (1) his mother will know him with sufficient intimacy so that, in his pre-verbal months of life, she can understand and alleviate his needs so he will not experience undue pain; and (2) the baby is afforded an option to accommodate to a consistency of care that evokes his continuing interest in and attachment to an emotionally responsive person. It has been this author's experience that nursing staff covertly resist continuity of care of any one or more babies. Indeed it was a common experience, internationally, that caregivers often could not readily identify their children by name and, with babies, did not know with certitude whether each one had been fed. Schmidt-Kolmer (1970), citing a study done in Leipzig, reaffirms experience elsewhere, namely, that the younger and less active the child in the day nursery, the smaller the amount of attention he received.

Education, as Schelovanova and Aksarina (1960) have commented, begins in the earliest of life experiences as the child grows in his mother's arms. Multiple mothering, all too frequently, provides an uncoordinated octopus. The multiplicity of caregivers, their overlapping of shifts, their replaceability for illness or holidays, their departures for other employment, all leave the very young child accommodating first to one and then to another. And infants and young children do adapt to all environments. Once they have exhausted the repertoire of genetic responses of crying and kicking, they are notoriously accommodating to adult wishes for untroubled, relatively passive responsiveness.

Zaporozhets (1964) has noted that consideration was given in the U.S.S.R. to providing each employed mother a full year's pay[6] following the birth of her child, a consideration that was raised because of the obviousness of babies' adverse response to deprivation. Few people question that the infant in group care suffers in some degree. Since accommodation is so rapid for most children, however, the controversy continues as to whether the consequences are ultimately significant to personality, intellectual capability, or psychopathology. In this author's experience in both Eastern Europe and the U.S.S.R., children seen in group Day Care were singularly lacking in verve and spontaneity; they consistently appeared depressed. The most quietly dramatic event of the tours of various Soviet centers occurred in Leningrad, in a Kindergarten.

While walking through empty play rooms, as children dressed elsewhere to await their parents' arrival, we heard laughter! Our hosts joked that we must be used to the dourness of the Moscovites. When we saw the children later, however, the explanation appeared more logically to relate to the older children's excitement upon greeting their own parents. Evidence of smiling is a poor criterion by which to question programs, yet it is not without interest that of the many photographs[7] taken in the course of the author's tours, there is only one picture of one smiling child—one whose mother proved to be the group's caregiver (taken in Prague in 1965).

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COMMUNIST RESEARCH CONCERNING THE DAY CARE CHILD

Social psychological and social psychiatric research, as noted, were interdicted in the Soviet Union until after Stalin's death. Both Tur (1954) and Schelovanova (1964) have conducted physiological research directed in part to circumvent the development of "hospitalization psychic disorders." Their programs for massage and exercise of babies appear widely used in the Communist Day Care nurseries. While Schelovanova and Aksarina (1960) refer to "hospitalism" in poorly organized nurseries, publications of research on this subject are either not available or are nonexistent.

Further, the limited Soviet research that concerns environmental influence on maturational processes has centered on residential care, only.[8] The findings are worth noting: (1) that institutionally reared children are "better" adapted to subsequent formal schooling, i.e., they are more responsive and obedient to teachers; and (2) a percentage of those children suffer from some type of minimal yet specific verbal retardation. In 1967 such studies had continued through the age of 11 and the verbal retardation was still manifest (Koltsova, 1967).

East German data (Schmidt-Kolmer, 1970) suggest that nursery reared children scored higher on developmental tests at the time of entry into kindergarten than those reared at home. This is a significant finding, though tests at such an early age are strikingly unstable and not good predictors of subsequent intellectual development. Like their Soviet institutionally reared counterparts, these nursery reared children also adjusted more easily to Kindergarten life. Pikler (1965) has indicated that data from her (exceptional) institution (Budapest) document that even residentially reared children can compare adequately with U.S. and U.S.S.R. developmental norms.

In the last few years, a number of conferences have been called by the communist nations to confer and plan collaborative, comparative research on the problems and consequences of their Day Care programs. Regrettably, theoretical orientations of the communist professional world continue to exclude psychiatric evaluations, except in the most global descriptive sense. Their research data have consistently reflected concern with relative maturational levels of motor and intellectual achievement (Schmidt-Kolmer and Hecht, 1964; Langmeier and Matejcek, 1965). It will be another decade or more before social psychiatric evidence will begin to become available, and by that time over 50% of their child populations will have been exposed to this social experiment.

As an incidental but unresearched clinical finding, some East Europeans have noted the tendency of the very young, group reared children to indiscriminately damage their playthings, without manifest anger, when not supervised closely. An abundance of toys and play material are usually conspicuous, but customarily neatly placed out of the children's reach. One Communist child care specialist reflected that they may need to reassess the chronology of "dialectic materialism" since, in the absence of private property (teddy bears), the toddlers have little respect for collective ownership.

Inhibition of aggression, however, in the early years of character formation may be clinically more significant. However meritorious the physical inhibition of aggression in the well-mannered older children, or adult, there is an extremely important question as to the age at which inhibition takes place and the degree to which aggression can thereafter be purposefully, consciously exploited (e.g., for proper, socially acceptable purposes.)

Whatever the reservations of those child care staff in Communist countries who do not use Day Care for their own children, it is clear that the respective governments, Czechoslovakia excepted, strongly support and encourage the use of Day Care. The preponderance of the Communist scientific publications consider this work a significant advance, and the general public responds with enthusiasm and preparedness to use facilities that are so readily available.

SELECTED INSTITUTIONS: LOCZI, METERA AND KIBBUTZIM

There are specific characteristics of "institutional" types of experiences that are directly relevant to Day Care programs, particularly to difficulties in staffing. Loczi, the National Methodological Institute for Infant Care (Budapest), has a distinguished professional staff and excellent options in staff selection and training. Pikler, the director, has noted that conventional staff recruiting was anything but satisfactory and that it took years of experience to intuitively arrive at criteria for staff selection. August Aichorn is reported to have observed that emphatic women could not stand the work of Loczi's caregivers and that Pikler's staff were "paternalistic" young women (Pikler, 1965).

The Metera Baby Center (Athens) was sustained by a socially powerful group that included the Greek Queen. Founded as an urban refuge for illegitimately pregnant girls who might find physical safety for themselves and their babies, Metera was intended as a neonatal, residential nursery that worked towards adoption of their charges. As a model institution with an extraordinary "well baby" nursing and training program (1963–65), unique staff selection opportunities were matched by staff ratios of one adult per child. Traditional academic training was extended for the nurses via courses in language, art, dancing, music, etc. Among Metera's selection criteria was the condition that nurses could not marry because marriage was a necessary impairment of the nurse's capacity for emotional investment in her babies. Yet, it is clear that the "objectivity" required of these nurses in evaluating adoptive parents demanded either a great deal of pain for the nurse, or an earlier disengagement from emotional mutuality with that baby. It is notable that almost all babies who remained at Metera beyond eight months demonstrated developmental lags.

The collective rearing of Kibbutzim children is discussed elsewhere [9] and is noted here only in reference to (1) the high turnover of care-givers (Gerson, 1970) and (2) the staffing peculiarities of semi-institutionalization. Twenty of 200 Kibbutzim now have private arrangements for children to sleep in their parent's apartments, so that child care in these settlements approximates the conventions of Day Care. However idealized the Kibbutz in popular imagination, aspects of the original Spartan philosophy persist. In a study limited to an intergenerational sample of grandmothers, mothers and present children, Marburg (1970) has recently provided a powerful psychiatric statement on the internal debates that continue to trouble Kibbutzim child care planners. As a particular example of current practices that have possible psychiatric consequences, Marburg notes that for all their dedication: "To this day, the progressive educationalists and psychologists have found no response to their claim that children should not be left alone at night, without an adult being present. The night watch is restricted to an hourly inspection and the operation of the intercom system."

FRANCE: THE PARISIAN CRECHE [10]

The economic stress of the majority of lower socioeconomic families of Paris has been a powerful inducement for full time employment of both parents. Day Care for babies from two months to three years of age has been provided as a social service to working mothers for over 50 years. In exceptional cases, babies from families with specific social problems are also accepted. Parents are required to meet part of the costs and a sliding scale is used to relate fees to family income. Government allowances for working mothers offset this expense, at 2.3% of her salary (Davidson, 1962).

As of 1963, the Paris Administration of Public Assistance has established, or supervised, a total of some 180 creches. Limited availability and extended public interest contributed to long waiting lists. In older neighborhoods, both indoor and outdoor space requirements of the creches were inadequate. In the newer, suburban areas, housing developers customarily build creches, but usually turn the management over to the Administration of Public Assistance (Administration Generale, 1956–60).

The Paris creches are open for a 12 hour day. They are somewhat smaller than the East European versions, and accommodate about 40 to 60 babies. The quality of care appears to vary considerably from one center to another, depending more on the attitudes of staff than on particular physical options or limitations. Some nursing staff cannot be induced to provide rudimentary types of care that are indispensable to the babies' well-being. (This is not a peculiarity of Parisian nurses, one must add, since the same problem is demonstrable with some staff in Washington, D.C.). In particular inadequate centers, babies were kept in bathinette cribs all day, except for feeding. With cribs placed close together, blankets were draped over the sides permitting the baby to observe little more than the ceiling and a few hanging toys.

Such nursing practices have extended to a rejection of handling babies, on the rationalization that they might be accidentally bruised. Some nurses have rejected instructions that they turn babies on their stomachs for part of the day, out of nominal fear the babies might suffocate. Despite strict regulations prohibiting premature toilet training, some caregivers have attempted to induce compliance of tying three month old infants on a pot. While such nursing attitudes are not general, their open continuation documents the difficulty a supervising agency faces in attempting to guarantee minimal standards. Even in the best of creches, there seemed relatively little attempt to provide infants with "stimulation" either by use of toys or visually attractive objects such as mobiles (Marans, 1963).

The director customarily has an apartment in the creche, and if she has children they are usually enrolled there. The director is responsible, usually without secretarial help, for a surprising range of activities: she must decide whether a child is too ill to stay and she must check health certification on return; she is responsible for contacts with welfare agencies and clinics to which babies may be referred; she is supposed to supervise her staff and be available to the mothers who wish and need to know how their children fare; she controls creche finances and receives payment of weekly fees; she is supposed to select and purchase food from local stores while bearing in mind nutritional needs of the children and the available budget; from the selection of equipment and play materials made available by the Administration of Public Assistance, she selects those appropriate, in her judgment, for her center; etc.

Directors appear quite overburdened. While allowed some measures of autonomy, the caregivers usually reflect attitudes of the director. As a general observation, the caregivers have appeared skilled in customary functions of child care, reasonably warm and gentle with babies, and within limits, responsive in some measures to individual differences. As in Leipzig, and elsewhere, the creche staffs prefer the active, aggressive,

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more independent child. Parisian staff ratios appear enviable by East European standards since there is one adult to six to ten children. Even so, nursing assistants find little time for relaxed involvement with individual children. Staff ratios may be misleading, with respect to free time, since it is unknown whether the creche caregivers, like those of the communist nations, have an extended back-up staff for housekeeping and maintenance.

Babies accommodate to the system very quickly. From the staff's point of view, a baby does not customarily overreact to his mother's departure, unless she appears hesitant and conveys to the child some of her uncertainty. Staff would prefer to have mothers leave quickly since the quiet child facilitates their work. Incongruously, there seems to be no recognition of the possibility that babies who are sufficiently sensitive to sense maternal uncertainty, might also respond to their caregivers relative indifference.

As would be expected, the Administration of Public Assistance was less than satisfied with the creches or the standards of training, yet the continuing demand for more placements appears to consume available finances such that budgets remain too limited to replace those centers that are demonstrably inadequate. Staff shortages undoubtedly reflect the demanding nature of the work, the low status, and the low salary scale. Research on the effects of early Day Care appeared notable only for its absence.

CONCLUSIONS: A CRITICAL OVERVIEW

This less than complete review of some international child care programs permits a number of conservative conclusions that are relevant to present U.S. interests in Day Care. As a first consideration, one may review assumptions about Day Care that are either irrelevant or demonstrably untrue; secondly, there are lessons that derive from organizational experiences abroad; and thirdly, there are highly significant questions relating to the psychiatric dangers of early Day Care.

It is easiest to start with those assumptions that are irrelevant or untrue. Analogies made between proposed Day Care in the U.S. and the systems of Kibbutzim child care are simply illogical since the Kibbutzim are typically a unique configuration of self-selected families who are deeply committed to an experiment in social living that is almost totally unlike anything in the U.S. (other than our few rural, religious settlements). The Kibbutz child programs are an organic part of life and not an ancillary service for distressed or underprivileged families.

It has been argued that U.S. federal funding of Day Care would eventually lead to a decrease in spending for welfare, via the training and subsequent employment of welfare mothers whose children would be placed in Day Care. That Day Care could lead to economies in government expenditures seems contradicted by the evidence of the Communist nations. The capital investments of these nations for adequate centers approximate a quarter of a million dollars per center, and the operating expenses have equaled one-quarter to one-third of the earnings of the mothers of each child, with the state typically funding 85% of operating expenses. Where government support and authority have been given, this has been understood as an assurance of the adequacy and desirability of Day Care. Under such circumstances, Day Care has become "socially acceptable" and the public has pressed for ever greater expansion and expenditure, even in Czechoslovakia at the very time that research evidence was leading to a reversal in national policy (for the under-threes).

We sometimes assume that recruitment, staffing and training of Day Care personnel should be elementary. The assumption is most questionable. The status of mothers, and their substitutes (whether babysitters or caregivers), is minimal in the hierarcy of U.S. social conventions. Since we lack the emotional zest of the Kibbutzim or the ideological thrust of the Communist world, it appears singularly unlikely that U.S. recruitment of caregivers could be maintained at a level much beyond that of France or East Germany. One might expect that the principle of lesser employability would determine the caregiver's self-selection and that, in lieu of high pay or high status, mobility of caregivers would be considerable.

Motives that were persuasive in the establishment of Day Care in Communist countries appear much less relevant in the U.S. The Communist nations have been hard pressed in their industrial development and have needed the labor skills that working mothers provide. The U.S. appears to have a diametrically opposite problem since our technological revolution has made many jobs obsolete and gives promise of an eventual reduction in the work week. Given the U.S. "generation gap," and ever increasing crime, drug and delinquency rates, a powerful argument can be offered in the opposite direction, that is, that there is a profound need for increasing direct maternal/parental involvement with children, particularly in the early years when social attitudes and conscience are formed.

The philosophical rationale that Day Care provides women with equal rights with men (to work) appears at first blush persuasive and reasonable. The psychoanalytic clinician would certainly be among the first to concur that some women would greatly relieve themselves and their children by the use of Day Care, when such mothers are miserable or distraught in the normal course of "mothering" and homemaking. This, however, does not solve the problem of the right of infants to proper nurture and care. The problems inherent in group care have profound developmental implications and it is anything but clear that men of intellect and determination can provide programs that nurture half so adequately as even the uneducated, unconflicted mother. Nor does the provision for equal rights to work take into account sufficiently the right of a mother to independently provide nurture and love to her own infant, in her own home, if she so chooses. There are many women who prefer to care for their own children at home, and yet find themselves unable to do so for economic reasons. The social planner must ask, therefore, if the psycho-biological process of gestation and maternity confer special rights on mothers, namely, for optimal social support in the nurture of our young—a right that has never been realized under existing welfare programs. Planners also need to ask whether such support ought not to extend to direct assistance to the family as well as to public programs such as Day Care.

It is argued that provision of state supported Day Care could be of immediate benefit to many disadvantaged mothers who are overburdened with large families and excessive responsibilities in the absence of a husband. If Congressional concern, however, is to extend programmatic supports to the stability of disadvantaged families, then one may question whether Day Care should be the solution of choice. Day Care may free a woman to work, but it does not follow that it enhances her authority or her availability to her children, or her acceptability in marriage. Income maintenance programs, when analyzed in terms of costs and benefits, might be a more logical alternative than Day Care.

There are a numb . of uncontroversial findings that seem clear in the assessment of organization, administrative and staffing experience of international programs. Medical regimes have appeared inappropriate, wanting, and often damaging. The traditional educational model is equally inappropriate to the nursery and the "pedagogical" label of the Communist departments proves somewhat of a misnomer. Although these programs are increasingly administered in educational departments, these administrative units appear to be a new and continuing synthesis of professional ideas and practices that derive from pediatrics, nursing, education, and psychology, and this synthesis is far from complete.

The ineffectiveness of French supervising authority in maintaining minimal standards clearly illustrates a major administrative problem. Bureaucracies are hardly well known for their intrepid enforcement of even important regulations, and their dilatory action presents critical hazards in child-rearing programs that are less consequential elsewhere. Those who are familiar with the plight of other populations who suffer state care and supervision, such as the mentally ill, would urge that every Day Care center should have its Ombudsman.

If Day Care is to be used widely and beneficially, the "recognition" of the value of the caregiver must be extended in clear terms of status and income. Otherwise, the child in care remains the helpless victim of the lesser-employables. Physical characteristics of the Day Care centers are particular staff ratios, moreover, are as important to the staff as to the children. Empathic, sensitively tuned-in women do not continue in employment when the conditions of care leave children chronically upset or passively miserable.

In its selection of caregivers, Metera opted for the empathic-intuitive, (nominally) materialistic woman. Pikler's benevolently paternalistic "professionals" appear as the polar opposite of a continuum on which caregiving qualities may be described. Metera may have erred in its screening policy that demanded a choice between marriage, with the prospects of biological motherhood, and the substitute of nursing care. Women who can opt for a profession to the exclusion of marital intimacy, may prove unprepared for the emotional intimacy and intuitive spontaneity that provide a communication bridge for the infant and preverbal child. Moreover, if economics dictate staff ratios of ten babies per adult, as occurs commonly elsewhere, it is doubtful that empathic staff can endure the consequent depersonalization of babies and the pain the babies will manifest. Under these circumstances, staff may seek a solution in the alternative emphasis on professionalization and technical management of routines.

The most consequential and controversial question of early Day Care is that of potential danger and damage to the very children for whom the centers are designed. From a psychoanalytic viewpoint, the dangers of psychiatric damage are inversely related to chronological age: the younger the child, the more vulnerable he is to genetically determined, involuntary, automated adaptations.

Marasamus is a rarity today in the U.S., the U.S.S.R. and other modern states. Hospitalism, a childhood debility first described and defined by Brenneman (1932) however, can usually be found in the lesser of contemporary institutions of any nation. The phenomenon merits further comment since it is too often assumed that, in the absence of gross symptomatology, children are not otherwise effected. Hospitalism is an omnibus descriptive label that has had a varied professional usage, one more recently used as a synonym for *anaclitic depression* (e.g., Hinsie and Campbell, 1970). The latter term, however, has a regressive clinical history that is relatively explicit as to age of onset. The range of developmental failures and arrests of early childhood that are subsumed under the term *hospitalism* are not well

studied and psychiatric nomenclature lacks appropriate diagnostic labels for them (Sachs, 1970).

Irrespective of whether the dysfunction is a developmental failure or a regressive process, some measures of retardation and depression are typical (see Joffee and Sandler, 1965). The term *hospitalism* is a professional invention, a misnomer in its semantic, guilt reducing implications. The physical structure of hospitals or residential institutions have, in fact, little bearing on the pathology. Children who live with their families within the physical structure of an institution simply do not suffer from this malady. The significant causal variable appears to be the depersonalization of human relationships that are vital to the child's healthy maturation.

Other professions have seen psychiatry as the *bete noire* of the hospital and institution since its clinicians, of necessity, challenge the anonymity and professional detachment that proves so necessary, for example, to medical staff who individually and collectively (via routines) defend their own psychological equilibria from empathic responsiveness to the pains so constantly in evidence in their patients.

Depersonalization can readily take place in institutions; it is demonstrable in private homes; and it is a chronic potentiality in group care of children. The typical concatenation of variables include (1) a multiplicity of caregivers who (2) are interchangeable, a problem that becomes greater where the dispersion of caregiving interests is to groups (rather than individual babies) who are (3) so young that they make spontaneous psychological adaptations that may not be totally reversible. Maturational adaptations that may be pathological, it should be noted, are not necessarily evidenced as developmental failures, e.g., Kanner (1949) and James (1960) have described exceptionally precocious skills that reflect such severe pathological illnesses as autism.

The early years from birth through three appear developmentally as the time of maximum psychiatric risk, and failures of psycho-biological adaptation are manifest in a progression that includes marasmus, autism, childhood schizophrenia, and an extended range of poorly understood pathologies, e.g., impulse disorders, non-congential retardation, psychopathic and schizoid personality disorders, etc. Since these severe pathologies are not directly evident in present Day Care populations of the Communist world, or in the experimental nurseries of the U.S., many academically oriented child development researchers presume that mental change is an all or nothing phenomenon. Yet one may confidently, dogmatically assert that no one knows enough about childhood developmental deficits to be completely certain of their presence or their remediation.

However, clinical experience does provide dramatic evidence of the apparent irreversibility of psychological damage incurred in early and prolonged institutional care. Further, psychiatric and psychoanalytic experience constantly reaffirm the enormity of pain and effort necessary to modify even the more benign psychoneurotic disturbances. The clinician is less fearful of gross pathology that might derive from Day Care, than of incipient, developmental impediments that would be evident in later character structure, such as flattened feelings (schizoid personality), a-social attitudes (psychopathic tendencies), defense against emotional intimacy (fear of marriage), etc.

Anaclitic depression is a universal phenomenon that toddlers suffer when separated from mothers for any appreciable length of time (Spitz, 1946). The Soviets have recognized the greater difficulties of accommodation after seven months of age and place many babies earlier. The adaptational, psychiatric consequences of early placement can prove extreme, though the process is subtle. Where a baby's aggressive hurt and anger in response to separation is not mitigated, and his anger is afforded little option for external expression, such recriminations may be internalized and "turned back on the self" and thus provide a base for clinical depression in later years. In time, the Communist nations will inevitably provide epidemiological evidence of the behavorial and emotional effects of group care.

In emphasizing the potential damage of early Day Care, there is a danger of implying that there is little risk for the three to five year olds. From the psychoanalytic viewpoint, the maturational vulnerabilities of that age span include (only) the risk of phobic, hysteric and obsessional neuroses and these risks certainly should be taken into account. Nevertheless, the child who is emotionally secure in his third year exudes intellectual curiosity and evidences a hunger for experience with his contemporaries and, in this instance, part-time Day Care offers delight and a momentous learning experience, i.e., so long as the option for daily attendance remains, more or less, with the child.

Child care by experts seems to have found a ready audience in both Congress and the general public. With Moynihan (1969) one may comfortably state that science is at its best as a critical tool, and that the scientist has lost his perspective when he commends modifications of such complex social-cultural-psycho-biological processes as child-rearing. Given the present state of our ignorance about psychiatric damage, massive Day Care programs appear all too much like Pandora's box. Those who would convey the idea that Day Care is unproblematic should review the programmatic, compensatory routines of Soviet texts (Tur. 1954; Schelovanova and Aksarina, 1960; Schelovanova, 1964) and the U.S. literature of child development research (e.g., Escalona and Leitch, 1952; Skeels, 1964; Mcv. Hunt, 1964; Bloom, Davis and Hess, 1965; A. Freud, 1965).

In specifying the apparent dangers of early Day Care, one cannot ignore that some alternatives present even greater hazards. A range of studies of existing child care methods documents that disadvantaged children are too often left unattended for hours, or are cared for by older siblings of five and six years, or by ill and senile adults. The inadequacies of child care for some of our most disadvantaged mothers quite outweigh professional reservations and concerns about Day Care. Yet the danger in recommending Day Care, however conditionally, may be likened to the medical use of morphine. The pain of the symptom may be relieved without cure, and addiction may follow.

Some clinicians and child development researchers, such as this author, are presently in an anomolous position. They have long and fervently recommended and supported the establishment of Day Care centers for special cases for the very young; yet, it now appears that a conditional recommendation may be misunderstood as a general endorsement. Professionals have previously carried partial responsibility for the oversale of institutional care, for foster care, and more recently for Head Start. Group Day Care entails far greater risks and these should be taken only where the alternatives are patently worse.

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FOOTNOTES

[1] *Marasmus*, from the Greek "to waste away." Ribble (1944, p. 634) noted that five decades ago, marasmus/infantile debility was responsible for nearly half of the infant mortality rate. While marasmatic deaths are rare today, other psycho-biological failures of infancy include developmental dwarfism (Silver and Finkelstein, 1967) and the "failure to thrive" babies. Current research is suggestive that deficiencies in growth hormone and ACTH may be significantly modified by correction of emotionally disturbed environments (Powell, *et al.* 1967).

[2] The Committee on Day Care for the Maternal and Child Health Section of the American Public Health Association and the National Institute of Mental Health provided initial encouragement and sustenance for this research.

[3] Halbert B. Robinson, then Chairman, Department of Psychology, the University of North Carolina.

[4] The Czech national psychological association, which might have provided research evaluations, was also disbanded.

[5] The German Democratic Republic is not well known in the U.S. by its proper title, and hence is referred to, for purposes of clarity, as East Germany.

[6] In its retreat from infant Day Care, the Czech government provides paid leave for maternal absence for one year and a reemployment guarantee of 18 months (Matejcek, 1970).

[7] Taken with a minature camera, with super-sensitive film to avoid "flash."

[8] It should be noted, however, that Soviet researchers apparently concur that the subjective experience of the under-threes in Day Care, who necessarily spend the predominance of their waking hours in group care with multiplicity of mothers, approximates that which occurs in the regime of a residential institution. Day Care infants, of course, experience more continuity of care at night and on week-ends.

[9] See Section III in this chapter.

[10] These observations are dated (1936–65) and hopefully only portray problems of the past. This section is included to illustrate the problems of a central administration in limiting or modifying child care practices that are indisputably inappropriate.

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

Mr. BUCKLEY. I yield.

Mr. DOMINICK. I just want to say what a powerful attack he has made on a subject which should be, and unfortunately is not yet, but will be, undoubtedly, of enormous interest to the American public, and I think he has done a good service.

Mr. BUCKLEY. I thank the Senator from Colorado.

Mr. KENNEDY. Mr. President, will the Senator yield for an announcement?

Mr. DOMINICK. I yield, of course.

DEATH OF HARRIET McCORMACK, WIFE OF FORMER SPEAKER JOHN McCORMACK

Mr. KENNEDY. Mr. President, I have just been notified that former Speaker McCormack's wife Harriet has just passed away in a hospital here in Washington, D.C. The Speaker, at this very moment, is at her side.

I express the sentiments, I know, of all the people of Massachusetts and I believe of all the people of the Nation, in expressing our very deep sense of regret to Speaker McCormack. I am sure that both Houses of Congress will want to extend their sincere condolences to the Speaker on his great loss. I would like to add my personal condolences and those of my family as well.

The McCormack family and mine have been close for many years, both in Massachusetts and here in the Congress. I have benefited countless times from Speaker McCormack's wisdom and his counsel, as my brothers did before me. And I came to know as well his kind and lovely wife. She was a gracious and charming woman. I have seen firsthand over the years and deep devotion the Speaker held for his wife, and the love and strength that she returned to him.

I know that nothing we can say can relieve Speaker McCormack of the grief and loss he feels. But, I want him to know that he is in the thoughts and the prayers of his colleagues in this time of sadness for him.

We offer a prayer for Mrs. McCormack, and our hopes that she will be speeded to her heavenly reward.

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

Mr. KENNEDY. I am glad to yield to the Senator from Montana.

Mr. MANSFIELD. I wish to join the distinguished senior Senator from Massachusetts in expressing my deep regret at the passing of this great lady.

The Senator from Massachusetts mentioned the fact that former Speaker McCormack was at the side of his wife Harriet at the time of her passing.

It appears to me that during all their lives together, except when the Speaker was up on the Hill engaging in his legislative business, he was at her side day and night. I believe they had the unique reputation, which is quite something these days, of never having missed a dinner together.

So I join the Senator from Massachusetts in expresing the hope that Mrs. McCormack's soul will rest in peace.

Mr. MAGNUSON. If the distinguished Senator from Massachusetts will yield, I want to associate myself with the comments of the Senator from Massachusetts and the Senator from Montana.

I knew Harriet quite well, since my early days here, and I can testify to what the distinguished majority leader just said, that Speaker McCormack and his wife Harriet never missed a dinner together, even though the Speaker later on had to make another engagement. They were that devoted to each other.

I join in my condolences to Speaker McCormack. I know it must be a great shock to him to know that she has passed away.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

ECONOMIC OPPORTUNITY AMENDMENTS OF 1971—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. DOMINICK. Mr. President, I yield 20 minutes to the Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from Colorado for yielding to me.

Mr. President, the parliamentary situation is that the conference report on S. 2007 is before the Senate for consideration. Those of us who oppose the comprehensive child development program are not able, in view of the parliamentary situation, to obtain a vote up or down on the comprehensive child development program without first defeating the conference report.

Mr. President, the defeat of the report does not kill the bill. All it does is defeat the report. The bill itself would be before the Senate, so that those of us who would like to approve the bill with the comprehensive child development program eliminated from the bill would have that opportunity. The Senate has many options, once the conference report is defeated. It can send the bill back to a new conference with instructions, send it back without instructions, concur in the bill, or concur with an amendment, and that would be the effort that would be made by those who oppose the comprehensive child development program, in the event we can first defeat the conference report.

So by a vote against the report, one is in no sense voting against the bill itself, because the bill will be very much alive in all of its aspects and before the Senate for consideration. This child development program actually was not a part of S. 2007 at the time that bill was introduced in the Senate, because at that time there was pending in the Senate S. 1512, by the distinguished Senator from Minnesota (Mr. MONDALE), and a number of other Senators. It is added as an appendage to S. 2007. So if we could eliminate the comprehensive child development program from S. 2007, we would leave that bill exactly as it was introduced. It would certainly do no violence to the OEO program. But first we must defeat the conference report, which would leave the bill before the Senate for its further consideration.

Mr. President, in the beginning let me make it clear that I do not oppose a realistic program of Federal assistance to State and local governments to help establish and maintain child day-care centers for working mothers. It seems to me that if we intend to require work of a parent or parents as a condition of eligibility for welfare assistance, then it would be appropriate to make provisions for the care of dependent children.

On the other hand, there is a world of difference between day-care centers for working mothers and the comprehensive child development program such as contemplated by the conference report.

Day-care centers for care of children of working mothers is neither a new idea nor is it a radical approach to a long-standing problem. Day-care facilities have been operating successfully throughout the United States, either on a private enterprise basis or by nonprofit organizations such as churches and labor unions, for a long time. Such facilities have proven their value, and I would be pleased to support legislation to expand the number of and improve the quality of day-care centers of the type with which we are all familiar.

On the other hand, I cannot support the type of program envisioned by the provisions of this bill. The proposed program is radical and socialistic. In my judgment, some of the services are totally incompatible with a free society. Neither is this radical type of program new nor is it untried, except in the United States. Communist Russia and Socialist nations have long had such programs. So long, in fact, that experience with such programs in Communist Russia has occasioned serious second thoughts on the ultimate value of such programs because of their admitted tendency to undermine the family as the basic unit of society. That is the pernicious thrust of this bill, Mr. President—that it would undermine the family as the basic unit of society.

Mr. President, the committee report on S. 2007 recognizes the risk involved in separating children from their parents but claims that the provisions of the proposal minimize and overcome that danger. I doubt it. This proposal would create a gigantic bureaucratic monstrosity with near-complete control over the lives of children.

Here is a program to authorize among other things, the creation of thousands of laboratories, in effect, with children as subjects. What parent wants his child conditioned to perform like an animal in a circus? The techniques for human conditioning have been mastered. Given a doctrine that denies the existence of a human spirit, children become merely another form of animal life and, as such, the social experimenters have no inhibition against training the human animal to respond by the same techniques as wild animals are trained to suppress their

natural inclinations and to perform their unnatural routines.

In short, the program offers a sort of hog heaven for those whose faith is rooted in the man-made order. By the same token, the program offers only nightmares for those who believe in a divinity ordained order in all forms and manifestations of life. The idea that the taxpayers of this Nation should be made to bear the cost of conditioning our children to respond like robots to programed behavior patterns is intolerable to think about. Such programs, however, in the opinion of the junior Senator from Alabama, are implicit in the term "comprehensive child development."

Mr. President, I do not exaggerate. Here is a program that contemplates prenatal and infant care; a wide variety of social and cognitive developmental services including those designed to develop physical and mental health which can be carried on in after school, summer, weekend, and overnight programs.

The estimated cost of day care services for a single group of children within the 3 to 5 years of age bracket is $2,372 per child. It is estimated that 6 million children of working mothers need comprehensive developmental day care services.

The distinguished Senator from New York (Mr. BUCKLEY) disputed the fact that there are actually 6 million children who are in need of day-care services.

The last figure does not include the additional number of children who would fall into the category of need when and if work is made a condition of eligibility for public welfare. The ultimate cost of prenatal and infant care services including the cost of training to be offered in the homes is anybody's guess.

Mr. President, from the standpoint of cost, we should bear in mind that the comprehensive child development program is not intended to be limited to children of working mothers, nor is it limited to children from 3 to 5 years of age. It is intended to be comprehensive both from the standpoint of developmental services offered and from the quantitative standpoint of numbers of children served. The program anticipates the eventual mixing of socioeconomic classes which can be accomplished only by expanding the programs and services to reach children from upper and middle income families.

Mr. President, an initial authorization in the amount of $100 million is requested for fiscal year 1972 and $2 billion—jumping from $100 million to $2 billion—for fiscal year 1973. These sums are sufficient to get the program firmly embedded in the already vast and rapidly expanding permanent welfare state apparatus.

Mr. President, it is not only the initial cost of the program that disturbs me. Given the current condition of the economy, this is not the time to take on vast new welfare programs. The initial cost is merely the tip of an iceberg.

It is generally conceded that the authorizations requested at this time are merely to get a foot in the Treasury door. Thereafter, the sky's the limit. For example, an aide to one distinguished Senator described the tactic behind the conference committee compromise on family income eligibility for free participation in the child development program. The November 20, 1971, issue of National Journal quotes this person as follows:

> The key thing is that the Democrats want a bill. They don't want a veto. The Democrats feel like they've got most of what they wanted. The spirit now is let's get this on the books and we'll improve it in two years.

Mr. President, who can realistically estimate the ultimate cost of this far-reaching and revolutionary proposal?

Mr. President, putting aside all considerations of cost, there is another and more compelling reason for opposing the idea that the Federal Government has the primary responsibility for comprehensive, mental, physical, and social development of children as contemplated by this program. Child training and development is a primary function of and the responsibility of parents, churches, schools, and other autonomous institutions of authority in our society. Already too many heretofore independent institutions of authority in our society have been harnessed to the oxcart of the State and subjected to collective domination and control. If this trend is not halted—and soon—we will be caught up in an irreversible revolutionary trend. This conclusion is supported by the prediction by the French author, Jean-Francois Revel, who said:

> The revolution of the twentieth century will take place in the United States. It is only there it can happen. And it has already begun.

The revolution conceived by Mr. Revel is currently manifested in what is referred to as a transition from political democracy of economic democracy. It is also manifested in the erosion of separate institutions of authority in our society among which the family is most important.

Mr. President, let me elaborate on this point. I take it that all Senators will agree that the word "government" in its fullest meaning is the aggregate of all the institutions of authority in a society. Civil government is but one institution of authority to which we, as a free people, turn for direction and guidance in making everyday decisions. The home is the institution of parental authority and the first with which children become acquainted. At an early age children are introduced to religious institutions of authority represented by our churches and to the institution of authority represented by our schools. As adults we become acquainted with the institutions of authority in scientific, cultural and economic aspects of our lives. Day after day we turn to similar institutions of authority represented by the innumerable professions. Each of these institutions speaks with authority which is inherent in knowledge and expertise in separate areas of specialty.

Mr. President, our Constitution and the principles upon which it is founded are designed to protect these separate institutions of authority from domination and control by the Central Government.

The opposite theory of the relationship of people to their government prevails in nations characterized by dictatorial, authoritarian, and totalitarian governments. In such nations no institution of authority can be permitted to survive if it perpetuates values and ends which are inconsistent with those chosen by the heads of state.

Mr. President, we are rapidly shaping up as a socialist, collectivist society under an authoritarian central government. The proposed comprehensive child development program is but another step in that direction.

The home, family, religion, schools, the economy and most of the professions are already dominated by the Federal Government. Where do we draw the line? Shall we permit the Federal Government to assume responsibility for comprehensive development of our children?

Mr. President, in order that we may clearly understand the Socialist antecedents of this program, let me refer to the CONGRESSIONAL RECORD of October 7, 1971—page 35547. Here, the distinguished Representative from Ohio (Mr. STOKES) had printed in the CONGRESSIONAL RECORD a study of day care facilities in the Soviet Union by Urie Bronfenbrenner.

The author quotes from a renowned Soviet academician, economic planner, and "old Bolshevik," Stanislav Gustovovich Strumilin, whose traditional Communist conceptions of state responsibility for child care are contained in the following excerpts:

> Under Soviet conditions it is especially noticeable how the lot of the woman worker is being lightened. She can work in one factory, her husband in another, both can eat in a communal dining facility while sending their children to nurseries, kindergartens and boarding schools. . . . Recognizing that communal forms of upbringing have an unquestionable superiority over all others, we are faced with the task in the immediate years ahead of expanding the network of such institutions at such a pace that within fifteen to twenty years they are available—from cradle to graduation—to the entire population of the country.

Just as they are expanding in the Soviet Union so they would expand in this country:

> Every Soviet citizen, upon leaving the maternity home, will be sent to a nursery; from there to a kindergarten maintained day and night; then to a boarding school from which he will enter independent life. . . .
>
> The question arises: will not this kind of early separation of the child from his family be too painful an experience both for parents and for infants who are so dependent on maternal affection?
>
> This question may be answered as follows: the communal organization of upbringing in no sense requires full separation of the child from the parents . . . and surely no one will keep a mother from visiting her children when she is not working, from looking into the children's area, located in the same building in which she works, as often as it is permitted by the established schedule.
>
> The "vitamins of love" are necessary for all children in equal measure . . . but the easiest way to satisfy this need is through the system of communal institutions of upbringing.
>
> The former family is reduced to the married couple . . . and when these contracted families recognize that it is not sensible to expend so much work on maintaining an independent household just for two people, the family as an *economic* unit, having fused with other families and become incorporated

into a larger economic collective, will dissolve within the context of the future social commune.

Mr. President, from the same article by Mr. Bronfenbrenner, the following responses are recorded to Mr. Strumilin's views:

An example is provided by an article in *Pravda* written by a woman reporter. She described a visit to a boarding school in Moscow. Under a window she saw a young mother who, having missed the regular visiting hours, was hoping to catch a glimpse of her son or hear his voice. The correspondent found this incident disturbing:

"Once again my thoughts returned to that mother standing beneath the window of the boarding school. I cannot get her out of my mind. This is not a bad boarding school. But just the same, a mother's heart begins to yearn. Can we really reproach that heart for sentimentality? Of course not. A human being—especially a mother—is so constructed that she longs to warm her own child with her love and to be warmed herself by its side."

Nor was the reaction particular to mothers. Solovev in his *The Family in Soviet Society* quoted a factory worker as saying:

"We have a great need for boarding nurseries, but the fact that my son is becoming alienated from me is so painful that I can't even talk about it. I call him, 'Sasha, my son.' But he just runs away. No! I have to spend at least an hour or two each day with my son. Otherwise, it's impossible; otherwise, I can't stand it."

But in Soviet society (as in our own) neither the pronouncements of professional experts nor the complaints of parents can be viewed as major determinants of social change. Such change is more likely to be affected by objective factors of the type mentioned earlier: the equalizing of the sex ratio in the population, the increase in leisure time made possible by shorter working hours, and, above all, the easing of the housing shortage.

Mr. President, are we to follow in the footsteps of Communist Russia in shifting major responsibility for the care and training of children to the state itself? That is the fundamental question which will be answered by our votes on the conference report on this bill.

Mr. President, the highly respected nationally syndicated columnist, James J. Kilpatrick, has written persuasively on this subject in his column, "A Conservative View," released October 23, 1971. I ask unanimous consent that the column and a copy of Mr. Kilpatrick's commentary on this subject on radio station WTOP, November 4, 1971, be printed in the CONGRESSIONAL RECORD.

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

COMMENTARY—CHILD DEVELOPMENT

A House and Senate conference committee is struggling to come up with a child development compromise bill that will satisfy liberals without provoking a White House veto. A better idea would be simply to bury the bill for good, and try to forget it ever happened. In either its House or its Senate form, the bill is monstrous.

The House version, adopted through a parliamentary railroad job on September 30, runs to 23 columns of fine print in the Congressional Record. The general idea is to create a vast new bureaucracy charged with the "comprehensive" development of American children, starting at infancy and carrying on to age 14. This is no mere "day care" bill for working mothers. Forget that misconception.

On the contrary, this is a bill to provide, Soviet-style, for making children virtual wards of the state. The proposed development programs would include "comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential." Does anyone have any idea what that mush conceals? The bill covers medical, psychological, and nutritive services. It provides for utilization of "child advocates," whoever they are. The programs would go on all day long, year in and year out, and they would cost billions.

This nightmare proposition grew out of Mr. Nixon's modest little dream of day care centers where welfare mothers could dump their children while they went to work. That idea may have merit—but the comprehensive child development act has none.

A CONSERVATIVE VIEW

When the House met on the afternoon of September 30, not more than 40 or 50 members had any very clear idea of what might be contained in a proposed "Child Development Act." The bill was not even before them.

Before the afternoon had ended, after a legislative coup led by John Brademas of Indiana, the House incredibly had voted 203–181 to graft this unbelievable bill onto the Economic Opportunity Act of 1971. The Senate some weeks ago adopted a milder but similar plan. The whole scheme now awaits action by conference committee.

The Brademas bill runs to 11,000 words. It occupies 22 columns of fine type in the Congressional Record. No measure of greater importance has cleared the floor of the 92nd Congress, and few have had less attention from the press.

The bill is a monstrosity. No other word suffices. Many observers had expected, as a part of plans for welfare reform, to see some bill enacted that would provide modest Federal subsidies for a few day care centers in major cities. These had been vaguely envisioned as places where welfare mothers could leave their children while they went off to work. Instead, the House has approved a breathtaking, full-blown plan for the "comprehensive" development of children to the age of 14. It is the boldest and most far-reaching scheme ever advanced for Sovietization of American youth.

The bill begins with a recital that Congress finds "that millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years." To remedy this harm, the bill directs the Secretary of Health, Education, and Welfare to foster programs that will provide "comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential."

Such programs may include food and nutritional services; medical, psychological and educational services; appropriate treatment to overcome emotional barriers; and "dissemination of information in the functional language of those to be served to assure that parents are well informed." Religious guidance plays no part.

Applications for Federal financing would be funneled through various Child Development Councils. These in turn would supervise Local Policy Councils, to be composed either of parents or of representatives "chosen by such parents in accordance with democratic selection procedures approved by the Secretary."

Local proposals would float up to a new Office of Child Development. This office would create a special committee to develop Federal Standards for Child Development Services. Another committee would prepare a Uniform Minimum Code for Child Development Facilities. The facilities would be financed through a new Child Development Facility Insurance Fund. Meanwhile, a National Center for Child Development would foster "research." A Child Development Research Council would smile upon it all.

The bill would provide "free" care for all children of families earning not more than $4,320 a year. Other children would pay a small fee. Mr. Brademas could not really say what the program might cost—maybe $350 million in fiscal '73—but the House authorization is open-ended. The bill contemplates, ultimately, Federal support of "the entire range of services that have to do with the development of a child."

Doubtless the contrivers of this nightmare had good intentions. In the context of a Sovietized society, in which children are regarded as wards of the state and raised in state-controlled communes, the scheme would make beautiful sense. But it is monstrous to concoct any such plan for a society that still cherishes the values (however they may be abused) of home, family, church, and parental control. This bill contains the seeds for destruction of Middle America; and if Richard Nixon signs it, he will have forfeited his last frail claim on Middle America's support.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMINICK. 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. DOMINICK. Mr. President, I yield 15 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 15 minutes.

Mr. CURTIS. Mr. President, I am opposing this conference report. My specific reasons are several, but they all are related to my belief that the establishment of these programs into the law and the culture of American society will do nothing but harm to our Nation. I refer particularly to that subtle combination of a sociological view of human nature and radical politics, known as "child development."

The sociological view of human nature dictates that if all children are given equal physical environments and the same childhood experiences, they will grow into well-socialized, cooperative adults. The radical politics contribution to "child development" is the contention that the right to pursue happiness really means the right to have happiness, and, therefore, since the Constitution guarantees the former, the Government is responsible for making everyone happy.

But the sociologists neglect to notice that their "product" tends to be highly standardized, very much like all the others, and just plain dull. They, along with too many others in our world today, make the mistake of thinking that all

man's happiness is material. They ignore the entire dimension of spiritual or psychological existence.

And most people who like the idea of "child development" make the same kind of mistakes and oversights. That should not surprise us—for a long time this Nation has been teaching itself to be satisfied with impersonal relationships and depersonalized lifestyles. For a long time, too, we have been allowing ourselves to be influenced to dislike family life in general. The so-called Women's Liberation Movement is just the latest instance of this kind of thinking. One of their main points is that by being housewives women's talents are wasted, that raising children is a degrading occupation, an inhuman persecution. The problem is that people start believing this. If you are told you are being persecuted, sooner or later you will start feeling persecuted. And that is what is happening to the American family. We are persuading our women that family life is unworthy of their energies. We are indicating to our men that fatherliness is corny and old-fashioned. And we are letting our children think they are better off with similarly institutionalized peers than at home.

For a few generations now, Americans have been growing lax in their familial duties. We have neglected to teach our sons and daughters to love their families and to honor their responsibilities toward them. We have let the schools educate our children, let other children amuse them, let their little friends be the most important influence on their lives.

In 1968 the average 11-year-old spent 4 to 6 hours with his parents during an average weekend. Something is wrong that a statistic like that can exist. Even allowing for the weaknesses of the statistical method, that indicates nothing good. It is not as if children could raise each other into mature, responsible, decent citizens—that is something only adults can do. Let me read from a recent Family Circle magazine:

> Psychologists suspect that many of the major adolescent problems we confront today—drugs, sexual promiscuity, violence, lack of self-discipline—are due to lack of parental involvement. Feeding, housing and clothing children are only part of a parent's responsibility. Civilizing them is the major part. And "civilizing" means imparting the traditions and proven values of society—something that can't be done by their peers or at second hand.

Have American parents forgotten their primary responsibility? Dogs spend time with their puppies, lionesses teach their cubs how to survive. The maternal instincts of hens have entered our language as practically a word itself. Yet, there are some who are only too willing to send our young away from us before they know what it is to be human. To those women who feel they are being "wasted" by raising their children, let me repeat that old saying "The hand that rocks the cradle is the hand that rules the world." Is ruling the world wasteful of talent? If mothers will not do it, who do we think will? After all, another old saying goes "Nature will not tolerate a vacuum."

We have all heard the theory that the best way to raise children is communally. That is simply not so: children learn the qualities of decent civilized life by watching them practiced, by participating in them. They learn the traditions of their culture from the bearers of it: the older generation. William Golding, the English novelist, demonstrated the truth of that in his distinguished book, "Lord of the Flies." Most high school students today could tell you what happened to those children accidentally cast into a situation of communalized living without parents or adults: they reverted very rapidly to savagery.

"Child development" advocates do not seem to think that children learn from their families. Over and over they have indicated their low regard for the role of parents. They have asked such questions as "Is the family obsolete?" and have given magazine articles such titles as "Families May Be Harmful to Children and Other Living Things." In England, "child development" advocates have gone so far as to draft a charter of "children's rights."

Now I will be the first to say that a child has rights. He has a right to life, certainly. He also has a right to maternal love, to adequate subsistence and care. But, being by definition immature and incapable of serious judgment, a child does not have rights stemming from judgmental responsibilities.

Let me read a few of the "rights" in the "Charter of Children's Rights" of the British Advisory Center of Education and the National Council for Civil Liberties:

> (1) All children have the right to protection from, and compensation for, the consequences of any inadequacies in their homes and backgrounds.
>
> (2) Children have the right to protection from any excessive claims made on them by their parents or others in authority.
>
> (3) Children have the right to freedom from religious or political indoctrination.
>
> (7) Children shall have the freedom to make complaints about teachers, parents and others, without fear of reprisal.

What kind of "rights" are these? These are no rights—these are sentimental statements of radical beliefs, intended to remove from parents any responsibility for their children, any rights over their children—specifically, the right to raise them.

But, speaking legalistically for a few minutes, let me ponder this question: Who can enforce these so-called rights, if, indeed, it is to be decided somehow that they exist? Who is to decide, for example, what is an inadequacy in home and background? At one point in history to be of Jewish faith was regarded as a fault of one's background. Do we need to be reminded how one government sought to remedy that "fault"? Who will will define "religious indoctrination"? Is a parent to be forbidden to take his child to the church of his choice on Sunday, or to explain why he votes on election day? That, after all, is telling the child a point of view. Who would be the one to say that a parent's "claim" on a child was "excessive"? Is it too much to ask that a child take out the garbage for his mother? What about the child's claim on the parents? He claims food, clothing, shelter, you know. Or maybe, for all things to be fair, in the thinking of "child development" mentalities, parents should no longer be victimized by their children. Child care centers, nurseries—child warehouses, as Edward Zigler, director of the Office of Child Development of the Department of Health, Education, and Welfare, has called them—should provide for a child's needs. Forget about the parents.

This is shocking to hear, and worse to contemplate. But it is the logical extension of that kind of rhetoric. Parents must assert their parental rights or they will be defenseless against such eventualities.

Human nature is such that we often do not appreciate something fully until its removal is threatened. And family life in America is most definitely threatened. It is threatened by the secularism and selfishness of our society, by the popularization of immorality. And now it is threatened by law.

It is threatened by the structure that would follow such assertions of children's rights as I read just a minute ago. A similar "charter" forms the statement of purpose of this part of the OEO Extension Act. If a child is to have the right to be free from parental discipline, who should hear his complaints and enforce his rights? Ideally, the one to hear and act upon such supposed violations would be a child advocacy officer. And just such a position was initially prescribed in the original version—S. 2007—of this bill. Nor has it been entirely eliminated in the conference version we are being asked to approve today.

I call attention to Section 512(2)(M) which states that child development programs may include:

> Use of child advocates, consistent with the provisions of this title, to assist children and parents in securing full access to other services, programs, or activities intended for the benefit of children.

In S. 2007, part E was the national child advocacy projects provision. Part E in the new version is called research and demonstration. Subsection (b) of section 552 of part E reads:

> In order to carry out the program provided for in subsection (a)—which is research and demonstration projects—the Secretary is authorized to make grants to or enter into contracts or other arrangements with public or private nonprofit agencies (including other Government agencies), organizations, and institutions, and to enter into contracts with private agencies, organizations, institutions, and individuals.

Now, this could be as innocuous an arrangement as paying a student to write a term paper on the eating habits of 2-year-old girls. It could be. But it could also be anything else. And, since section 512 states that child advocates are to be used, it just could mean the hiring of people to act as child advocates—to go and talk to children, and ask them what they do not like about home, or how they would like "Mommy" or "Daddy" to be different. That would be a violation of the privacy of the home; that sort of activity would breed hostility between parents and children. And this bill would permit it.

There are words in the text which are

supposed to guarantee that parental rights will not be violated, that children will not participate in any programs under this title without the knowledge and consent of their parents. But do those words really carry any weight? I tend to think not. It is an exceptional parent who examines his child's schooling with a fine-tooth comb. Most parents, when advised that such-and-such a program will do thus and so and will help their child learn to read faster, or get along better with other children, will trustingly assume that it is a good thing, and, uninformed or partially informed, will agree for their children to experience it. Most parents do not have suspicious minds; they have not been trained to argue extensively. Nor, heretofore, has there been very much need for such qualities. We are fast approaching the day, however, when deep and abiding suspicion will be the prerequisite to parenthood if one intends to insulate one's child from overzealous "child developers."

Mr. President, I am interested in protecting the children of this country. They need to be protected from social planners and self-righteous ideologues who would disrupt the normal course of life and tear them from their families, and mothers, to make them pawns in a universal scheme designed to produce infinite happiness in 20 years.

The parents of this country are interested in protecting their children, too. They have asserted their interest and their rights in thousands upon thousands of letters and telegrams since S. 2007 and its companion, H.R. 6748, were passed. Senatorial and congressional, Presidential, and Cabinet offices have been deluged with mail from private citizens who are alarmed at what they have heard about plans to minimize their role in raising their children. Their sincerity and their frantic concern are very obvious to anyone who has read some of their letters. And their distress, if something like this should become law, could bring no good to this Nation.

Children should grow up with their mothers—not with a series of caretakers and nurse's aides. Anyone who knows anything about psychology knows that there is no substitution for a mother's love, that without a constant loving mother-figure a child cannot but grow up insecure and incapable of loving himself or anyone else. Psychology has demonstrated this long ago. I do not want to subject American children to a constantly changing stream of nurseries, forcing them to turn for love and edification to other children, equally insecure and seeking. And I will do everything I can to keep American children where nature intends them to be, with their mothers and fathers in their private homes.

This august body bears great responsibility for the future of this country. It should be supremely concerned that any legislation it approves serves only to strengthen the foundations of our society, not further disintegrate them. In conscience, I know this measure will bring but destruction, and I cannot and will not support it.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield 10 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 10 minutes.

Mr. COTTON. I thank the Senator for yielding me some time, and I hope I shall not have to use all of the 10 minutes, because the full Appropriations Committee is in session downstairs and I must return to it, but I asked for this time to call the Senate's attention and have in the RECORD a somewhat important point that appears in this authorization bill.

It might be said by many to be a rather technical point, but, on the contrary, if it serves as a precedent for future authorization bills, it will change the whole system of appropriations in the Congress.

At the top of page 3 will be found the following language:

> If the amounts appropriated pursuant to paragraph (1) of this subsection for any fiscal year are not sufficient to assure that the full amount specified for each of the purposes set forth in clauses (A) through (E) of this paragraph will be provided for each such fiscal year, then the amount specified for each such purpose in each such clause (after deducting from any amount so specified any amount otherwise specifically provided for such purpose by an appropriation Act for that fiscal year) shall be prorated to determine the allocation required for each such purpose.

Mr. President, in plain language that means, and I am not trying to be unduly critical of this legislative committee's authorizing appropriation, but this legislative committee has very skillfully and carefully written into the law that there is one lump sum to be appropriated to cover the Office of Economic Opportunity, and there are no line items. There is just this lump sum, the authorization being $950 million.

If the appropriating committees of the House or the Senate should attempt to fully fund one of the many programs set forth in the justifications and recommend to the House or the Senate that other programs should not be fully funded, this provision would automatically mean that their recommendations would be of no avail if a point of order were raised.

The only power that the Appropriations Committee would have under this authorization would be to limit the total sum, which well nigh approaches $1 billion. If they do not appropriate the fully authorized figure, then the sums shall be deducted and prorated through all of the programs. In other words, the Appropriations Committee cannot look at one program and decide it is meritorious and essential and necessary, and look at another program and decide it is not as necessary and not as vital and use its judgment in making its recommendations to the House and the Senate respectively. The Appropriations Committee could not use its judgment in those recommendations in any way, shape, or form on the various programs, because they are carefully put into this authorization bill. There will no longer be line items, but simply details in the justifications furnished to the committee.

Mr. President, $950 million is the total authorization. The Bureau of the Budget, I believe, recommended some $780.4 million. That means that the Appropriations Committee has no jurisdiction whatsoever, if this kind of language is sustained. You might just as well, in a sense, abolish your Appropriations Committee.

The point is, if this is to set a precedent and other legislative committees should follow, you have taken away from the Appropriations Committee any authority, any power, to make a recommendation on any appropriation bill sent to the Senate. No longer would it be possible to exercise judgment as between the merits of the various programs covered in such bill simply because this provision abolishes the system of line items and putting it all en masse; and then, if the appropriation is less than the full authorization, providing further that any deduction or reduction under the total figure must be prorated for every program. Then there is added, if you please, of course, a transfer of funds by the department downtown, a 25-percent leeway to transfer funds as it pleases, not as the Congress pleases.

Mr. President, it is not just a matter of two committees jealous of their jurisdiction; it is a matter of losing control completely of the appropriations, should this procedure be followed and should it spread to other authorization bills. It means we have to full fund all of the authorizations of all of the legislative committees. When that day comes, there would not be enough money in the Treasury, and there would not be enough money coming into the Treasury for the next 10 years, to bear the cost of Government for the next year. If you reduce it, you have to cut some of the vital programs that are most essential to the welfare of the country, to its national security, to dealing with the evils of drugs—all of these vital issues—and just simply cut the total, and then it will be prorated, with a great deal of leeway for those administering the programs.

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

Mr. COTTON. Yes, I yield.

Mr. DOMINICK. I just want to say to the Senator that we have had really heated discussions and heated debate on this matter, both in the Senate, where our provision was even looser than this one, and when we got into conference, where the House conferees went along with this type of proration.

Really, what this amounts to is the fact that, once having earmarked specific programs with specific amounts in them, those programs are deemed by the legislative authority to be equal in terms of the need for funding, and the Appropriations Committee is not given any leeway.

I brought this question up a number of times in committee, pointing out that I thought it was desperately unfair to the Appropriations Committee and bypassed our committee system, but I was unable to get anywhere with it. I hope the Sen-

ator from New Hampshire will alert other members of the Appropriations Committee about the issue.

Mr. COTTON. I thank the Senator for his observation. He is to be commended for the fight he made on this point in the committee.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. COTTON. I yield myself 2 minutes more.

Mr. President, I am not suggesting, knowing how many sacred cows there are in this bill, that the Appropriations Committee would throw it all out of adjustment, because I doubt if the Senate and the House of Representatives would go along with any radical changes. But nevertheless, the purpose of the Appropriations Committee is to render its best judgment to the Senate on the priorities that should be followed. What is the use of the Appropriations Committee, upon which I have served for many years, sitting day after day listening to the evidence, listening to the weighing of the various claims and the various priorities of the multitude of programs in this Government, and then having no power whatsoever to give its judgment to the Senate for the Senate's consideration on what programs should be emphasized and what programs should not be emphasized?

Mr. President, I call attention to the fact that the Office of Economic Opportunity has in its direct employ 2,525 positions. It is estimated that the OEO, through its grants to States, to communities, public corporations, and associations to carry out its programs, is paying the salaries, including those I have just mentioned, of 108,000 people in this Nation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. One more minute. About 108,000 people, to carry these services to those whom they are supposed to benefit.

Mr. President, it rather reminds me of a story I heard a long time ago—and the longer I stay in the Senate, the more real it becomes to me—of the minister who appealed to his richest parishioner for a contribution to foreign missions, and the wealthy parishioner——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COTTON. One more minute, and I will be through.

The wealthy parishioner handed the minister a one dollar bill. Shocked by this event, the minister said:

> Well, I don't want to be critical; we appreciate any sum, but knowing your financial standing, I had hoped for a larger contribution than this.

Said his parishioner:

> Well, I will write you a check for $100 to get the one dollar to the foreign mission.

Thus, more and more, the money we take from the taxpayers is used up along the line in bringing these services. I am not suggesting that the Appropriations Committee has any greater wisdom or ability than any other committee, nor am I in any way speaking derogatorily of the legislative committees, but if you deprive your Appropriations Committee of any opportunity to work its will in its recommendations to the Senate, our appropriating process will be practically destroyed, and our control of expenditures, of the budget, and of the solvency of this Nation will disappear.

Mr. President, because the grave damage of this particular provision I must vote against adoption of the conference report, even though I have much sympathy for many of the programs contained in the bill.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield 10 minutes to the Senator from Arizona.

Before the Senator starts, how much time do we have left?

The PRESIDING OFFICER. The Senator has 27 minutes remaining?

Mr. DOMINICK. I yield 15 minutes to the Senator from Arizona.

Mr. FANNIN. Mr. President, I shall vote against this conference report. Almost 3 months ago this body approved Senate bill 2007, which included among other things a proposal entitled a "comprehensive child development" program which according to section 501(a)(1) of the bill is required, because millions of children are suffering from the lack of "child development" services. Furthermore, the language of the bill notes that Congress has determined that "child development programs" are "essential to the achievement of the full potential of the Nation's children." To begin with Mr. President, I am not at all sure that the Congress, or anyone else, for that matter, has determined beyond doubt any such thing.

On the contrary, recent sociological and psychological studies are confirming what man seems to have intuitively known all along: that a child, out of the natural environment of the parent-child relationship, suffers. In the formative years, major inroads on time and allegiance into the singular relationship of the parent to his child can cause severe harm. We are now learning that institutional care is less effective than the natural relationship the child has with his parent, even if the latter is not blessed with a Ph. D. In considering this so-called child development program we ought not be sidetracked by overly optimistic rhetoric which, when employed by the sponsors and proponents, would lead us to the conclusion that comprehensive services of the nature indicated in this bill are essential to the development of a child's full potential and are inherently superior to the individual relationship of parent and child.

There are many problems with this so-called child development program, not the least of which is the fundamental premise upon which the program is drafted. Many who oppose this program have been rightly concerned over the apparent open-ended financial commitment we will be making should we adopt "child development." The conference report, No. 92–682, authorizes a $2 billion, 1 hundred million expenditure by the fiscal year ending June 30, 1972. The original legislative sponsors have promised us that an annual doubling of amounts will be needed to deliver in basic forms these allegedly desirable services to children who just do not know how bad off they really are. Secretary Richardson and the Department of Health, Education, and Welfare have been quoted to the effect that we are talking in terms of about $20 billion at initial program operational levels.

In addition, the administration of this program is another factor which has troubled more than a few. The provision for prime sponsorship and cultural units whose numbers exceed 5,000, will engender a bureaucratic monstrosity heretofore unknown to this city—and as the Members know, this is not a city in which bureaucracy is unknown.

As important as these considerations may be, they presume the acceptability of the program itself. Simply because a program might have been made less expensive or provision made for more efficient administration does not mean that we should sanction the program. Mr. President, this call for child development, a misnomer which more properly should be designated child control and reform, is not a good program. Its premises are very wrong and most dangerous, for apart from the beautiful words, is the notion that the parent is a failed experiment. To be sure, the conference report has tightened up considerably on the language dealing with parental permission, but Mr. President, when we get down to basics we must determine how this program will be realized. When instituted, the parent-child relationship will be significantly altered, and done so on the suppressed premise that so-called professionals are allegedly better equipped to fashion the personalities and destinies of our youth.

Some have contended that all this business about parent and child is a phony issue. However, we have only to look to the words of key child development sponsors to conclude that not only is the value of the individualized parent-child relationship a real issue, it is the fundamental issue; not just to me and those who are unalterably opposed to this experiment, but to those advocating massive governmental intervention into the lives of those as young as 18 months.

As strange as it might seem to most Americans, there are many who feel that the parent ought not be trusted with the responsibility of bringing up his child, although it should be pointed out that the advocates always talk in terms of "shared responsibility" and "partnership." A key advocate of institutional intervention into child upbringing is Dr. Reginald Lourie, president of the Joint Commission on Mental Health of Children. Dr. Lourie testified before a congressional committee, saying that—

> There is serious thinking among some of the future-oriented child development research people [himself no doubt included] that maybe we can't trust the family alone to prepare young children for this new kind of world which is emerging.

He indicated that the shortcomings of the family is one of the reasons why they felt they needed to have access to the babies.

I might add parenthetically that any real concern for this new kind of world ought to be directed toward holding in check the enthusiasm of those Orwellian planners who, using government as the agency of their selected reform, feel that they can bring up America's children better than one's own parents.

Dr. Lourie views the current relationship that a child is exclusively within the authority of his parents as depriving the child of much needed and desirable professional and institutional child development. It is Lourie's thesis that a new order of child is mandated for his brave new world—and it is because the child has been cloistered within the family relationship that he is destined to lead the imperfect life. To insure against that, Dr. Lourie contends that access to children must be had during the first 2 years of life because it is then that the brain will be growing faster and absorbing its impressions and establishing its subsequent habits which will be with the child throughout his days. Lourie said:

[The brain] is then . . . most plastic and most available for appropriate experience and corrective interventions.

Mr. President if we have anything to fear it ought to be those who suggest that what this sorry world needs is corrective interventions into the forming personalities of our young.

Another who has endorsed these child development techniques is Arlene Skolnick, who, in the August 1971, issue of Psychology Today, went to the brink with her rhetoric when she titled her little piece "Families Can Be Unhealthy for Children and Other Living Things." In this article Miss Skolnick contends that comprehensive child development programs are "a means of rescuing children" from the isolation that is family life whether it be from families of affluence or poverty. She further contends that the "family—read: parent—is not a psychological necessity" and that it is "the myth of the family" which "blinds us to the dangers" of our present child development arrangements—which is to say that families can be unhealthy for the children and other living things.

One congressional sponsor said in support of this bill that with the adoption of comprehensive child development we will have finally recognized that the "child is a care of the State." Mr. President, the child is not the care of the State, he is a care of his parents and the parents are a care of themselves and their adulthood. To suggest otherwise is subversive of the true and proper ordering of life.

Now one might respond that such is not the proposition of the bill before this body. But the language of the bill and the intent of the framers requires one to conclude that a basic lack of faith in the parent as properly responsible for the children's development is the essence of the bill. The language of the bill indicates that rich and poor alike just do not have what it takes to be good parents. Some however, restrict their condemnation to poor parents. Well, Mr. President, the amount of money one has has nothing to do with the true quality of a father or mother. To suggest that one is going to be a lousy parent, because he is poor is snobbish and dangerous.

We are told in this bill that all children should have comprehensive child development services and that universality should be the program's ultimate objective. No other conclusion is possible: The parent is a failed experiment.

Here I should like to return to the point that not only is this view outrageous, it is, pure and simply, wrong. Recent studies by Dr. Konrad Lorenz among others have yielded results just the opposite to what the Louries and Skolnicks would have us believe. Lorenz contends that institutional child care in which parental responsibilities are assumed even in part by an agency can cause what psychiatrists call "the disease of nonattachment." Among the manifestations most often connected with "nonattachment" is the inability to cope with or discipline ones' own aggressive impulses and the tendency toward emotional mutation where the lack of a consistent and dominant family atmosphere in the formative years find children later who are unable to feel joy, grief or remorse.

Mr. President, only sketchily have I been able to express my thoughts and concerns over what I see as the fundamental issue involved in title V of this bill—Economic Opportunity Amendments of 1971. There is no doubt in my mind that the firmness of our national mental health is directly related to the vitality and integrity of our family life traditions. I am also convinced that this experiment whether we choose to call it child development or child control is an adventure which will prove progressively destructive to the institutions and traditions of family. I am especially sure that if the American people knew and understood what we may very well be on the verge of approving that there would be loud and convincing objection to this radical departure from our sound family arrangements. In fact, although this bill has been largely ignored by the popular media, there has still been growing alarm over what we might be about to do.

And that brings us to a final question, what are we about to do if we approve comprehensive child intervention? About the only thing we know is that child development centers will be established to recreate our kids in a textbook image. But absent from the legislation is just exactly what that means. During the House debate on September 30, 1971, an inquiry was made as to the nature of "child development services" and no answer was given.

Listen to what child development proponent Alice M. Rivlin, writing in the December 1 Washington Post, said:

While there is some vagueness about what "child development" actually is . . .

Let us stop right there. "Vagueness?" That means no one has bothered to spell out what we are about to do. What this bill in fact does is grant the authority over to the Department of Health, Education, and Welfare to determine what it ought to do to make children good and pure. What that means is that the Louries and Skolnicks will be drafting the programs. That I am not sure is really something I want seen done—with my children or anybody else's children.

But Miss Rivlin told us more when she wrote, that while the program is vague as to its tools:

It is very clear what this program is *not*. (Her emphasis). First it is *not* just a baby-sitting operation to provide custodial care for children while their mothers work.

At least Miss Rivlin is honest about the whole thing. Many have heard and accepted the idea that all we are about to do is establish day-care centers for working mothers. Nothing could be further from the truth, what we are about to do is sanction massive psychological and sociological interventions—corrective interventions—as Dr. Lourie tells us—to produce what Dr. Lourie thinks would be a better child.

Mr. President, what we have before us is a serious challenge to the family. What we have is another step toward the Orwellian vision of 1984. It is said that these fears are "pretty farfetched," because this program is going to be voluntary. The response is overly legalistic and avoids how the program will and necessarily operate. Even language in the conference report provides for funds to solicit recruits for the child reformation centers. Further, when the program is being operated by those training in its advancement, does anyone seriously believe that the parent will have anything other than a de facto obligatory arrangement. I am not impressed with the protection provided by the bill, because it is clear what the sponsors and proponents have in mind, whether they know it or not it is 1984. It is communalization of what should be personal and private. It is a disaster. It should be defeated.

Mr. DOMINICK. Mr. President, how much time do we have left on our side?

The PRESIDING OFFICER. Twelve minutes.

Mr. DOMINICK. Does the Senator from New York want to use some time?

Mr. JAVITS. I thought we would wait until the Senator had used some of his.

Mr. DOMINICK. I do not see how we can use all on our side and then have the good side come in at the end. I would like to be a debater, too.

Mr. JAVITS. Why not have a quorum for a short time.

Mr. DOMINICK. All right.

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

The PRESIDING OFFICER (Mr. Moss). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. JAVITS. Mr. President, will the Senator from Wisconsin (Mr. NELSON) yield me 3 minutes out of his time?

Mr. NELSON. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. NELSON. I yield 3 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, I wish to answer some of the points relating to the idea that children would, somehow or other, be taken either temperamentally or actually away from the control and jurisdiction of the father and motherhood of their parents. I point out that upon the express suggestion of my colleague from New York (Mr. BUCKLEY) who voiced these ideas, as well as others, that we have in the conference bill the following provisions:

Section 501 (a) (2), the Statement of Findings and Purposes clause, states the finding that comprehensive child development programs should be available to children "whose parents or legal guardians shall request them."

Section 580 provides:

The Secretary is directed to establish appropriate procedures to ensure that no child shall be the subject of any research or experimentation under this title other than routine testing and normal program evaluation unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.

Section 581(a) expressly provides that:

Nothing in this title shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, or physical development of their children.

There is also a fourth provision, which the House added into the conference bill:

Section 515 (a) (24) dealing with comprehensive Child Development Plans, requires that the plan provide that program or services under the title "shall be provided only for children whose parents or legal guardians have requested them."

These provisions can be used as a basis for a suit, alleging that the Secretary has proceeded in an arbitrary or capricious manner if he disregards those injunctions in the law. And the courts will read them and give them effect. They can be used to great effect here in terms of legislative oversight. I do not believe that that particular fear which has been featured so prominently in this debate against the bill is warranted, when one takes into account these provisions, legislative oversight, the courts, the executive department, and the press.

So I hope very much that Members will not be dissuaded from support of the conference report on that account but in some way motherhood and fatherhood and jurisdiction of children in a spiritual, not just a legal sense, will not be jeopardized.

Mr. MONDALE. Mr. President, I commend the distinguished junior Senator from Wisconsin (Mr. NELSON) for his outstanding leadership throughout the consideration of the pending measure.

S. 2007, the conference report before us, extends the Economic Opportunity Act for 2 years. I am delighted to support its provisions strengthening and improving OEO programs—including neighborhood health centers, emergency food and medical services, community action programs, alcoholic and drug treatment, family planning, older workers programs, migrant assistance, neighborhood youth corps and community economic development.

I am particularly proud that this report incorporates the basic provisions of two bills I had the privilege to sponsor, with bipartisan support—S. 1512, the Comprehensive Child Development Act of 1971, and S. 1305, the National Legal Services Corporation Act.

CHILD DEVELOPMENT

In February 1969, President Nixon called for "a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life."

The comprehensive child development provisions in this bill are designed to give substance to that commitment. They seek to expand and build upon the highly successful experience of Head Start. They will provide—on a voluntary basis—sensitive day care programs, prenatal services and other comprehensive child-oriented projects. They recognize the essential nature of parental participation in program planning and operation and are designed specifically to strengthen the role of the family in child development efforts.

The child development provisions in this measure were developed in large part through exhaustive efforts of a board coalition of organizations interested in child development including:

AFL–CIO; Amalgamated Clothing Workers; Americans for Democratic Action; Americans for Indian Opportunity Action Council; Black Child Development Institute; Committee for Community Affairs; Common Cause; Day Care and Child Development Council of America, Inc.; Friends Committee on National Legislation; Interstate Research Associates; International Ladies Garment Workers Union; League of Women Voters; Leadership Conference on Civil Rights; National Council of Churches; National Council of Negro Women; National Education Association; National League of Cities and U.S. Conference of Mayors; National Organization of Women, President and Vice President for Legislation; National Welfare Rights Organization; United Auto Workers; U.S. Catholic Conference, Family Life Division; and Washington Research Project Action Council.

They have received the enthusiastic support of the American Academy of Pediatrics, the National Association for the Education of Young Children and a large number of individuals experienced in the field of child health, child welfare, and education. I ask unanimous consent that a copy of the letter I received from Jay M. Arena, M.D., president of the American Academy of Pediatrics, a copy of the resolution adopted by the recent convention of the NAEYC, a memorandum to the President and the Congress from a group of leaders concerned with children and a sample of the letters and telegrams I have received from Minnesotans, including a telegram from Governor Anderson appear at the end of my remarks, and I ask unanimous consent that an excellent analysis by Alice Rubin that appeared in yesterday's issue of the Washington Post, appear at the close of my remarks.

Mr. President, the need for expanded and improved developmental day care programs has been clearly documented:

Half of all the mothers with children under 14 and one-third of all mothers with preschool children are working today.

Yet fewer than 700,000 licensed day care operations are available to serve the nearly 6 million preschool children whose mothers are working.

And an additional 1.5 million mothers will enter the work force during the remainder of this decade.

The White House Conference on Children understood well the implications of these findings. Its report to the President said:

To discuss at length whether day care is an economic luxury, a political right, or a social tool ignores the tremendous need for supplementary care which exists today, a need which parents will continue to meet the best they can with whatever resources are available. The question is not whether America "should" have day care, but rather whether the day care which we do have, and will have, will be good—good for the child, good for the family, and good for the nation."

The delegates to that conference voted as their top priority the provision of "comprehensive family-oriented child development programs, including health services, day care and early childhood education."

Enactment of this conference report, and full and adequate funding for it, will enable us to begin fulfilling the national commitment announced by the President almost 2 years ago, and urgently supported by the White House Conference on Children.

CONFERENCE ACTION

Mr. President, the conference committee devoted lengthy and deep consideration to two child development issues in particular.

The first issue concerned eligibility for child development programs. In order to assure that these programs would meet the needs of both poor children and children of working parents, the Senate bill provided that services would be free to families with incomes below the Bureau of Labor Statistics lower living standard budget—which is $6,960 for a family of four in an urban area, with adjustments for family size, regional and urban-rural differences.

The Senate bill also provided that the Secretary of HEW would establish a graduated fee schedule, according to ability to pay, for families with incomes in excess of this lower living budget—and reserved up to one-third of the funds to support these partially subsidized services.

These provisions were designed to assure that child development programs under this act would be more than simply welfare programs—that as preschool education efforts they would approach the free public education philosophy of this country—that participation would be extended to working families of moderate means as well as the very poor—and that the programs would

derive the educational benefits of socio-economic diversity.

As Dr. Edward Zigler, now Director of the Office of Child Development testified in 1969:

> Another important reason for guaranteeing a good socio-economic mix in Head Start centers is a growing body of evidence that children learn a great deal from one another. The middle-class child does have a number of attributes that the poor child can profitably model. By the same token we often find in poor children particular strengths and characteristics worthy of emulation by the middle-class child. We must see to it that Head Start centers are institutions, where our Nation's children, regardless of economic status, can enrich one another.

Under the House bill, the Secretary of HEW would establish the income level below which services would be free and establish a fee schedule above that level. Secretary Richardson indicated the free services level would be $4,320.

Following extensive discussions among the conferees and negotiations with administration representatives including Secretary Richardson, the Senate conferees agreed to a compromise on the eligibility issue.

We agreed that free services would be available to families with incomes up to $4,320—as in the House bill—and established limitations on the size of fees which can be charged to families with incomes between $4,320 and the BLS lower living budget figure. Specifically, the conference report provides that a family with an income between $4,320 and 85 percent of the BLS lower living standard budget—$5,916—shall be charged no more than 10 percent of its income above $4,320. A family with income between $5,916 and 100 percent of the BLS lower living standard budget—$6,960—shall pay no more than 10 percent of its income between $4,320 to $5,916 plus 15 percent of any income above $5,916.

Thus, a family with an income of $5,916, with up to two children participating would be charged no more than $158; a similar family with an income of $6,960 would be charged no more than $317. A modest additional fee could be charged where three or more children are served.

The conference report further provides that the Secretary shall establish graduated fee schedules, according to ability to pay, for families with incomes in excess of the BLS lower living standard budget.

This compromise involved major concessions on the part of the Senate conferees. Under the Senate bill, a family earning $6,960 would receive free services. Under the compromise that family would pay over $300. And fees for families earning more than $6,960 will be correspondingly higher.

These concessions were the result of a long period of negotiations with the House conferees and the administration. The initial compromise discussed was threatened with veto, and additional concessions were made in order to gain Secretary Richardson's commitment to urge the President to support this legislation and sign it into law.

While I regret that we were forced to make such major concessions on this issue, I am pleased that Secretary Richardson agreed to support this compromise and I believe that it still offers protections for families with incomes below $6,960. I am hopeful that the fees set by the Secretary of HEW for families with incomes above $7,000 will not be so high as to drive families with incomes in the $10,000 range to inferior and purely custodial day care.

The second child development issue to which the conference devoted a substantial amount of effort involved the delivery system for this program.

Both the House and the Senate bills placed priority and preference on the designation of local governments as prime sponsors for these programs.

The Senate bill provided that a locality of any size—if it applied for sponsorship; had the capacity to provide necessary linkages with health, education, nutrition and other services; and demonstrated ability to meet the bill's high standards for quality of service—would be designated prime sponsor.

Both of these approaches reflect the belief that child development programs must be administered in a way that encourages accessibility, responsiveness to local needs, parental involvement and sensitivity. And they reflect the judgment of both Houses of Congress that—consistent with the experiences of Headstart and our public school system—locally administered programs, where localities have the capacity to provide comprehensive services, are essential to insure this kind of accessibility and responsiveness.

Despite belated objections by the administration to the preference on locally administered programs, the conference report reflects the local priority in both bills. It places priority for prime sponsorship upon localities or combinations of localities with populations of 5,000 or more which demonstrate capacity to provide developmental services of high quality.

In our judgment, locally accessible administration is essential to retain parental and family involvement in the programs.

The conference did adopt the Senate provisions reserving up to 5 percent of the funds allocated to each State for special grants to the States for the purpose of identifying child development goals and needs within the State, assisting in the development of child development councils, encouraging the participation of State agencies, encouraging the full utilization of resources in the State, reviewing prime sponsorship plans and other purposes.

In addition to the special grants to States, the conference report requires that the Governor of each State have an opportunity to comment on all prime sponsorship applications from his State—and provides that States may become prime sponsors of child development programs for areas in which a locality has not qualified to serve as a prime sponsor, or has not applied to become a prime sponsor.

The conference report thus attempts to assure balanced and cooperative participation of State and local governments—with primary responsibility for training and program coordination resting with the States and priority for program operation resting with units of local government.

The ways in which States are involved in all aspects of these programs are carefully spelled out in a letter from Jule M. Sugarman, administrator of the Human Resources Administration, City of New York, and former chief of the Children's Bureau and Director of Headstart to Secretary Richardson. While I believe Mr. Sugarman has underestimated the funding needed under this measure, I ask unanimous consent that his letter appear at this point in my remarks.

Mr. President, in addition to the two issues I have discussed, there were a number of other significant differences between the House and Senate bills, which the conference committee resolved.

In order to assure that programs under this measure are sensitive to the needs of children, and serve to strengthen the role of the family in child development efforts, the conference report provides that parents have integral roles in planning and operating the child development programs in which their children participate. The conference report requires each prime sponsor of a child development program and each child development project to establish a committee composed of parents to approve the basic policy decisions and actions. By basically accepting the provisions in the House bill with respect to child development councils and the provisions in the Senate bill with respect to project policy committees, this measure includes parental participation elements which closely parallel those in the existing Headstart guidelines.

With respect to authorizations, the conference accepted the Senate provisions authorizing $100 million in fiscal year 1972 for planning, training and technical assistance, and $2 billion for fiscal year 1973—including a $500 million reservation for Headstart. The conference also accepted the Senate provisions reserving 10 percent of the funds for child development services for the handicapped.

Due to the adamant opposition of the House conferees, Senator RIBICOFF'S amendment, which would have established a modest experimental and demonstration program in child advocacy was dropped. Reflecting the major recommendations of the Joint Commission for the Mental Health of Children, this amendment was designed to assist families in obtaining the services their children need, with primary emphasis on locating and stimulating the development of additional services and facilities for children with mental disabilities and mental illness.

The conference also adopted the House provisions for mortgage insurance and construction grants and loans, and the Senate provisions containing research and demonstration and those requiring that the standards for child development programs under this measure be no less comprehensive than the Federal interagency day care requirements issued in 1968.

Mr. President, the issues I have discussed represent perhaps the most sig-

nificant issues in child development on which the House and Senate disagreed.

There are a number of other issues on which the two Houses disagreed and that are described in the conference report.

But one area in which there was no disagreement was the voluntary nature of these programs and the intent of this legislation to strengthen the family unit. There has been some misunderstanding on this point and I want to emphasize that this measure is deliberately and carefully drafted to assure the maximum involvement and responsibility of parents in the operation of these programs. In addition to the parent participation provisions I have already described, and the measure's emphasis on locally administered programs—as opposed to federally administered or State administered programs—the conference report contains the following provisions:

In order to underscore the voluntary nature of the program, section 501(a)(2) states that:

These programs "should be available to children whose parents and guardians shall request them.

Section 515(a)(24) states that:

Programs or services under this title shall be provided only for children whose parents or legal guardians have requested them.

In order to prohibit the possibility of Federal control of these educational contents of these programs, section 578 provides:

No department, agency, officer or employee of the United States shall, under authority of this Title, exercise any direction, supervision or control over, or impose any requirements or conditions with respect to the personnel, curriculum, methods of instruction, or administration of any educational institution.

Finally, in order to emphasize the intent of the act to strengthen the role of the family and the parents, Section 581 (a) provides:

Nothing in this title shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional or physical development of their children. Nor shall any section of this title be construed or applied in such a manner to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which are otherwise provided by law.

Mr. President, the child development section of this conference report contains the framework for meeting the increasing need for quality day care. Its preschool education emphasis offers real hope toward equalizing educational opportunities and truly giving every child a chance to reach his full potential. It reflects the best judgment of the 1970 White House Conference on Children, the advice of over 20 national organizations interested and experienced in child welfare, and the national commitment to early childhood years announced by the President in 1969. It has received extensive and thoughtful consideration by Congress—including 12 days of hearings and countless executive sessions in the Senate, and over 20 days of hearings and numerous executive sessions in the House of Representatives.

I urge Senators to support the conference report, encourage the President to sign this measure into law, and fight for adequate funding.

NATIONAL LEGAL SERVICES CORPORATION

Title IX of the bill reported by the conference establishes a private, nonprofit National Legal Services Corporation to carry out the activities of the present legal services program now administered by OEO. Funded by Congress, the corporation will be authorized to make grants and contracts to provide comprehensive legal services and assistance to low income persons.

In this basic respect, the bills which passed both the House and Senate were consistent. But there were several key differences between the two versions, and I believe that the conference resolved these differences in a fair and equitable manner—reflecting the concerns of each body.

The major issue involved the composition and method of selection of the corporation's board of directors. The conference measure creates a 17-member board, all appointed by the President—with the advice and consent of the Senate—in the following manner:

Six directors shall be appointed as representatives of the general public, and three of these appointments must be attorneys;

Two directors shall be appointed solely from lists of persons submitted by the clients advisory council—established by the legislation—and the list shall consist of persons eligible for assistance under the act;

Two directors who are former legal services attorneys shall be appointed solely from lists of persons submitted by the project attorneys advisory council—established by the legislation;

Two directors shall be appointed solely from lists submitted by the Judicial Conference of the United States;

Five directors shall be appointed solely from lists submitted by five professional bar organizations—one director from lists submitted by the American Bar Association, one director from lists submitted by the National Bar Association, one director from lists submitted by the American Trial Lawyers Association, one director from lists submitted by the Association of American Law Schools, and one director from lists submitted by the National Legal Aid and Defender Association.

This type of board retains the feature which the House conferees regarded as very important—an all-presidentially appointed board. At the same time, however, this provision insures that in naming 11 of the 17 members, the President must choose from lists submitted by groups representing clients, legal services lawyers, and the professional legal establishment. If the President does not want to nominate any of the names contained in these lists, he can ask a given group to submit a new list; but he cannot select individuals for these 11 positions whose names are not included in a particular list.

This method of selection is designed to accomplish the primary purpose underlying the drive to create an independent legal services corporation: insulation of this vital program from political pressures.

The conference bill also satisfactorily resolved two other controversial issues—the extent to which legal services attorneys could engage in criminal representation and the extent to which these attorneys could engage in political activities on their own time.

Under the conference bill, the corporation will not be permitted to provide for the representation of persons accused of crimes. However, the conference report makes it clear that this prohibition is in no way intended to interfere with the professional responsibility of legal services attorneys to handle criminal cases on an individual basis. Thus, if a court appoints a legal services attorney to represent an individual in a criminal action, this attorney will be expected to accept such an appointment—just as any other member of the bar is expected to do so.

The conferees also agreed to permit full-time employees of the corporation or its grantees to engage in political activities on their own time under appropriate guidelines formulated by the corporation. However, while pursuing such private activities, these employees must refrain from identifying the corporation with any candidate for political or party office.

The bill emerging from this conference thus resolves the basic issues in conflict between the House and the Senate. Even more important, it creates a permanent structure designed to insure free and open access to the legal system for all Americans.

Despite the strong support legal services has enjoyed in the past—not only in Congress, but also from the organized bar and client groups—the time has come to insulate this program from harmful political pressures. For as a result of these pressures, the provision of legal services has become an issue to be considered politically at every level of government. The poor are beginning to surmise that this program—in which they have developed such great confidence—will be subjected to a political litmus test.

Most of the opposition to the program has arisen because of the so-called law reform cases which these attorneys have won. The program's critics somehow consider these cases a form of legal agitation.

But the landmark cases won by legal services lawyers were based on real problems experienced by individual clients seeking legal assistance. When a California court prevented the Governor of California from drastically reducing payments under the State's medicaid program, it did so because a legal services lawyer was pressing the legitimate claim of his client—a man unable to obtain a badly needed operation without medicaid.

In all of these cases, legal services attorneys were merely fulfilling the clear mandates of their profession. Canon 7 of the Code of Professional Responsibility states that:

A lawyer should represent a client zealously within the bounds of the law.

Ethical consideration 7–1 elaborates on this canon in the following manner:

The duty of a lawyer, both to his client and to the legal system, is to represent his client zealously within the bounds of the law, which includes Disciplinary Rules and enforceable professional regulations. The professional responsibility of a lawyer derives from his membership in a profession which has the duty of assisting members of the public to secure and protect available legal rights and benefits. In our government of laws and not of men, each member of our society is entitled to have his conduct judged and regulated in accordance with the law; to seek any lawful objective through legally permissible means; and to present for adjudication any lawful claim, issue or defense.

In light of these ethical requirements, a legal services attorney—like any other lawyer—cannot stop and weigh the political consequences of contemplated legal action. But those who have attempted to curtail this program are not overly concerned with the ethics of the legal profession.

Despite the impressive accomplishments of legal services, there can be no doubt that constant political interference has taken its toll. For once political pressure is apparent, legal services attorneys inevitably begin to consider the consequences of bringing certain types of legal actions.

There are many kinds of reprisals against a program whose attorneys are considered too aggressive in representing their clients. The next grant can be vetoed by the Governor; debilitating restrictions can be placed on the grant; and the program's funds can be reduced by cautious officials unwilling to offend powerful local interests.

These are serious and substantial fears—which many attorneys in the field have experienced at one time or another. And even if these fears do not materialize, the perception of pressure and reprisals can hamper an attorney's ability to fully and effectively represent his client.

While the legal services program has survived past attacks on its independence, its integrity, and its capacity to provide full legal representation to the poor, each challenge has drained the program's energy and diverted its resources. As long as the program remains vulnerable to political attack or manipulation, the damage will grow worse until it could be fatal.

That is why the House, the Senate, and its conferees concluded that a new structure for legal services was necessary—a structure which would ensure the program's independence and which would ensure that its attorneys would be able to represent their clients as required by the mandates of the legal profession.

These mandates reflect the fact that our system of justice is based on the adversary process—which in turn depends upon effective advocacy. A dilution of the lawyer's independence threatens this adversary process. As former Chief Justice Warren has stated:

A right without an advocate is as useless as a blueprint without a builder or materials.

No attorney can meet his professional responsibilities to a client if there are outside restraints on the types of cases in which he can participate or the kind of issues he can raise. No large corporation would tolerate outside interference with their retained attorneys. Certainly the poor should not be expected to tolerate such interference.

The National Legal Services Corporation will do far more, however, than protect the professional integrity of legal services attorneys. It will help protect the integrity of our entire system of government.

Under our system, the courts are the forum of last redress. We understand as a people that we must respect the supremacy of law—and the inviolability of recourse to the courts for those who are disenfranchised and for those who have been dealt with unfairly and arbitrarily.

In this decade, it is a singularly small but visible effort which has come to symbolize the possibility of a new period of maturity, of conscience, of self-assurance, for our Nation—the legal services program.

I believe that our Government has reached the point where it can admit that it is capable of error, that it no longer need claim infallibility or hide behind sovereign immunity. We are ready to set up mechanisms whereby the people can hold the Government accountable—not only every 2 or 4 years—but can challenge individual acts and specific policies as contrary to law.

This is the genius and historic significance of the legal services program—that a Government can offer to the powerless the opportunity and the resources needed to challenge improper acts by both private and public bodies.

If the poor and the powerless do not have free access to our legal system, government by law is a failure.

The creation of a National Legal Services Corporation is designed to ensure that access. In this basic respect, it represents a traditional and time-honored means of achieving orderly change.

I ask unanimous consent that several 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:

MEMORANDUM

To: The President of the United States and the Congress

Subject: The Comprehensive Child Development Act

FACTS

On February 19, 1969, President Nixon called for a "national commitment to providing all American children an opportunity for a healthful and stimulating development during the first five years of life."

On April 9, 1969, the President said, "I again pledge myself to that commitment."

This year, House and Senate action, with bipartisan leadership and support, passed Comprehensive Child Development Bills (S. 2007 and H.R. 10351) and they are now in Conference Committee.

The differences between the two versions can be quickly reconciled.

The Comprehensive Child Development Act will result in one of the best investments the nation can make in its future.

It will provide a comprehensive program of educational, nutritional, and health care to those preschool children whose parents believe they need it.

It will allow a child's participation to be completely voluntary on the part of the parents.

It will give parents a real voice in the planning and operation of the programs.

It will offer quality day care service to the working women of America so that their families may have an adequate standard of living.

It will extend the enormous experience and success of the Head Start program.

It will deal with the problems of America's latch-key children.

It will reduce school failures.

It will build healthier children.

ACTION NEEDED

The Conference Committee must resolve the differences at today's meeting.

Both Houses must repass the bill.

The President must sign that bill.

We urge that the Comprehensive Child Development Act be passed to fulfill the President's pledge and the commitment by the Congress:

Robert Aldrich, M.D., Vice Pres., Health Affairs, University of Colorado.

Joyce Black, Pres., New York City Day Care Council.

Arnita Boswell, Prof., Social Work, University of Chicago.

Urie Bronfenbrenner, Prof., Human Development and Family Studies, Cornell University.

Jerome Bruner, M.D., Director, Center for Cognitixe Studies, Harvard University.

Ricardo Callejo, Attorney, Spanish Speaking Sur-Named Political Assn., San Francisco.

Eli E. Cohen, Exec. Sec., Natl. Committee on Employment of Youth.

Raymond Cohen, M.D., Past President, Texas Pediatric Society.

Manuel Diaz, Jr., Vice Pres., New York City Urban Coalition.

James Dumpson, Dean, School of Social Work, Fordham University.

Marion Edelman, Washington Research Project Action Council.

Donald Fink, M.D., Former, Dir., American Academy of Pediatrics Consultation Service.

Marcus Foster, Ph. D., Superintendent, Oakland Public Schools.

Glenn Gibson, M.D., Pediatrician, Baton Rouge.

Elinor C. Guggenheimer, Policy Council, National Political Women's Caucus.

Dorothy I. Height, Pres., Natl. Council of Negro Women.

Francis Keppel.

Reginald Lourie, M.D., Pres. Joint Commission on Mental Health of Children.

Sanford Matthews, M.D., Regional Pediatric Medical Coordinator, Atlanta.

Joseph Monserrat, Member, Board of Education, New York City.

John Niemeyer, Chairman, Day Care and Child Development Council of America.

Josephine Nieves, Dir., Puerto Rican Studies, Brooklyn College.

Julius Richmond, M.D., Dir., Judge Baker Guidance Center, Harvard University.

Mrs. Alexander Ripley, Vice Pres., California Children's Lobby.

HUMAN RESOURCES ADMINISTRATION,
New York, N.Y., November 29, 1971.

Hon. ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: This week the Congress will act upon the Conference Committee's report on the child development bill. I must urge you to fully support that bill in the Congress and to recommend to the President in the strongest possible terms that he approve it.

This bill follows nearly three years of bipartisan effort involving extensive hearings and committee work. The vital need for child development services has been thoroughly documented. Studies financed by your Department, and soon to be released, make it clear that child development programs can

have substantial long-term impact. The programs authorized in this bill are wholly consistent with the specific research findings and recommendations of those studies. There is great public understanding and support for the legislation involving a wide spectrum of American society. Now, as soon as the Congress completes its action, the President must act favorably.

Recent newspaper reports have speculated that the bill might be vetoed by the President. However, no White House or Department spokesman has confirmed or denied those reports and the public record is one of a firm Presidential commitment to "providing all American children an opportunity for a healthy and stimulating development during the first five years of life."

Now is the time for the President to make clear that his Administration intends to honor that promise. Unfortunately, reports of lobbying by White House staff indicate that the President may not intend to honor his commitment.

Among the reasons suggested for White House opposition is the cost of the bill. I think that the record needs to be much clearer on that point. The requirement that a child development council be created and a comprehensive child development plan prepared for each community means that it will certainly be 12 to 18 months before any significant number of communities can qualify for operating funds. Thus, neither the current nor the fiscal year 1973 budget is likely to be heavily affected. The first substantial effect will not take place until fiscal year 1974. Even then, I doubt that communities will be prepared to spend more than $2 to $3 hundred million above present levels. Surely that level of funding, or even twice that level, is not a great problem when compared to the amounts spent on other public programs.

Another reason advanced for possible opposition is a political response by the White House to mail from conservative and right wing leaders arguing that this is part of a Communist plot. That is not only poppycock, but a slander upon the Members of Congress who have worked so hard to bring the bill to fruition. It is an attack on the very thing that the President and you have argued in connection with H.R. 1; namely, the provision of quality child care. This kind of attack should be promptly answered by the White House and HEW.

Finally, there are those who say that the bill is being opposed because it does not provide a significant role for the states. No one who has read the bill thoroughly can make that charge. The language is specific in requiring state involvement at every stage; creation of prime sponsors, formation of comprehensive child development plans and project operation. Up to 5% of operating funds will be available to states to carry out their functions. HEW may use states to provide technical assistance and program coordination. In other words, there is every opportunity for the states to identify problems, to help in solving them, and to point out to HEW that programs are not meeting the requirements of the Act or HEW standards. The state which fails to influence programs positively in this situation will do so because of its own ineptitude rather than any deficiency in the law.

Mr. Secretary, there is nothing in this bill which should stand in the way of approval. The choice for the President and yourself is whether to yield to reactionary and unsupportable arguments against the bill, or to make a monumental contribution to the real needs of children which were so eloquently recognized by the President in the past.

Sincerely,

JULE M. SUGARMAN,
Administrator.

FACTS ON THE COMPREHENSIVE CHILD DEVELOPMENT BILL*

A. RIGHTS OF PARENTS

Parental authority in relation to the child as well as the child development program in which he or she participates is assured in the compromise bill.

The Statement of Findings and Purpose states that comprehensive child development programs should be available to children whose parents or legal guardians shall request them regardless of economic, social and family backgrounds (Sec. 501(a)(2) page 5). To ensure that services are voluntary, each Comprehensive Child Development Plan submitted must include a proviso that services shall be provided only for children whose parents or legal guardians have requested them (Sec. 515(a)(24) page 16).

Section 581(a) (page 33) requires that no part of the bill shall be applied or construed to infringe upon or usurp the moral or legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional or physical development of their children. Nor can invasion of privacy or abridgment of legal remedies for such legally protected invasion be accomplished.

Specific protection provided against testing without informing the parent and giving him an opportunity to except his child. (Sec. 580 page 33). And if a parent objects in writing on religious grounds to medical or psychological exams or immunization (except to protect public from epidemics) or treatment, his child is excepted from such treatment. (Sec. 574(f) page 31.)

A child development plan must provide for regular and frequent dissemination of relevant information to parents and the community in their functional language. (Sec. 515(a)(15) page 16). The plan must also coordinate, insofar as possible, its programs with other social programs so as to keep family units intact or in close proximity during the day. (Sec. 515(a)(10) page 15.)

The bill's Statement of Findings and Purpose concludes that decisions on the nature and funding of child development programs are to be made at the community level with the full involvement of parents and others in the community interested in child development. (Sec. 501(b) page 6.)

Parent involvement in their children's programs is required at various decision making levels such as:

1. In the project: At least one half of the project policy committee must be parents and the other members, except for the specialist, must be representative of the community and approved by the parent members, (Sec. 516(a)(2) pages 17–18). The committee must directly participate in the development and preparation of the project application. Training, administrative expenses and necessary out-of-pocket for low-income members are required. Members of committees are appointed by the project applicant but existing Head Start agencies can continue their method of election, presumably.

Functions of the project committee include approving goals, policies, actions and procedures for the project applicant.

The project application must also provide for the regular and frequent dissemination of information about the project to parents and interested persons in the functional language. Projects must also employ paraprofessional aides and volunteers, especially parents and others (Sec. 516(a)(10) page 19). Staff must be adequate to meet specialized needs of each child. (Sec. 516(a)(12) page 19.)

2. In the Prime Sponsor through its Child Development Council: The Prime Sponsor's Plan must provide for direct parent participation in the conduct, overall direction and evaluation of programs (Sec. 515(a)(11) page 15). The membership of the Child Development Council must be at least ½ parents of children in programs selected by Head Start and project policy committees. At least one-third of the total membership must be parents who are economically disadvantaged. (Sec. 514 (a and b) pages 13–14). The Council's functions are similar to policy committees but it may also conduct public hearings. (Sec. 514(b)(3) page 14.)

3. At the national level:

Not less than one-half of the membership of the Special Committee on Federal Standards for Child Development Services to develop program standards and of the Special Committee to develop Uniform Minimum Code For Facilities must be parents of children in child development programs, Head Start, and day care under Title IV programs. Both committee memberships are to be appointed by the Secretary and report to him. (Sec. 534, 535, pages 23–24.)

B. RIGHTS AND ROLE OF THE STATES

The Statement of Findings and Purpose states that it is essential that the planning and operation of child development programs be a partnership of parents, community and state and local governments with appropriate assistance from the Federal Government. (Section 501(a)(6), page 6.)

The participation of the states is encouraged by Section 517 that provides for special grants to states to carry out activities such as identifying the state's goals and needs, assisting child development councils, encouraging the participation of related state agencies, etc. (see pages 19 and 20). Up to 5% of the funds allocated for use in a state are reserved for the state upon its application. (Sec. 503(c), page 8.)

The Governor must have 30 to 60 days to review applications for designation, to offer recommendations to applicants and to submit comments to the Secretary (Sec. 513(g), page 12). In addition, no plan or modification of a prime sponsor shall be approved unless the Secretary determines that the Governor of the State has had an opportunity to submit comments to the prime sponsor and the Secretary. (Sec. 515(b)(3), page 17.)

No locality or state may reduce its expenditure for day care or child development because of assistance under the bill. (Sec. 520(e), page 22.)

* Analysis prepared by the Human Resources Administration, City of New York.

AMERICAN ACADEMY OF PEDIATRICS,
Evanston, Ill., November 22, 1971.

HON. WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: The American Academy of Pediatrics, the national organization of board certified physicians providing care to children, heartily supports the adoption of the conference report on the Economic Opportunity Amendments, S. 2007. We are particularly enthusiastic about the comprehensive child development title of this legislation which provides for the establishment of a national, federally assisted child development program. The Academy supports the concept of child care as a composite of comprehensive and coordinated services designed to offer a sound basis for growth and development of the child while supporting and encouraging the parents in their effort to care for their children. We are of the opinion S. 2007 would provide a sound legislative basis for the establishment of such a program.

The Academy endorses the section of the child development title which provides for local administration of child care programs. We recommended in testimony before Senate and House committees that the major responsibility for planning and delivery of

child development programs is most appropriately placed at the community level. We believe the conference report is equitable, and will allow for possible funding of most jurisdictions which apply for prime sponsorship responsibility. Jurisdictions which are able to plan and operate a quality child care program should be given this opportunity.

We are in complete agreement with the concept of funding priority to ongoing Headstart programs. The provision further assuring local review of Headstart programs is an additional strength of the conference report. The extension of the excellent programs like Headstart to all low income families desirous of child development services will be facilitated by the enactment of this legislation.

The level for eligibility for free child care services decided upon by the conferees is reasonable, and will not place an undue financial hardship on poor and near poor families who wish to utilize the child care programs.

In summary, we believe the child development title of the Economic Opportunity Amendments provides a realistic framework in which child development programs can operate that are responsive to the needs of individual children and communities. We sincerely urge your support for the adoption of the conference report on the Economic Opportunity Amendments of 1971.

Sincerely yours,

JAY M. ARENA, M.D.,
President.

NATIONAL ASSOCIATION FOR THE EDUCATION OF YOUNG CHILDREN

RESOLUTION NO. 2

Whereas the President of the United States of America has voiced his commitment to meeting the needs of all young children in this country and

Whereas President Nixon has admirably placed in the Office of Child Development the position of Child Advocacy and the responsibility for implementing the recommendations of the 1970 White House Conferences on Children and Youth and

Whereas the nationwide need for comprehensive child development services for many young children can be provided only through bold Federal legislation and appropriations.

Therefore, be it resolved by the National Association for the Education of Young Children in convention in Minneapolis, Minnesota this fifth day of November, 1971, That the President of the United States put aside the differences between his administrative proposals and the Comprehensive Child Development amendments to the Economic Opportunity bills. Specifically

(1) that programs be established to serve children from all income levels based on ability to pay

(2) that the protection of Head Start and Follow Through be assured

(3) that communities of 5000 or more be assured of having the opportunity to go directly to the Federal government for funds

(4) comprehensive standards at least equal to those provided by the 1968 Federal Interagency Standards for Day Care be upheld.

That President Nixon take a vigorously supportive posture toward the passage of this bill with the above listed components *and* the allocation of appropriation.

That he advise Secretary Richardson of his determination to immediately serve the needs of young children by this most constructive action.

TELEGRAM

NOVEMBER 30, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.

The conference report on S. 2007, a bill which extends the Economic Opportunity Act for 2 years, will be brought up for consideration shortly in the House and Senate. I support this bill. The Office of Economic Opportunity has many worthy programs which assist many less fortunate citizens of our State to become productive members of our society. I urge you to vote for continuing such worthwhile programs as Headstart, mainstream, and emergency food and medical services. Thank you.

Sincerely,

WENDELL R. ANDERSON,
Governor of Minnesota.

THE LEAGUE OF WOMEN VOTERS,
St. Peter, Minn., November 22, 1971.

Hon. WALTER MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: It is the position of the League of Women Voters that comprehensive child care provisions in the OEO bill are absolutely essential. We urge you to vote "Yes" on the Conference Committee Report on S. 2007, scheduled to be voted on just after the Thanksgiving recess. We know that this is a busy time, but we trust that you share our concern and will be present for the vote.

Also, we do support the child care financing compromise worked out by the Conference Committee.

Sincerely,

KATHRYN CHRISTENSON,
National Resource Chairman.

MAYO CLINIC,
Rochester, Minn., November 26, 1971.

Senator WALTER MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: This letter concerns the conference report on economic opportunity amendments, S. 2007. It is written to ask your support for passage of these amendments.

I am particularly concerned about the child development title of this legislation. Although I realize that this has been modified in conference, the compromise reached in conference regarding this title appears to be a reasonable one.

I would, therefore, urge that you support this measure when it comes to the Floor this next week.

Sincerely yours,

GEORGE B. LOGAN, M.D.,
Past President of the American Academy of Pediatrics.

WINONA, MINN,
November 27, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.

Urge yes vote for conference report S2007 the OEO Child Care Authorization bill.

MARJ JACOBSEN,
League of Women Voters.

CLOQUET, MINN.
November 23, 1971.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: We hope you can be present at the voting for bill—S. 2007 on Child Care and Legal Services. We feel that this bill is necessary to Welfare Reform. The league supports the compromises that have been worked out in the committee.

We hope you will favor voting for this bill.

Respectfully,

MRS. SILAS GLADEN,
Action Chairman, League of Women Voters.

MANKATO, MINN.,
November 21, 1971.

DEAR SENATOR MONDALE: Please vote in favor of the anti-poverty bill—S. 2007. Thank you.

Mrs. ROY N. WILSON.

NOVEMBER 21, 1971.

Senator WALTER MONDALE,
U.S. Senate,
Washington, D.C.

League of Women Voters urge you to vote yes on the essential OEO bill (S2007).

Mrs. BRUCE THOMAS.

MANKATO, MINN.,
November 25, 1971.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I can't stress enough the importance of your vote on November 30th. The Welfare Bill now going through is so necessary—Bill S. 2007. It is a fact that the House looks to the Senate to find out just how strong the Senate has made a bill. Correct me if I am wrong. Nov. 22nd 1971 I sent you and Senator Humphrey telegrams for the Mankato, Minn. League of Women Voters asking for your votes on bill S. 2007 I certainly wish it possible to check to see if this telegram was received.

Thank you for your help.

Sincerely,

MARIE C. ROBBINS.

ROCHESTER, MINN.,
November 25, 1971.

Hon. WALTER MONDALE,
433 Old Senate Building,
Washington, D.C.

SIR: I have been a lay member of the Olmsted County Welfare Board for 7 years. It has become increasingly more apparent to me that our duty as concerned citizens is no longer that of curtailing welfare costs, we must seek innovative methods to effectively create an environment of self-reliance rather than dependency. Since we can no longer change the life-styles of generations of welfare-supported families, we must look to the stimulation that exciting programs of adequately staffed Day Care Centers will promise.

It should be the birthright of *every* child born in the United States of America, wanted or unwanted, to have the best child care available—we are too rich to overlook our responsibility to the children of the Third World.

I urge you to support the Child Development Amendment to the *S–2007* Conference Report of the OEO. Pass it now and make the necessary changes in the delivery system as they arise. Our children can't wait!

Thank you.

Sincerely,

ELEANOR T. BACH.

EXCELSIOR, MINN.,
November 26, 1971.

Hon. WALTER MONDALE,
Senate Building,
Washington, D.C.

DEAR SENATOR MONDALE: The Excelsior Area League of Women Voters urges you to be present for the vote on the OEO bill (S. 2007) and registers their support of the child development and legal services legislation in that bill.

Humane welfare reform is not possible unless some realistic provisions are made for child care for families that need to be on welfare or in addition, for children of the working poor. We do support the child care financing compromise from the compromise produced by the Conference Committee as well as the Legal Services compromise.

I believe, Senator Mondale, if I read the newspapers correctly, that we can look to you for support of this legislation, since you have expressed concern for the welfare and

future of underprivileged children in our nation. We do thank you for legislation introduced and supported by you designed to upgrade the quality of life for many who have been denied it for so long.

Sincerely,

Mrs. HOWARD A. RICE,
SHIRLEY J. RICE
Human Resources Chairman, Excelsior Area League of Women Voters.

ROCHESTER, MINN.,
November 29, 1971.

Senator WALTER MONDALE,
433 Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: Please excuse the paper but time is of the most importance.

As a Licensed Day Care Home operator, member of a United Fund Day Care Committee and organizer of an association of Day Care Homes in cooperation with our Dept. of Social Services I am writing to urge your support of S. 2007 which is soon coming to vote.

Sincerely,

Mrs. MARVIN ROSS.

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

A NEW PUBLIC ATTENTION TO PRESCHOOL CHILD DEVELOPMENT

(By Alice M. Rivlin)

In the United States, public concern for a child's welfare generally does not become evident until he reaches age 5 and is eligible for kindergarten. Even then the public responsibility usually ceases at 3 o'clock in the afternoon.

But these attitudes are already changing. The next few years are likely to see a burst of public attention to the vital years between birth and 5, rapid growth of all-day programs for pre-school children with working mothers, and recognition that the day does not end for a school-age child when the 3 o'clock buzzer signals that classes are over.

The big questions will be: what character will these new programs have? Who will run them? And who will pay for them? When the Congress votes this week on the OEO bill, it may begin to provide the answers.

The bill extending the life of the Office of Economic Opportunity, just reported out of the House-Senate conference committee, contains a new Title V, for "Child Development Programs," meaning a wide variety of services to children such as all-day care for preschoolers, after-school and vacation programs, nutrition, medical, dental and psychological services, and education for parents in child-care and development. The bill authorizes $2 billion for such programs in fiscal year 1973, including $500 million earmarked for continuation of Headstart. The money would be allocated among the states in accordance with a formula, but administered primarily at the local level. Communities with 5,000 or more people could be "prime sponsors," applying directly to the federal government for money. The prime sponsor would be required to have a Child Development Council, half of whose members would be elected by parents, and individual projects would be run by Project Policy Committees composed of parents and local community members. The bill would make child development services available free to those with incomes of less than $4,320 a year (for a family of four) and would establish a fee schedule related to income for families with more resources.

While there is some vagueness about what "child development" actually is—partly because the framers of the bill were eager to preserve flexibility and choice at the local level—it is very clear what this program is *not*. First, it is *not* just a babysitting operation to provide custodial care for children while their mothers work. The bill emphasizes the well-being of children and the comprehensive services they need for full development, whether their mothers work or not. Second, it is *not* just another program for the poor. Priority is to be given to "preschool children with the greatest economic and social need," but the intention is to make services available to families at all income levels with those above the poverty line paying part of the cost. Third, it is not just another welfare program. The "prime sponsor" mechanism and the parent councils are specifically designed to by-pass the state welfare bureaucracies and give the beneficiaries of the program a real voice in its operation.

Several different groups are pressing for federal programs for children, for different and not entirely compatible reasons. Some are primarily motivated by a desire to reduce the welfare rolls. They believe day care should meet minimum standards of health and safety so the children do not come to harm, but that its main objective ought to be to keep children out of the way so that their mothers can earn wages rather than welfare. A second group is primarily concerned with overcoming the damaging early handicaps of children from poor families. Headstart, which reaches many 4- and 5-year-olds, but usually for less than a year, has proved too little and too late. There is accumulating evidence that children develop rapidly in the first three years of life, that good nutrition and mental stimulation at this age make a difference—at least if they are sustained. A third group, the voice of women's liberation, sees attractive stimulating day care centers as a way of giving *all* women, not just the poor, a genuine choice between childcare and work outside the home. And finally, there are those whose primary motivation is to mobilize community action in the ghetto, the rural South or on Indian reservations, who believe parent involvement in decision making about Headstart programs did as much for parents as for children, and who see community controlled child development programs as a good vehicle for the poor to use in acquiring political experience and challenging the "power structure."

The focus on reducing welfare rolls is reflected in H.R. 1, the Nixon-Mills welfare reform bill that has passed the House, but not the Senate. Under H.R. 1, a mother on welfare could be required to take work (unless she had a child under 3) provided day care was available. Senator Long, no enthusiast of the administration's welfare reform proposals, has held hearings on his own bill to provide custodial day care to the poor through a public corporation.

But while welfare reform was bogged down in the Senate, bills for more comprehensive but entirely voluntary child development programs were making their way through the legislative obstacle course on both sides of the Hill. Senator Mondale's Child Development Bill, incorporated into the OEO amendments, stressed comprehensive services and community control and would have provided services free to families with income under $6,920 with a sliding scale of payments for families with higher incomes. On the House side, a similar bill, sponsored by Representatives, Reid, Brademas and Mink, but giving more role to states and less to localities and parents, was added to the OEO extension as a floor amendment. When both bills passed and went to conference, the administration voiced concern about their cost and threatened a veto. To avoid a veto, the conferees lowered to $4,320 the income level below which services would be free and adopted a moderate scale of payments for families with incomes between that level and $6,920 (above that level the Secretary of HEW would set fees). The language of the Senate bill was modified to give a little more role to the states and rule out communities with less than 5,000 people as prime sponsors.

The bill now moves back to the two floors where it may encounter Republican opposition especially in the House. Republican unease is related not to cost, but to the by-passing of the states. If the bill passes, there is still the possibility of a veto, although it would surely be politically costly for the President, who has put such personal stress on the dignity of work, to veto a bill which promises to make work possible for millions of women and better the lives of children into the bargain.

Strident right-wing opposition to the bill has developed on the grounds that "child development" sounds like a 1984 attempt of the state to take over the role of the family. This criticism is pretty far fetched since participation would be entirely voluntary and the bill gives parents much more control over the new programs than they have over present public schools.

Criticism of the administrative mechanism has more substance—having all those "prime sponsors" deal directly with Washington hardly seems like an ideal administrative set-up. Unfortunately, however, state administration, especially in the Deep South, has so often proved insensitive to the needs of poor and minority children that direct funding may be necessary—at least for a few years.

To the criticism that these programs will be costly in the long-run there is no answer, except "yes." The bill to be voted on authorizes spending $2 billion a year for two years on the assumption that participation in the programs will be far from universal, a reasonable assumption in view of difficulty of organizing and staffing good programs quickly. In the longer run, however, it just has to be recognized that providing first-rate services to preschool children and adding after-school activities for older children is going to be expensive—$10 billion a year could be spent easily. The cost to the taxpayer can be reduced if middle and upper-income people pay fees, but these fees cannot rise too steeply as income rises without reducing incentives to earn more income. (The effect is the same as a high income tax rate.) In the long run, there will be no cheap way to do a good job. If the Child Development Bill becomes law there will at least be a hope that federal funds for day care will be spent primarily to meet the needs of children, not just to keep them busy while their mothers work.

Mr. MONDALE. Mr. President, the whole purpose behind the child development provisions in the bill is to improve and strengthen the family relationship. The program is entirely voluntary. It builds upon parentally controlled committees. The whole purpose is to strengthen the family and to run it at the local level. Our opponents, on the contrary, want to run it out of State welfare departments, without parental involvement, forcing the mother to work, and putting the children into a cold custodial day care center which creates some of the very problems they suggest would obtain.

Mr. JAVITS. Having been a slum child myself, I know that the closest parental relationship results from a child who is well educated and has the comfort and companionship of services in the absence of his parents who are working, which this title is designed to provide. This I know from personal ex-

perience. I agree with the Senator from Minnesota that that kind of atmosphere and those services will make the child a better child and a better parent.

Mr. NELSON. Mr. President, we have only a total of about 10 minutes left and I am wondering whether the other side would not consider using some of their time so that the Senator from Minnesota (Mr. MONDALE) could make the summary comments.

The PRESIDING OFFICER (Mr. CHILES). If no one uses time, the time will be equally charged.

Mr. DOMINICK. Mr. President, we have only 12 minutes left on this side.

Mr. NELSON. The Senator knows that on this side we only have a total of 15 minutes while there is 3 hours for the other side.

Mr. DOMINICK. Mr. President, I yield myself 8 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 8 minutes.

Mr. DOMINICK. Is that satisfactory to the Senator from New York?

Mr. JAVITS. Yes.

Mr. DOMINICK. Mr. President, I was a Senate conferee on S. 2007. It seems opportune for me to explain my position for not signing the conference report. I think it should be noted in this connection that the Senator from Ohio (Mr. TAFT) did not sign it, the Senator from Maryland (Mr. BEALL) did not sign it, and I did not sign it. No Republican signed it on the House side with the exception of Representative OGDEN REID. This indicates that there is substantial disagreement between the conferees concerning the conference solution to the problems we faced between the House and Senate bill versions.

As a Senate conferee to S. 2007, the Economic Opportunity Amendments of 1971, I feel obligated to explain to my constituents and colleagues my reasons for not signing the conference report. Earlier, as a cosigner of supplemental views to the Labor and Public Welfare Committee report on S. 2007, I indicated my general support for the legislation while maintaining strong reservations about some of the specific provisions contained therein. Subsequent floor and conference proceedings failed to remedy some of the bill's substantial defects so I am compelled to register my objections to the conference report.

Although I appreciate the importance of extending valuable OEO programs for an additional 2 years, I cannot in good conscience recommend such an extension while it is tied to an untenable Child Development Act. The issue no longer is whether the country needs a comprehensive child care system.

It is almost universally acknowledged that a comprehensive child care system is needed to break the proverty cycles existing in certain areas of this country. A properly administered child care program may well free welfare mothers for wage earning responsibilities while investing their children with health, educational, and nutritional care equivalent to that received by the nonpoverty child. The question becomes one of how child care should be delivered. The Child Development Act attached to S. 2007 is untenable because it places in concrete a $2.1 billion child care program of empty promises—empty promises which will neither fill the participating children's needs nor reach their parent's exceptions. It creates an unmanageable prime sponsorship mechanism emphasizing small, divergent, neighborhood units rather than utilizing the general administrative strengths of State governments; State governments which because of their size and organization can effectively coordinate child care programs with other necessary programs including, among others, maternal and child health programs, institutional care and foster care programs, State child care programs, and medicaid programs. Conversely, S. 2007 encourages a neighborhood-based system which would compete for, rather than coordinate with the above service systems. It encourages the creation of not hundreds or thousands of prime sponsors, but of tens of thousands of prime sponsors.

Program quality must necessarily suffer because it will be impossible for the Department of Health, Education, and Welfare effectively to monitor or provide technical assistance for this many prime sponsors.

In the process of the hearings, Mr. Jules Sugarman, a supporter of this bill and a man who was a Director of Project Headstart and now is head of the Human Resources Administration in New York—said to the committee on pages 166 and 167 of the hearings record that in his opinion the prime sponsorship should be limited to representatives of not less than 100,000 people. In this bill we only require prime sponsors to represent 5,000 or more people.

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

Mr. DOMINICK. I would be happy to yield on the Senator's time.

Mr. MONDALE. The Senator would be pleased to know that Mr. Sugarman strongly supports the bill as passed.

Mr. DOMINICK. I am sure he does, because he has traditionally advocated comprehensive early child care. However, he does emphasize the fact that the bill in its present form is administratively suspect as OCD has neither the personnel nor the ability to train the personnel to administer the programs provided for under a bill involving so large a number of prime sponsors.

It is indeed unfortunate that Congress, in its headlong rush to create law, threatens the concept of child care with an unmanageable administrative rathole when it presently has before it H.R. 1 and S. 2003, legislation which, when finally drafted, promise a circumscribed but fully coordinated child care program. Rather than considering the merits and ramifications of the above legislation, Congress determined that a $2.1 billion program should be tacked onto a standard OEO extension bill regardless of the fact that OEO will not even administer the Child Development Act if enacted.

This discussion indicates once again that on matters as critical and sensitive as the care and development of our children more extensive and coordinated legislative consideration is required than in the present bill.

In addition to the defects I have noted above concerning prime sponsors, section 10 of S. 2007 contains an important restriction contrary to the very purpose and existence of the Office of Economic Opportunity.

The primary mission of OEO is to serve as the research and demonstration arm of the Federal Government to develop new programs and new approaches to the war on poverty. When the program matures to a point when it ceases to become developmental and commences to be operational the program is to be spun off to other agencies in the executive branch through the exercise of the delegation authority contained in section 602(d) of the Economic Opportunity Act. Section 10 of S. 2007 however prohibits the delegation or transfer of programs administered by the Director of OEO to the head of any agency through fiscal year 1973 unless a conforming provision of law is subsequently enacted. Section 10 frustrates the whole research and development concept of OEO and effectively relegates it to the status of any other executive operating agency. For the first time, the President and the Director of OEO are effectively prohibited from delegating matured individual projects.

This creates cnofusion and chaos as to the real role and mission of OEO. It is not going to continue to be an operative or innovative agency.

In the final analysis, the unnecessarily hurried efforts to create a comprehensive child care program and the unnecessarily restrictive delegation language of section 10 jeopardize what otherwise would be a simple OEO extension bill.

Unfortunately, these two defects are so substantial that they threaten the overall effectiveness of the bill and prevent me from approving the conference report.

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

Mr. NELSON. Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. MONDALE. Mr. President, I have listened to the debate of the opponents with a great deal of curiosity and even with some amusement. I have often wondered whether what was being criticized here was the same bill which I had introduced in April, which passed the Senate overwhelmingly, and has now been recommended by the conference committee. We have heard talk of Bolshevik proposals. We have heard discussion about sociologists and scientists manipulating children and destroying the family.

In all candor, I can only say that such statements are utterly void of any factual basis with respect to this proposal. In fact, the whole thrust of this proposal is to strengthen the family unit.

The bill will hopefully open for the family and for the children what the

President said we should do in 1969 when he called for "a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life."

This is what this proposal is all about. Do we intend to continue to be a wealthy and powerful nation and yet permit hundreds of thousands of American children never to have a chance? That is the issue.

Mr. NELSON. Mr. President, will the Senator yield for a brief question?

Mr. MONDALE. I would be glad to yield to the Senator from Wisconsin.

Mr. NELSON. I ask the one who drafted this legislation and is familiar with the background and history of it if it is not correct that the 1970 White House Conference on Children recommended a comprehensive child development program as the highest priority for children in this country?

Mr. MONDALE. The Senator is correct. The White House Conference on Children, the President's own conference, recommended that.

Mr. NELSON. And that was under this administration.

Mr. MONDALE. The Senator is correct. By a weighted vote, the conference voted overwhelmingly as their first priority a comprehensive child development program, including health services and day care.

Virtually all the leaders of that conference and the associations they represented have joined in supporting this proposal.

In addition, the Joint Commission on the Mental Health of Children came out strongly for the development of this kind of proposal in its recent report.

The conflicting theory is whether we should have this kind of program, based on strengthening the family, giving the child a fair chance, or a remote program dominated by State welfare agencies. That is the issue.

Mr. NELSON. Mr. President, will the Senator yield further for a question?

Mr. MONDALE. I yield.

Mr. NELSON. Is it not correct that under the provisions of the child development program, as it is in this bill, the parental participation in the programs with the children is greater than the parental participation in the present school system?

Mr. MONDALE. There is no question about it. As a matter of fact, the parents control the two operative councils. Each community has a child development council in which the parents, whose children are in the program, must comprise at least one-half.

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

Mr. NELSON. I yield 1 additional minute to the Senator.

Mr. MONDALE. And each project must be governed by a project policy committee which, again, is one-half composed of parents.

In addition to that, the program is totally voluntary. No parent needs to put a child in this program unless he wants to do so.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. MONDALE. I reserve the remainder of my time.

Mr. DOMINICK. Mr. President, I understand I have 4 minutes remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMINICK. I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I want to make it clear that throughout my participation in this debate I never indicated I thought that S. 2007 created an involuntary child care program. I think child development programs, as such, can be effectively created without the unreasonable administrative hurdles of S. 2007. I think one can be worked out at the local level in a large city or under a State plan.

I do want to point out that Secretary Richardson, following the conference report on November 18, 1971, specifically talks about the defects of this prime sponsorship program. As a very instrumental person in this entire HEW child development program, I think he speaks with considerable expertise.

He said:

Unfortunately, I now find upon analysis of the latest language that far too little flexibility is afforded to the Secretary of Health, Education, and Welfare to designate States as prime sponsors where such designation would assure higher quality care through greater access to child-related social services within the State. The present language instead mandates that in all cases priority be given to local prime sponsors, with the State left only as a residual catchall for geographical areas which have submitted either no application or a wholly inadequate application for prime sponsorship.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter of November 18, 1971, from Secretary Richardson. I presume it is already in the RECORD but I want to have it printed in the RECORD again at this point.

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

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., November 18, 1971.

Hon. PETER DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: Throughout the consideration of the child care provisions of the Economic Opportunity Act Amendments of 1971, I have stressed the Administration's concern that at least some of the prime sponsors likely to be funded under the bill be States. It was our clear understanding that the language agreed to by the Conferees would permit this result.

Unfortunately, I now find upon analysis of the latest language that far too little flexibility is afforded to the Secretary of Health, Education, and Welfare to designate States as prime sponsors where such designation would assure higher quality care through greater access to child-related social services within the State. The present language instead mandates that in all cases priority be given to local prime sponsors, with the State left only as a residual catchall for geographical areas which have submitted either no application or a wholly inadequate application for prime sponsorship. In effect, we would be wholly powerless to choose a State application over a local application, even if the State application would better assure quality care for children.

I have testified that we never have planned to choose *only* States as prime sponsors, but it is essential, in my view, that the delivery system provide flexibility to choose a State as a prime sponsor, when localities within that State have submitted applications which technically meet the criteria listed in the bill but do so less effectively than the particular State application.

With kind regard,

Sincerely,

ELLIOT RICHARDSON,
Secretary.

Mr. DOMINICK. Mr. President, I think this is the key point involved here. S. 2007 language says that localities of 5,000 or more can get and shall be designated and funded as prime sponsors. Additionally, the Secretary may approve a State, as a prime sponsor, but what happens where we have two or three localities applying and fighting for control of the designated area before HEW and through the court systems, which they would be entitled to do. The State cannot be designated as prime sponsor of any program until the local applicants have exhausted all their rights?

Mr. President, how do you possibly administer and monitor the countless thousands of prime sponsors in communities of 5,000 or more who will be so designated under this bill all over the country, to say nothing of the Indian tribes which can be designated regardless of their size? They could come in in any number. That may be all right, but it is one more unit they will have to wrestle with. It is an administrative nightmare or, as I said in my original speech, an administrative rathole. It does not seem to me that we should create a bill with as many administrative shortcomings as this and then say we have done anything meaningful in the child development area.

The second point I wish to strongly object to is the strong prohibition against the OEO being able to delegate matured programs. Does that mean we are going to change the whole format of OEO, and we are not going to permit it to be an innovative agency which can transfer operational programs to another agency?

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

Mr. DOMINICK. Mr. President, I urge my colleagues to vote against the conference report.

Mr. NELSON. Mr. President, I would like to make one comment on the observation of the Senator from Colorado in his statement that the bill prohibits the transfer or delegation of any of the programs under OEO. All we did in this bill was to write into law the statement made by spokesmen for the administration that they have no intention of transferring or delegating any program from OEO without congressional approval. That is all. They said they would come to Congress if they wanted to transfer or delegate programs from OEO, and ask for special legislation.

I yield the remainder of my time to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I have spent most of my time since coming into the Senate on the question of why it is so many thousands and thousands of American children somehow never make it into the mainstream of American life. My impression is that the number of such tragically disadvantaged children is increasing. We are creating a society which for most of us involves great hope, great opportunity, great prosperity, and security; but for hundreds and thousands of American children, because of a cheated background, we are creating a life of hopelessness, despair, and failure.

What we are trying to do in this bill is to respond to the almost unanimous plea of the White House Conference on Children, the almost unanimous recommendation of the Joint Commission on Mental Health of Children, to give these children a chance. That is all we are trying to do.

Mr. ROTH. Mr. President, the time has arrived when no one can any longer doubt that we are facing a full-fledged national crisis—the crisis of drug abuse. There can be no doubt that in recent years we have witnessed a major increase in the abuse of drugs. What was once considered a ghetto problem has now become a serious problem of national scope, affecting not only the inner city, but the suburbs and the military as well. The statistics on the abuse of a wide variety of drugs are appalling. Heroin is the drug causing the most damage to our society. For years the official estimate of the number of heroin addicts was in the range of 68,000. But in the past 2 years the estimate of the scope of heroin addiction alone—not counting any other drug—has risen to 200,000, then 250,000, and finally to 300,000 or more Americans. The abuse of depressant and stimulant drugs is even more widespread, and the hallucinogens—including such drugs as marihuana and LSD—are the most widely used of all the illicit drugs.

America cannot afford to underestimate the urgency of this drug crisis and its resulting costs to society—costs which include losses from crime, law enforcement expenditures, lost productivity, welfare expenses, and most importantly, the devastating waste of human life.

Mr. President, the bill which we are now considering, the Drug Abuse Office, Control, and Treatment Act of 1971 (S. 2097), represents a major bipartisan effort to meet the challenge of the drug abuse crisis now facing us. This measure takes major strides forward in our Nation's attempt to combat this problem. It would establish for the first time a comprehensive, coordinated and consistent strategy against drug abuse at the Federal level—a strategy which recognizes that education, law enforcement, treatment and research are not independent approaches to the problem.

This legislation is significant in several respects. It creates a Special Action Office for Drug Abuse Prevention in the executive office of the President, to coordinate the antidrug programs now scattered throughout the Federal agencies. It establishes a National Institute on Drug Abuse within the National Institute of Mental Health to plan and coordinate all activities of the Department of Health, Education, and Welfare relating to the rehabilitation and treatment of drug abuse. It requires that the Veterans' Administration provide for the treatment and rehabilitation of former servicemen suffering from drug addiction. It provides for extensive new Federal assistance to State and local education, training, treatment and rehabilitation efforts.

And it establishes a 15 member National Advisory Council on Drug Abuse to serve as a sounding board for, and make recommendations to, the Secretary of Health, Education, and Welfare concerning matters related to the problem of drug abuse.

Mr. President, I am a member of the Government Operations Committee, which held hearings on this legislation. I was a cosponsor of the original bill, and I am a representative of people who are gravely concerned about the problem of drug abuse which continue to confront us. We must put an end to this menace which is crippling our Nation socially and economically. The measures mandated by this bill are urgently needed. We have already waited for too long.

Mr. TAFT. Mr. President, I would like to take this opportunity to explain my position on the conference report on S. 2007, the Economic Opportunity Amendments of 1971.

S. 2007 was introduced in the Senate as a bill to extend the Economic Opportunity Act for 2 years. I have supported that objective because I think it important to continue the viability of the agency which plays the important role of developing programs to eliminate poverty.

I believe, however, that the grafting of the Comprehensive Child Development Act onto S. 2007 was a serious injustice to both bills. Certainly, two such significant yet unrelated measures deserved careful and separate congressional consideration. In contrast, H.R. 1 would have been an appropriate and relevant vehicle for the Child development amendment. OEO would play no role in the implementation of the child development legislation which was designed to serve middle and upper income families as well as the most needy.

Following the defeat of my amendment to separate the child development title from S. 2007, I was hopeful that the House of Representatives would consider the OEO extension, including the provision for a Legal Services Corporation on its own merit without the child development part of the bill. I therefore supported sending the bill to the House. Unfortunately, the amendment to add the child care provisions to H.R. 10351 passed the House by the slight margin of four votes. Although the question of excluding the comprehensive child development title from S. 2007 was not considered by the conferees, I think it is important to recall this very basic objection which I have raised both in committee and on the floor of the Senate.

The conference report on S. 2007 contains four major provisions to which I object. They are as follows:

First, the earmarking provisions;

Second, the prohibition against the transfer or delegation of programs from OEO to other operating agencies;

Third, the prime sponsor and delivery system for child development services; and

Fourth, the fee schedule for child development services.

The earmarking provisions in S. 2007 would seriously damage OEO's role as an innovator of new poverty programs because they so severely restrict the agency's research and demonstration functions. I do not feel that raising the percentage of funds that may be transferred from one program to another from 15 to 25 percent can offset the damaging effects of these earmarks. It is a matter of programing, not of financing. Seven years ago, the Headstart did not exist. Now this activity serves nearly half a million children of preschool age. Headstart would probably not be in existence were it not for OEO's role as an innovator. Legal services is another example of a program which began in OEO. If OEO's research and demonstration powers are so severely limited by earmarks, where will we look for tomorrow's Headstarts and legal services?

A major effect of the earmarking would be to add approximately $60 million to OEO's request in certain specified program areas. These increases will necessarily have to be funded by offsetting reductions in other programs which exceed their minimum allocations under the earmarking formula. The areas hardest hit by the requisite reductions include the developmental health programs such as comprehensive health, family planning and narcotics rehabilitation, and the research and demonstration programs of OEO—all areas of high priority for the Agency. The scope of reductions necessary in these areas is such that many, if not all, new program initiatives would be eliminated and many ongoing activities would be abandoned.

The prohibition against the transfer or delegation of programs from OEO to other operating agencies is objectionable because it is contrary to the principle on which OEO functions—that is—to create and nurture programs for the poor until they reach sufficient maturity to function along with other programs requiring similar expertise in the appropriate operating agency.

It should also be pointed out that the requirement for affirmative action by the Congress to delegate such programs from OEO to the proper operating agency negates the principle of the Reorganization Act and the Hoover Commission report. This agency would be unique in its exemption from the reorganization powers.

I believe that there is no area of more critical importance today than the care and education of our children. The concept on which the comprehensive child development bill is based is a sound one. I question, however, whether this bill has

provided an effective framework to achieve the goals set forth. The prime sponsor and delivery system for child development services as outlined in the conference report may well prove to be both unworkable and unfair.

The provision that a mandatory priority be given to local applicants for prime sponsorship may be unfair to States which have or would develop a superior plan. I am certainly not opposed to units of local government becoming prime sponsors and conducting community-based programs if they are capable of providing comprehensive services. In many cases, this type of program administration would be preferable. However, I feel that plans for child development programs submitted by State and local governments should be judged and accepted on the basis of program quality rather than a mandatory preference for one over the other.

I am also concerned that the child development programs may serve to fragment the public school system in the areas served. The only role which school boards are given in this bill is the opportunity to offer comments on the program plan. Though many of the same facilities, supplies, and personnel could be advantageously utilized, there is no provision for a meaningful coordination between public school systems and child development councils.

The child development councils, as set forth in the conference report, would be composed of one-half parents, one-fourth specialists in the area of child development, and one-fourth nonparents who must have the approval of the parent group. I am concerned that this council will not be workable and efficient in the planning and administration of the very extensive and comprehensive services outlined in this bill. While I feel that the advice and experience of parents is invaluable in these programs, I question whether they would even want to assume the responsibility of the detailed planning and actual operation of these programs. Moreover, there is no assurance that local educators and others experienced in the operation of social and educational programs would be allowed to participate.

The fee schedule and provision of free child development services was a point of major disagreement in the conference on S. 2007. The Senate bill provided free services for a family with an income below the lower living standard budget—currently $6,960 for a family of four. I preferred the House provision which allowed the Secretary to set the fee schedule in coordination with H.R. 1 and other federally assisted child development programs. Because this would be a new program with limited funding, I believe that it is important to provide services first to those who need them most and the Secretary should be given the discretion to do so.

The provision for a Legal Services Corporation in this bill is, in my opinion, generally good. I believe the conference reached a workable and effective compromise on the composition of the Legal Services Board. With regard to the political activities of the employees of the Corporation, I would have preferred the House language which applied the restrictions of the Hatch Act to all full-time employees. The compromise reached by the conference provides that full-time employees while engaged in activities of the Corporation refrain from partisan or nonpartisan political activities.

I would also have preferred the Senate language which would have prohibited criminal representation except where the Board determined it to be necessary. The Senate receded to the House language which flatly prohibits any criminal representation.

I believe that the Legal Services Corporation as envisioned in this legislation would provide effective legal representation for the poor. The support it has received from the legal profession substantiates the soundness of this approach.

In balance, the conference report has many objectionable features in the child development portions. It holds out false hopes unlikely to be achieved by the plan proposed. Since the objections overreach the meritorious provisions, I declined to support the conference report.

REVITALIZATION OF THE WAR ON POVERTY

Mr. CRANSTON. Mr. President, I urge the adoption of the conference report on S. 2007, the bill to extend and expand authorities under the Economic Opportunity Act of 1964, as amended. I have been privileged to be involved with this important legislation throughout Senate consideration of it—in the Subcommittee on Employment, Manpower, and Poverty, the full Labor and Public Welfare Committee, in floor debate, and in conference committee.

Before commenting on the provisions of the conference report, I wish to pay particular tribute to the outstanding contributions of a number of my fellow Senators to the bill which we Senate conferees have brought from the conference. First, we are all indebted to the vision, evenhandedness and persuasiveness displayed by the chairman of the Senate conferees, the Senator from Wisconsin (Mr. NELSON), who is managing the bill on the floor today. His noteworthy leadership was complemented by the dedicated ranking minority member of the committee, the Senator from New York (Mr. JAVITS), and the ranking minority member of the subcommittee, the Senator from Ohio (Mr. TAFT).

Mr. President, I would be greatly remiss if I did not at this time also pay a very special tribute to the Senator from Minnesota (Mr. MONDALE), the chairman of the Subcommittee on Children and Youth, who so vigorously presented and, on nearly every major issue, sustained, the Senate position in the conference on the two major titles of the bill. I am referring to the provisions to establish a national legal services corporation and a comprehensive child development program. Throughout the conference, the Senator from Minnesota was a tower of strength and logic, and I feel privileged to have fought by his side to carry out the will of the Senate and to insure that we do not break faith with the many millions unable to afford legal services and child development programs. We all owe a great debt of gratitude to Senator MONDALE for his forceful and highly effective efforts on behalf of those persons who would be served by these two vitally important programs.

COMPROMISES WITH THE ADMINISTRATION

Turning now to some of the specifics of the conference report, Mr. President, there is talk now about the possibility of another Presidential veto. Such a veto would be a disaster. It would be a final insult to those burdened with poverty who have witnessed a steady erosion of OEO programs during the last 3 years under this administration.

Not only that, but such a misbegotten veto would be a retreat by the administration from principles which it says it supports: the establishment of an independent, private, nonprofit legal services corporation and a comprehensive child development program.

True, there have been disagreements over the details of these programs, just as there were differences between the House and Senate versions of the bill. But, we have tried to reach an accommodation between these differing views and, in my judgment, have struck a very fair compromise on the particulars of the legislation between the two Houses of Congress and between the Congress and the executive branch. That is the basic purpose of a conference committee—compromise; all sides have to be willing to give something.

Let me give some specifics illustrating the accommodations which were worked out.

First, regarding the Legal Services Corporation, the administration proposal called for appointment by the President of all the members of the Board of Directors of the Corporation. That was the structure in the House version, whereas in the Senate version one-third of the members of the board were not appointed by the President. The Senate receded to the administration's position on this important question.

Second, regarding criminal representation by legal services attorneys while working in programs funded by the Corporation, the Senate provision would have permitted certain criminal representation activities. The House bill adopted the administration position to preclude the expenditure of Corporation funds or the time of its personnel for criminal representation. The Senate receded to the House position with an understanding expressed in the conference report which I will touch upon later.

Third, regarding solicitation of clients by legal services attorneys, the Senate bill was silent on this particular prohibition. The House bill contained language, which was strongly supported by the administration, prohibiting such solicitation of clients by attorneys or other persons engaged in programs funded by the Corporation. The Senate substantially receded to the House and administration position on this issue.

Fourth, regarding political activities by employees of the Corporaton and its grantees during nonworking hours, the Senate bill contained no restriction. The House bill generally applied the provisions of the Hatch Act to all full-time employees of the Corporation or its

grantees, provisions supported by the administration. The Senate conferees agreed to incorporate restrictions on any activity of Corporation or grantee employees which might identify the Corporation with a political candidate and to direct the Corporation to establish appropriate guidelines governing the off-time political activities of the Corporation's or its grantees' full-tme employees.

Fifth, regarding the comprehensive child development program, the Senate version provided for free services to families of four with incomes of $6,960 or less; whereas the House version placed the cutoff at $4,320. The administration was particularly adamant in its support of the House provision, which the Senate conferees ultimately accepted.

Sixth, regarding the ability of the Secretary of HEW to exercise some discretion in designation of local governmental units as prime sponsors, there seems to be a widespread misunderstanding of the basic provisions in the Senate bill even prior to conference. Under the original provisions in the Senate bill and specifically now in section 513(b) in the new title V which the bill adds to the Economic Opportunity Act, the Secretary's approval of a prime sponsorship plan for a particular locality—in the conference report those with populations of 5,000 or more—is conditioned on his determining that the plan meets the requirements of the act and also "includes adequate provisions for carrying out comprehensive child development programs in the area of such locality." Similarly, section 515(a) in the new title specifies that financial assistance to prime sponsors shall be provided "only pursuant to a comprehensive child development plan—approved by the Secretary." Again, the Secretary has some discretion with respect to determining that a plan makes adequate provision for providing comprehensive child development services in the prime sponsorship area. It is true that this does not permit the Secretary to establish by regulation or as a matter of practice that certain localities of certain population size over 5,000 persons will not as a matter of course be designated as prime sponsors, but it clearly does permit him discretion to disapprove a particular prime sponsorship application from a locality which qualifies on population size if he finds that that locality's plan does not contain adequate provisions for carrying out a comprehensive child development program in the area to be served. In such instances, the Secretary would then negotiate with units or combinations of units of local governments with larger populations, and if he determined that none of their plans were sufficiently comprehensive, he could designate the State government as the prime sponsor for programs covering such areas.

In addition to these six compromise areas, as I outlined during floor consideration of S. 2007 on September 8, there were a number of other areas where the Senate-passed bill already made significant concessions to administration positions.

Mr. President there were a number of matters resolved by the conferees that require some further elaboration beyond what I have already stated.

CHILD ADVOCACY

I wish to point out that although the separate child advocacy provisions in the Senate bill were not acceptable to the House conferees, it was clearly understood that the Office of Child Development was given more than ample authority to engage in child advocacy experiments along the lines of those envisioned by the Senate bill. Particularly, I refer to clause (M) of section 512(2) which provides that child development program funds may be used for "child advocates, consistent with the provisions of this title, to assist children and parents in securing full access to other services, programs, or activities intended for the benefit of children . . . ."

YOUTH RECREATION AND SPORTS PROGRAM

With regard to the youth recreation and sports program added as a section 227 in part B of title II of the Economic Opportunity Act by section 18 of the conference report, I wish to reiterate certain points made during Senate floor debate on September 9 by the Senator from Pennsylvania (Mr. SCHWEIKER). On that occasion, Senator SCHWEIKER was offering an amendment, which I cosponsored, to these provisions which I was the author of in committee and which the House conferees accepted without change. Senator SCHWEIKER's and my floor amendment somewhat broadened the scope of those qualified as recipients of grants under the youth recreation and sports provisions in the bill as reported from committee.

However, as Senator SCHWEIKER stressed on that occasion and as I wish to emphasize now, that amendment would not in any way alter the basic purposes of the provisions in the committee bill or therefore the provisions now in the conference report. That amendment was intended only to permit grants to nonprofit organizations, with access to appropriate recreational facilities, which organizations the Director of OEO—or his designee—deemed to be qualified to carry out the purposes of the youth recreation and sports program provisions. In order to have such qualifications, such a grant applicant would have to demonstrate competency in all of the training, education, nutrition, drug abuse education, and counseling activities required in the statutory provisions governing the program in all of the dimensions contemplated in the specific legislative language and in the committee report and thus to provide such services at least equal in quality and quantity to the services presently provided by the National Collegiate Athletic Association—NCAA—in carrying out the present youth sports program.

If private nonprofit organizations, such as the Amateur Athletic Union—AAU—and its affiliated organizations are unable to offer such a diversity and caliber of services, it would be beyond the contemplation of the authors of this provision for them to receive a grant under this revised language. Moreover, it is also our intention that those administering this program require of any new grantee other than the NCAA that they continue to require the same conditions with respect to administrative overhead as has existed under the NCAA program; namely, that there be no reimbursement of administrative costs either to the program manager at the national level or individual program operators in the field.

Finally, I wish to stress again, as Senator SCHWEIKER did previously, that it is not our intention that the NCAA should receive a grant of any less than $3 million under this program. Indeed, we would expect that, as long as the NCAA continues to qualify to carry out a sufficiently comprehensive, high-quality program, consistent with the new statutory provisions, grants would be made to other applicants only from funds appropriated and made available under this program well in excess of $3 million. In the same way, I also wish to make abundantly clear that the amendment adopted on the floor on September 9 was not intended to have the effect in any way of making it possible for Federal funds to be substituted for State or local expenditures that would otherwise be made for recreation and physical fitness programs for disadvantaged youth.

NATIONAL LEGAL SERVICES CORPORATION

Earlier in my statement I made reference to the conference report language with respect to criminal representation by legal services attorneys. Specifically, this language, in section 906(i) in the new title IX in the conference report, states:

> No funds or personnel made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding.

In explaining the Senate recession on this matter, the explanation of the conferees states:

> The conferees want to make clear that this prohibition does not in any way relieve any attorney from specific or general responsibilities imposed on him as an officer of the court by the courts before which he practices.

Thus, it was our understanding in conference that the provision in the conference report would permit legal services attorneys to respond to calls from the courts in a particular jurisdiction for legal assistance during extraordinary circumstances, as well as to accept individual court appointments to represent indigent persons, particularly in criminal matters arising out of a fact situation which had given rise to civil litigation in which a legal services attorney was representing that particular indigent client-turned criminal defendant. It is left to the Board of Directors of the Corporation to issue guidelines governing such activities by legal services attorneys as officers of the court beyond and during business hours.

It should also be understood clearly by virtue of the very clear language in section 913 in the new title IX in the conference report:

> Nothing contained in this title shall be deemed to authorize any department, agency, officer or employee of the United States to exercise any direction, supervision, or control over the corporation. . . .

That the Director of OEO has only a ministerial function in transmitting to the Office of Management and Budget the annual budget request prepared by

the Board of Directors of the Corporation. It would thus be improper for the OEO Director to attempt in any way to alter or interfere with the orderly consideration of such budget request by the Office of Management and Budget.

Finally, I hope that OEO in providing for temporary funding of the activities of the incorporating trusteeship and the Board of Directors during the first 6 months after enactment of the bill, pursuant to section 1001(b)(3) of the conference report, will utilize appropriations generally available to the Office of Economic Opportunity for such Corporation organizational expenses rather than funds specifically appropriated for the legal services program.

CONCLUSION

Mr. President, although I firmly believe that the Senate conferees performed their obligations faithfully as representatives of the Senate position in the conference, I also think it is abundantly clear that we have operated in a spirit of conciliation with a view toward making accommodations with the administration and with the House where those accommodations were consistent with the basic principles underlying the Senate bill. I, for one, believe that we have gone far enough regarding the points I have just raised. Indeed, in certain respects, I think we may well have gone too far toward the administration position; but all of us felt very strongly the imperative of attempting to arrive at a bill that all sides could live with.

I hope it is not the President's position that the role of Congress is to acquiesce in all of his preferences in the legislative process. After all, it is Congress which, under the Constitution, has the responsibility for legislating as the collective elected representatives of the people.

It is not the function of Congress merely to rubberstamp the President's proposals, but rather to work with him and his representatives to achieve reasoned compromises. That is what I believe the Senate conferees have done in this instance.

I have heard commentaries that there is something anti-American about this bill. With all due respect to the commentators, that is absolutely preposterous.

The bill is as American as apple pie.

What is more in the American tradition than public responsibility for education?

What is more in the American tradition than vesting educational responsibilities at the local level and ensuring strong parental involvement. It seems to me that that is a fundamental precept of our local school boards and local educational systems in this country.

What is more American than to provide that families will pay for services above a certain income level in accordance with their ability to pay for such services? Since when is such a progressive fee system out of line with our basic heritage?

What is more democratic, in short, than investing now in the future by providing learning opportunities for our children and seeing that they receive the health, nutrition, and related services to take the fullest advantage of all the opportunities with which our people are blessed?

And what is more intrinsic to the American concept of ordered liberty than to provide a permanent framework whereby individuals who feel themselves oppressed or aggrieved by society may seek legal redress within the system through the judicial process?

Mr. President, I am astonished at any implication that these time-tested American purposes, principles, and ideals should be somehow not acceptable in our Nation today. I do not believe that for a minute.

I urge the adoption of the conference report and stanch resistance against any effort to recommit it or alter it in any significant way.

WHAT CHILD CARE LEGISLATION IS ALL ABOUT

Mr. CHURCH. Mr. President, in the last few weeks I have received many letters, both for and against pending child care legislation. In the December 1, 1971, Washington Post an excellent article written by Alice M. Rivlin discusses the legislation and what it does and does not do. I commend this informative article to my fellow Senators and ask unanimous consent that it appear at this point in the RECORD.

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

PROGRAMS BEFORE CONGRESS THIS WEEK: A NEW PUBLIC ATTENTION TO PRESCHOOL CHILD DEVELOPMENT

(By Alice M. Rivlin)

In the United States, public concern for a child's welfare generally does not become evident until he reaches age 5 and is eligible for kindergarten. Even then the public responsibility usually ceases at 3 o'clock in the afternoon.

But these attitudes are already changing. The next few years are likely to see a burst of public attention to the vital years between birth and 5, rapid growth of all-day programs for pre-school children with working mothers, and recognition that the day does not end for a school-age child when the 3 o'clock buzzer signals that classes are over.

The big questions will be: what character will these new programs have? Who will run them? And who will pay for them? When the Congress votes this week on the OEO bill, it may begin to provide the answers.

The bill extending the life of the Office of Economic Opportunity, just reported out of the House-Senate conference committee, contains a new Title V, for "Child Development Programs," meaning a wide variety of services to children such as all-day care for preschoolers, after-school and vacation programs nutrition, medical, dental and psychological services, and education for parents in child-care and development. The bill authorizes $2 billion for such programs in fiscal year 1973, including $500 million earmarked for continuation of Headstart. The money would be allocated among the states in accordance with a formula, but administered primarily at the local level. Communities with 5,000 or more people could be "prime sponsors," applying directly to the federal government for money. The prime sponsor would be required to have a Child Development Council, half of whose members would be elected by parents, and individual projects would be run by Project Policy Committees composed of parents and local community members. The bill would make child development services available free to those with incomes of less than $4,320 a year (for a family of four) and would establish a fee schedule related to income for families with more resources.

While there is some vagueness about what "child development" actually is—partly because the framers of the bill were eager to preserve flexibility and choice at the local level—it is very clear what this program is *not*. First, it is *not* just a babysitting operation to provide custodial care for children while their mothers work. The bill emphasizes the well-being of children and the comprehensive services they need for full development, whether their mothers work or not. Second, it is *not* just another program for the poor. Priority is to be given to "preschool children with the greatest economic and social need," but the intention is to make services available to families at all income levels with those above the poverty line paying part of the cost. Third, it is not just another welfare program. The "prime sponsor" mechanism and the parent councils are specifically designed to by-pass the state welfare bureaucracies and give the beneficiaries of the program a real voice in its operation.

Several different groups are pressing for federal programs for children, for different and not entirely compatible reasons. Some are primarily motivated by a desire to reduce the welfare rolls. They believe day care should meet minimum standards of health and safety so the children do not come to harm, but that its main objective ought to be to keep children out of the way so that their mothers can earn wages rather than welfare. A second group is primarily concerned with overcoming the damaging early handicaps of children from poor families. Headstart, which reaches many 4- and 5-year-olds, but usually for less than a year, has proved too little and too late. There is accumulating evidence that children develop rapidly in the first three years of their life, that good nutrition and mental stimulation at this age make a difference—at least if they are sustained. A third group, the voice of women's liberation, sees attractive stimulating day care centers as a way of giving *all* women, not just the poor, a genuine choice between childcare and work outside the home. And finally, there are those whose primary motivation is to mobilize community action in the ghetto, the rural South or on Indian reservations, who believe parent involvement in decision making about Headstart programs did as much for parents as for children, and who see community controlled child development programs as a good vehicle for the poor to use in acquiring political experience and challenging the "power structure."

The focus on reducing welfare rolls is reflected in H.R. 1, the Nixon-Mills welfare reform bill that has passed the House, but not the Senate. Under H.R. 1, a mother on welfare could be required to take work (unless she had a child under 3) provided day care was available. Senator Long, no enthusiast of the administration's welfare reform proposals, has held hearings on his own bill to provide custodial day care to the poor through a public corporation.

But while welfare reform was bogged down in the Senate, bills for more comprehensive but entirely voluntary child development programs were making their way through the legislative obstacle course on both sides of the Hill. Senate Mondale's Child Development Bill, incorporated into the OEO amendments, stressed comprehensive services and community control and would have provided services free to families with income under $6,920 with a sliding scale of payments for families with higher incomes. On the House side, a similar bill, sponsored by Representatives, Reid, Brademas and Mink, but giving more role to states and less to localities and parents, was added to the OEO extension as a floor amendment. When both bills passed and went to conference, the administration voiced con-

cern about their cost and threatened a veto. To avoid a veto, the conferees lowered to $4,320 the income level below which services would be free and adopted a moderate scale of payments for families with incomes between the level and $6,920 (above that level the Secretary of HEW would set fees). The language of the Senate bill was modified to give a little more role to the states and rule out communities with less than 5,000 people as prime sponsors.

The bill now moves back to the two floors where it may encounter Republican opposition especially in the House, Republican unease is related not to cost, but to the bypassing of the states. If the bill passes, there is still the possibility of a veto, although it would surely be politically costly for the President, who has put such personal stress on the dignity of work, to veto a bill which promises to make work possible for millions of women and better the lives of children into the bargain.

Strident right-wing oppositions to the bill has developed on the grounds that "child development" sounds like a 1984 attempt of the state to take over the role of the family. This criticism is pretty farfetched since partipation would be entirely voluntary and the bill gives parents much more control over the new programs than they have over present public schools.

Criticism of the administrative mechanism has more substance—having all those "prime sponsors" deal directly with Washington hardly seems like an ideal administrative set-up. Unfortunately, however, state administration, especially in the Deep South, has so often proved insensitive to the needs of poor and minority children that direct funding may be necessary—at least for a few years.

To the criticism that these programs will be costly in the long-run there is no answer, except "yes." The bill to be voted on authorizes spending $2 billion a year for two years on the assumption that participation in the programs will be far from universal, a reasonable assumption in view of difficulty of organizing and staffing good programs quickly. In the longer run, however, it just has to be recognized that providing first-rate services to preschool children and adding after-school activities for older children is going to be expensive—$10 billion a year could be spent easily. The cost to the taxpayer can be reduced if middle and upper-income people pay fees, but these fees cannot rise too steeply as income rises without reducing incentives to earn more income. (The effect is the same as a high income tax rate.) In the long run, there will be no cheap way to do a good job. If the Child Development Bill becomes law there will at least be a hope that federal funds for day care will be spent primarily to meet the needs of children, not just to keep them busy while their mothers work.

Mr. TOWER. Mr. President, I am strongly opposed to the conference report on S. 2007. This bill seeks to extend the authority of the Office of Economic Opportunity for 2 more years and, in addition, establish a comprehensive child development program and a National Legal Services Corporation. While the conference committee did accomplish some minor improvements in the measure, particularly under the Legal Services title, I remain opposed to this bill.

My major objections revolve around the following sections in the conference report: The earmarking provisions for current OEO programs, the provision which would prohibit the Director of OEO from delegating programs and projects to other agencies within the Federal Government without prior approval of Congress, and the title authorizing the comprehensive child development program.

These are basically the same objections I stated in opposing S. 2007 when it passed the Senate on September 9.

The earmarking provisions and the prohibition placed on the Director of OEO negate both the true purpose of the Office of Economic Opportunity and President Nixon's positive steps to reform the war on poverty agency. In my remarks during consideration of the Senate version of this bill I made the following statement concerning these restrictive provisions:

> This bill, S. 2007, intends to eliminate the research and development functions of the Office of Economic Opportunity and give that agency direct program responsibility. There is no rationale for expanding the role of a governmental agency that will work in direct competition with other branches of the Federal bureaucracy.

The taxpayer's money, spent for whatever purpose and for whomever's benefit, is wasted if it is not spent and administered in a logical manner. If the purposes of the Office of Economic Opportunity are to be primarily of a policymaking nature, the agency should be abolished and its resources should be transferred to the Department of Health, Education, and Welfare, and other agencies that have major responsibility in this area of service. This bill dramatically reduces the unique characteristics of OEO and for that reason alone should be defeated.

Furthermore, Mr. President, I am extremely concerned about the title V of the bill establishing a comprehensive child development program. I do not believe the proponents of this bill have proven beyond a reasonable doubt the essential need of adopting this far-reaching proposal.

I do not believe that the Senate has had ample opportunity to consider the purposes and ramifications of the child development program. The objectives and limits of the program have not been conclusively defined. Besides the simple fact that the child development program will not be administered by the Office of Economic Opportunity, and therefore us, should be considered on its own merit and not as part of the pending bill before us, I have some very real objections to both the announced and inferred purposes of the program.

Mr. President, this Nation has embarked upon a concrete program to stimulate the economy and deter the inflationary pattern that has plagued all Americans over the past few years. Now the Congress is seriously considering a proposal to authorize $2 billion for fiscal year 1973 to establish a program that seeks to enlarge the Federal Government's role in a dramatic manner in the field of child rearing. It must be understood that this bill is not intended to simply provide services to children of welfare recipients so that the recipient can be free to seek employment. There are really no limits to this proposal. Conceivably, any American child can be enrolled in the program.

Therefore, we must ask ourselves what really is the purpose of this proposal. It is obviously not intended to provide employment opportunities for welfare recipients or it would be restricted to those individuals. It must be presumed, therefore, that the major objective of the proposal is to drastically alter the manner in which American children have traditionally been raised. I firmly believe that the traditional American approach to child rearing is the best and for this reason I feel that the passage of this proposal should be rejected. Furthermore, the conference committee on the Revenue Act of 1971 has agreed to the Senate amendment granting tax credits for family income spent on day care services. I supported this amendment and believe it alone will go a long way toward providing those types of services needed by a great number of American families.

In considering this proposal, I believe that the nature of American Government must be closely analyzed. Are we as a people ready to allow the Federal Government to assume a primary role in influencing the thoughts and habits of our children? This question should be answered in the negative.

I am well aware of the provisions in the bill to assure voluntary participation in the child development program as well as the acknowledgement that parents will have some role in developing policies. I supported amendments offered by the distinguished Senator from New York (Mr. BUCKLEY) to insure that the program would be completely voluntary. Yet, I remain firmly convinced that the potential harm of the proposal is limitless. Oftentimes, as we only too well know, well-intentioned programs can get out of control and the result can be chaos.

I am ready to support a well constructed proposal to assist welfare recipients in availing themselves of day care services for their children so that the recipients can seek employment and better their entire family. I am not, however, ready to support a proposal which has as its objectives a set of ill-defined principles that seem totally alien to traditional American values. The child development program is a complete waste of public funds. Perhaps even more important, however, is the fact that this proposal would provide a means for Federal Government intervention in an area that is possibly the fundamental keystone of the American way of life.

Mr. President, the entire OEO bill should be defeated, and sent back to both Houses of Congress for further consideration. Should the bill be passed in its current form I will urge the President to veto it. There is little doubt in my mind that the President himself recognizes the flaws in the bill I have herein outlined and will exercise his constitutional privilege and send the bill back to the Congress for further consideration.

CHILD DEVELOPMENT PROGRAM MUST BE ENACTED

Mr. HUMPHREY. Mr. President, after several weeks of work, the Senate and House conferees have reached agreement on S. 2007, providing for a 2-year exten-

sion of economic opportunity programs, and establishing a comprehensive child development and day care services program and a new Legal Services Corporation.

I urge my colleagues to give this conference report their complete and vigorous support.

I am aware that controversy has centered on the child development provisions in this bill.

No one can effectively dispute the need for such a program. But the administration has taken, as usual, a short-sighted view and has wanted to concern itself only with the needs of welfare mothers.

Certainly quality day care services are critically needed for the children of the poor. But they are also desperately needed for millions of other children in middle-income families where both parents work or where the mother is the head of the household and provides for the family's complete support.

And these families would be able to participate in the child development program through the payment of a modest fee on a sliding scale.

In days gone by, grandmothers, aunts and cousins could be called upon for this type of care. But the pattern of living in our country has radically changed. Our people are more mobile and seldom live their entire lives near their families.

And along with this increasing mobility has come a radical change in family working patterns.

Growing numbers of women no longer want to choose between a career and marriage. They are prepared for both—and they want both. But they need day care services which will permit them to do so without sacrificing the needs of their children.

Just how many mothers are working today? The figure now exceeds 12 million, an increase of 800 percent in the last 30 years.

And one-third of all mothers with children under the age of 6, some 4½ million, are part of this labor force.

This means that there are 6 million preschool children in need of developmental day-care services while their mothers are out of the home.

Yet there are less than 700,000 licensed day-care opportunities available.

And, in the public debate on the child care provisions in this measure, we must not lose sight of the inestimable value of preschool training and early developmental experiences in the lives of our Nation's children.

Such opportunity for early stimulation and help can eliminate many of the later problems which cripple and hamper the progress of untold numbers of children when they enter the public school system at age 6.

Disadvantaged and handicapped children would especially benefit from this early attention.

I realize that many of my colleagues have been bombarded with mail from extremist groups in this country who are trying to stir opposition through scare tactics which have no basis in fact.

Some have insisted that a child care program will destroy parental authority—that "child care" will become "child control."

This argument is made despite the fact that the legislation provides for parents themselves to serve on the local bodies which will establish developmental day-care programs in the various communities.

In desperation they have even labeled the program anti-American and communistic.

This disgraceful effort to mislead the Nation is discussed at length in an article in yesterday's Washington Daily News, which I shall request be included at the conclusion of my remarks.

However, I have faith in the good sense of the Congress and the American people. I do not think that these scare tactics will result in defeating a program which will offer our Nation's children the opportunity for development and training that a prosperous and deeply concerned Nation is able to provide.

I believe it is well for our President also to reflect on this great national need. I remind him once again that in his campaign for the presidency, he promised our citizens that every child would have the best education that our wisdom and schools could provide and an equal chance to go just as high as his talents would take him.

Let him now live up to that promise by stating without reservation his support for this historic legislation that can inaugurate a major program to provide our children with the comprehensive development opportunities and quality day care services they need and deserve.

Mr. President, I ask unanimous consent that the article, entitled "Child-Care Aid in a Squeeze," by William Steif, and appearing in the November 29, 1971, issue of the Washington Daily News, be included in the RECORD.

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

CHILD-CARE AID IN A SQUEEZE

(By William Steif)

A growing right-wing uproar is threatening to kill proposed child-care legislation aimed at aiding low-income families and at preparing the way for President Nixon's welfare reform program.

This assault seeks to brand the proposed child-care program as a "child control" plan. It has come in the form of attacks in right-ist publications, letters to congressmen and government officials and formation of a new organization to fight the bill.

The attack has coincided with strong administration opposition to one feature of the bill, which might lead to a presidential veto.

Elliot Richardson, secretary of Health, Education and Welfare, has written to Democratic sponsors complaining that the bill, by requiring local rather than state control of health-care centers and giving HEW no "flexibility" to administer the program, would result in chaos.

The $1.5 billion child-care measure is one section of a routine bill to authorize extension of the Office of Economic Opportunity. In the Senate, it was drafted primarily by Sen. Walter Mondale, D-Minn. In the House, Rep. John Brademas, D-Ind., was the main sponsor.

CONFERENCE ACCORD

After Senate passage of the OEO bill Sept. 9 and House passage of its OEO version Sept. 30, a conference committee ironed out their differences and came up with child care legislation that would authorize:

A new system of child development centers that would be named by locally elected officials and half would be picked from among the parents served.

$100 million in the current fiscal year for planning the new system and $1.4 billion in fiscal 1973 to put it into effect.

Free child care to children of families with incomes of $4,320 or less a year.

Relatively small fees for child care for families with annual incomes between $4,320 and $6,960 (at $5,916 income, for example, the fee would be $159.60).

Fees set by the HEW secretary for parents with incomes above $6,960 yearly.

A fund distribution formula under which half the money would be allocated for poor children up to age 14, a quarter for preschool children, and a quarter for children of single-parent families.

HILL ACTION THIS WEEK

The conference committee's report is to be filed today with the Senate scheduled to act tomorrow or Wednesday, and the House on Thursday.

Senate approval seems assured. But Democratic supporters of the proposed compromise said they need up to 50 Republican votes in the House for passage. They doubt they can produce them because:

The chief GOP conferees in the House, Reps. Albert Quie, Minn., William Steiger, Wis., and John Dellenback, Ore., have refused to sign the conference report, thus advising other Republicans to oppose the compromise.

HEW Secretary Richardson wrote Sen. Gaylord Nelson, D-Wis., chairman of the subcommittee which drafted the Senate measure, that "too little flexibility" is permitted HEW in the bill, with the result that the States are virtually shut out of child-care programs.

White House lobbyists on Capitol Hill are telling congressmen they'd rather have the House kill the bill than have Mr. Nixon bear the onus of vetoing it.

Overhanging all this is the right-wing attack, first signaled in mid-September by "Human Events," a weekly published here.

CALLED "ORWELLIAN"

As soon as the Senate passed its OEO bill, the right-wing weekly headlined, "Big Brother Wants Your Children," and called the Senate bill "a sweeping new social engineering scheme . . . potentially as revolutionary as (Mr. Nixon's) Family Assistance Plan." It assailed the measure as "Orwellian"—a reference to George Orwell's novel, "1984."

Other right-wing publications took up the cry. After the House passed its OEO bill, "Human Events" headlined on page one:

"Nixon Must Veto Child Control Law."

A two-page blast followed. Readers were "urged to write the President to kill this extremely radical proposal." A boxscore reported how every House member voted on the key vote. And a separate table reported that 81 "renegade Republicans . . . went along with the final liberal-backed OEO measure."

The "Human Events" story said "the measure threatens to destroy parental authority," raises "the specter of compulsion," and would "remove the education and training of children from the home and the church and turn it over to an agency of the federal government."

OTHERS JOIN ATTACK

Alan Stang, a John Birch society speaker, began assailing the bill.

James J. Kilpatrick, a conservative columnist, said the bill would have to be considered "in the context of a Sovietized society, in which children are regarded as wards of the state and raised in state-controlled communes."

Rep. John Rarick, D-La., picked up the attack in the House, calling the bill "a government threat to the right of parents to rear their children."

An "Emergency Committee for Children" was formed here to oppose the bill, with its letterhead address "Suite 206, 422 First-st. se, Washington."

The committee's address is the office of the American Conservative Union, a floor below the "Human Events" office in a Capitol Hill building owned by "Human Events." The committee is run by Dan Joy, a former worker for Young Americans for Freedom, another rightwing group.

The committee letterhead includes broadcaster Fulton Lewis III, Author Russell Kirk, Indianapolis newspaper editor Stanton Evans, Indiana Youth Council Director Robert Galm, and columnist George Crane.

The committee's report on the child care bill repeats the charges that it is "Orwellian," will "undermine the basic unit of society, the family," and seeks "mind-control" by "Sovietizing . . . a crop of programmed citizens."

PREDICTABLE RESULTS

The result of such right-wing attacks has been predictable:

Last week, one high HEW official acknowledged, HEW got "several thousand" letters against the child-care bill, mostly forwarded from the White House. Mail also is pouring into congressional offices.

For example, Mrs. Leonard Saunders, of Watertown, Wis., wrote Sen. Nelson and asked him to oppose the bill because "it is anti-Biblical, anti-American and pro-communistic."

Doris Taylor, of Firth, Neb., wrote Rep. William Keating, R-Ohio, that the bill represented "a potential threat to American society," and Mr. and Mrs. Paul O'Leary, of Cincinnati, said it would bring "total control of our children." A Kansan wrote, "this is only going to widen the path for communism in our country."

ANSWERS CRITICS

Sen. Nelson replied to such attacks this way:

The bill has been endorsed by the U.S. Catholic Conference, National Council of Churches, National Education Association, Conference of Mayors, League of Women Voters, National League of Cities, and National Association for Retarded Children.

"A spirited campaign has been launched against the bill based on misleading information."

No services may be offered children under the bill without "the full consent and involvement of parent or legal guardians."

"Programs will be completely designed, operated and controlled at the community level with parents of children enrolled . . . holding the principal responsibility."

"Especially absurd are charges . . . that there is something 'communistic' about such legislation. On Aug. 11, 1969, President Nixon requested authority to provide child care for 45,000 children, primarily to make it possible for people on welfare to be trained and employed in productive jobs."

But so far, at least, the thunder on the right seems to be drowning out the sponsors of the child-care legislation.

Mr. CHILES. Mr. President, I support the concept of child care support and feel that this concept must be implemented and funded adequately if we are to ever break the vicious welfare cycle. However I strongly disagree with the version contained in this conference report. The report would have the Federal Government bureaucracy bypassing the States in an attempt to deliver these services to people. Again, it would enlarge the Federal bureaucracy and keep the control center of these programs here in Washington. It is my feeling that this approach is defeating the very thing that we all want to do and that is to allow our States and local governments to be innovative in their delivery of these services.

I am not against extending the funding of the Office of Economic Opportunity and I know that the report is going to be adopted but as I strongly feel this is the wrong direction for effective child care support, therefore I intend to vote against the conference report.

Mr. KENNEDY. Mr. President, I join with the other Senate conferees on S. 2007, the bill to extend the Office of Economic Opportunity, in recommending adoption of the conference report.

I believe the conferees have struggled mightily in behalf of the Senate position and the conference report reflects considerable success and Senators NELSON, MONDALE, and CRANSTON should be particularly commended for their work along with Senators HUGHES, STEVENSON, RANDOLPH, TAFT, JAVITS, SCHWEIKER, DOMINICK, and BEALL.

Several areas justify particular attention. First, the conference agreed to expand the special impact program agreeing to the legislation submitted by Senator JAVITS and myself to establish a new title VII to stimulate urban and rural community economic development; second, the conference agreed on establishing a National Legal Services Corporation to assure the independence and continuation of legal services for the poor; third, the conference agreed on nationwide child development and care program for children of both low- and middle-income families; and finally, the conference agreed to a five-fold increase in neighborhood youth corps programs to alleviate some of the effects of the current unemployment crisis.

The decision by the conference to include the Senate authorized figures of $60 million for fiscal year 1972 and $120 million for fiscal year 1973 for title VII, the new economic community development title, demonstrate a congressional determination that inner cities and rural areas must not become economic wastelands.

A Federal commitment and Federal resources to back up that commitment must be made for both inner city and rural economic development. Enactment of the current title VII, with the increased levels of authorizations, represents a step in that direction.

House conferees were in agreement that this measure is vitally needed if we are to meet the demonstrated need from the Nation's cities and rural areas.

The National Legal Services Corporation soon will become a reality and hopefully the appointees to the governing board of directors will continue the leadership in providing legal services for the poor which has been demonstrated in the past by the OEO legal services program.

The child development program which passed the Senate has been adopted by the House with some modifications. However, the essential elements of the Senate-passed measure have been retained.

Senator MONDALE deserves special mention for his work in this area as chairman of the Subcommittee on Children and Youth and for his leadership in developing this legislation.

For the first year some $500 million is authorized to continue the Head-start programs while the transition is made to a full nationwide child care program. In fiscal year 1973, $2 billion is authorized to carry out this program, which seeks to provide "a full range of health, education, and social services . . . essential to the achievement of the full potential of the Nation's children . . ."

Also, the conferees agreed that the current level of unemployment makes essential an expansion of the neighborhood youth corps program to provide for 100,000 new jobs for young men and women.

In other new programs, the conference adopted a community design program, a year-long recreation program, and environmental action program, and a rural housing loan program.

In its actions, the conference expressed a congressional determination to continue the Federal commitment to end poverty in this Nation and to maintain the Office of Economic Opportunity as a focal point in that effort.

Mr. DOMINICK and Mr. NELSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. WEICKER. Mr. President, on this vote I have a live pair with the junior Senator from Tennessee (Mr. BROCK). If he were present and voting, he would vote "nay." I voted "yea." I withdraw my vote.

Mr. GRIFFIN. Mr. President, on this vote I have a live pair with the junior Senator from New York (Mr. BUCKLEY). If he were present and voting, he would vote "nay." I have voted "yea." I withdraw my vote.

Mr. STEVENS. Mr. President, on this vote I have a live pair with the Senator from Ohio (Mr. TAFT). If he were present and voting, he would vote "nay." I have voted "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON),

the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

On this vote, the Senator from South Dakota (Mr. MCGOVERN) is paired with the Senator from North Carolina (Mr. ERVIN).

If present and voting, the Senator from South Dakota would vote "yea" and the Senator from North Carolina would vote "nay."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), and the Senator from North Carolina (Mr. JORDAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

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

The respective pairs of the Senator from Tennessee (Mr. BROCK), that of the Senator from New York (Mr. BUCKLEY), and that of the Senator from Ohio (Mr. TAFT) have been previously announced.

The result was announced—yeas 63, nays 17, as follows:

[No. 430 Leg.]

YEAS—63

Aiken	Gravel	Moss
Allott	Harris	Nelson
Bayh	Hart	Packwood
Beall	Hatfield	Pastore
Bellmon	Hollings	Pearson
Bentsen	Hughes	Pell
Bible	Humphrey	Percy
Boggs	Inouye	Proxmire
Brooke	Javits	Randolph
Burdick	Jordan, Idaho	Ribicoff
Cannon	Kennedy	Schweiker
Case	Magnuson	Scott
Church	Mansfield	Smith
Cook	Mathias	Sparkman
Cooper	McClellan	Spong
Cranston	McGee	Stafford
Dole	McIntyre	Stevenson
Eagleton	Metcalf	Symington
Ellender	Miller	Tunney
Fong	Mondale	Williams
Fulbright	Montoya	Young

NAYS—17

Allen	Dominick	Roth
Byrd, Va.	Eastland	Stennis
Byrd, W. Va.	Fannin	Talmadge
Chiles	Gurney	Thurmond
Cotton	Hansen	Tower
Curtis	Hruska	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Griffin, for.
Stevens, for.
Weicker, for.

NOT VOTING—17

Anderson	Gambrell	McGovern
Baker	Goldwater	Mundt
Bennett	Hartke	Muskie
Brock	Jackson	Saxbe
Buckley	Jordan, N.C.	Taft
Ervin	Long	

So the conference report was agreed to.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, notwithstanding the fact that the next order of business is to be laid before the Senate automatically, I ask unanimous consent that the Senate go into executive session to consider nominations reported earlier in the day by the Committee on the Judiciary.

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

Mr. MANSFIELD. 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. 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. The clerk will state the nominations.

U.S. COURTS

The assistant legislative clerk read the following nominations, which had been reported earlier in the day by the Committee on the Judiciary:

Morell E. Sharp, of Washington, to be a U.S. district judge for the western district of Washington;

Charles B. Renfrew, of California, to be a U.S. district judge for the northern district of California;

Anthony A. Alaimo, of Georgia, to be a U.S. district judge for the southern district of Georgia;

Philip W. Tone, of Illinois, to be a U.S. district judge for the northern district of Illinois;

Robert L. Kinzig, of Pennsylvania, to be an associate judge of the U.S. Court of Claims.

Shiro Kashiwa, of Hawaii, to be an associate judge of the U.S. Court of Claims; and

Joseph L. Tauro, of Massachusetts, to be U.S. attorney for the district of Massachusetts.

The PRESIDING OFFICER. Without objection, the nominations are confirmed.

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

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Jones, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. CHILES) laid before the Senate a message from the President of the United States submitting the nomination of Richard A. Dier, of Nebraska, to be a U.S. district judge for the district of Nebraska, which was referred to the Committee on the Judiciary.

LEGISLATIVE SESSION

Mr. MANSFIELD. I ask unanimous consent that the Senate return to the consideration of legislative business.

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

TRIBUTE TO SENATOR SPARKMAN AND OTHER SENATORS ON PASSAGE OF PHASE II

Mr. MANSFIELD. Mr. President, with the passage yesterday of the extension of the Economic Stabilization Act—popularly known as phase II—the Senate has demonstrated once again its total cooperation in all efforts designed to get this Nation back on its economic feet. Guiding this very important measure through to passage, the distinguished and able chairman of the Senate Banking Committee (Mr. SPARKMAN) has once again exhibited his immense legislative skill. It is very difficult, to say the least, to undertake such a complex measure, but that did not impede the Senate's efforts. It was because of JOHN SPARKMAN's great knowledge and understanding that the Senate acted so efficiently. The administration, the leadership and the entire Senate should express special gratitude to the chairman and the committee for their splendid work on this high-priority bill.

We are indebted, as well, to the ranking minority member of the Senate Banking Committee, Senator TOWER, for the able assistance and expertise he brought to bear on this measure both in committee and in Senate deliberations. The distinguished Senator from Texas has time and again demonstrated his knowledge of and familiarity with the more complex aspects of the economic issues which frequently face the Senate. He contributed greatly to the high quality of debate and the expeditious manner in which the extension was handled. I wish to thank him on behalf of the Senate.

Through his thoughtful contributions, the able Senator from Wisconsin (Mr. PROXMIRE) many times during the debate exhibited his grasp and understanding of the problems which confront this Nation. Joining, too, in making meaningful suggestions was the distinguished Senator from California (Mr. CRANSTON). In offering various amendments to the measure, he contributed greatly to the overall bipartisan effort made on the issue. Joining also in his usual cooperative spirit to improve and enlighten was the senior Senator from New York (Mr. JAVITS). His quick grasp of the vast problems involved in legislation of this kind helped greatly in moving the measure along to final passage.

Equally important contributions were made by a number of other concerned Members of this body. The distinguished Senators from Texas (Mr. BENTSEN), from Oklahoma (Mr. HARRIS), from Montana (Mr. METCALF), from New Mexico (Mr. MONTOYA), and from Wisconsin (Mr. NELSON) all added their energy and expertise to the discussion. We are grateful to each of them.

May I say that I appreciate the close attention given this bill. The Senate put

in 2½ very full, hard-working days on it and the leadership is grateful to the entire Senate.

WHOLESOME FISH AND FISHERY PRODUCTS ACT OF 1971

The PRESIDING OFFICER (Mr. CHILES). In accordance with the previous order the Chair lays before the Senate S. 2824, which the clerk will state by title.

The assistant legislative clerk read as follows:

A 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.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

On this bill, there is a time limitation of 3 hours, with 30 minutes for each amendment.

Who yields time?

Mr. PASTORE. Mr. President, may we have order? We would like to hear what the speakers say.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HART. Mr. President, the presentation from the committee will, I think, be rather brief. It is my understanding that two amendments may be offered. I inquire whether this is correct, simply to give Senators an indication of what sort of scheduling they might expect tonight.

Mr. COTTON. Mr. President, may I yield myself 3 minutes?

Mr. HART. Yes.

Mr. COTTON. Make it 5 minutes, on the bill.

Mr. President, to my knowledge, three amendments will be offered. On the first one, I shall ask for the yeas and nays. On the second one, I simply want to offer the amendment and get it in the RECORD, so that it may be understood, and I will only ask for a voice vote. The third one is simply to put in an appropriation authorization ceiling.

The bill in its present form is an open-end authorization. The important amendment I intend to offer would change the cost of the bill. If the amendment is rejected, the cost would be much larger than the cost would be if the amendment is adopted. So I have simply prepared a third amendment in two forms, depending on whether my amendment should be accepted or rejected. It simply places a ceiling on the appropriation authorization so that it will not be open-ended. In view of the fact that it is based on the cost estimates of the committee, I would not expect that it would be objected to seriously.

Does that answer your question?

Mr. HART. I think we all have a little better understanding now.

Mr. COTTON. May I take 2 minutes more, if the Senator will permit me to do so? I am bringing this up simply to inform my colleagues on this side of the aisle—particularly members of the committee—that a young lady who I understand is an intern, working for the majority staff of the committee, has been telephoning to Senators, lobbying against my amendment. She was instructed to telephone only Senators on the majority side who might oppose it. But, she misunderstood her instructions, and she has been calling the Republican Senators, representing herself to be speaking for the Committee on Commerce and speaking against my amendments.

I want to make it clear that I am not even suggesting that there was any intent either on the part of my good colleagues on the majority side on the committee or by the members of the staff to mislead anybody. The young lady, who is only an intern, misunderstood her instructions. But, I have had calls to the office from many of my colleagues wanting to know why a representative of the committee was lobbying against my amendments, what the amendments would do, what was wrong with it, and so forth. I merely wanted to clarify this incident for my colleagues.

I will be glad now to reserve my time and let the Senator from Michigan proceed.

The PRESIDING OFFICER. Who yields time?

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

Mr. HART. Perhaps it would be helpful if I made a very brief explanation of the bill.

Mr. STEVENS. Two amendments were mentioned. There are three amendments.

Mr. COTTON. The last amendment has been prepared in alternative forms, as I mentioned. It is simply to prevent its being an open-end appropriation authorization, and it will be sent to the desk. I could not have them printed because they depend on whether my main amendment, No. 718, is adopted or rejected.

Mr. STEVENS. That was the purpose of my question. I understood the Senator from Michigan also had an amendment.

Mr. HART. Mr. President, the Senator from Michigan does not have an amendment, but I did inquire as to whether our understanding was correct that there would be two amendments. I made the inquiry so that those who had a time problem might make some estimate as to how long we would be here.

I yield myself 5 minutes.

Mr. President, the pending bill seeks to close one of the real gaps that exist among our collection of consumer protection laws. It seeks to provide inspection of fish and fishery products on a mandatory basis. Few would argue that additional legislation in this area is unnecessary. In spite of that, permit me a few brief comments on some of the conditions that exist that make the passage of this legislation of the utmost importance.

Of the three primary sources of protein in the diet of the American consumer—red meat, poultry and fish—only fish is not required to be inspected under a specific mandate of Congress. The Wholesome Meat Act was passed in 1906 and the Wholesome Poultry Products Act in 1957. To be sure, Americans consume less fish than they do poultry or meat. Yet approximately 2 billion pounds of fish and fishery products are consumed each year by Americans without the assurance that these products are inspected to insure wholesomeness on a par with poultry or meat.

Fish and fishery products present different types of problems than red meat and poultry. Red meat and poultry are capable of transmitting disease directly to human beings while fish—being cold-blooded animals—cannot. Fish and fishery products, however, are susceptible to contamination during handling and processing because they offer an excellent medium for bacterial growth. While outbreaks of poisoning from bacterial growth are rare, several have occurred in the recent past. During hearings on the legislation, the Food and Drug Administration cited several recent outbreaks which have occurred as a result of the bacterial contamination of fish. These outbreaks are largely preventable and are indicative of the need for the greater degree of protection to insure adequate processing conditions, proper equipment, and adequate quality control. While the fishing industry undoubtedly has made gains to correct many of the deficiencies, self-regulation itself will not suffice to meet the needs and bolster the confidence of consumers in fishery products.

The Federal Food, Drug and Cosmetic Act now contains general authority for the Food and Drug Administration to regulate unwholesome food. While this authority certainly is useful it does lack many essential enforcement tools and specific mandates which are included in the legislation under consideration. For example, the authority administratively to seize and condemn adulterated products and to inspect and regulate intrastate plants is lacking. One of the most glaring deficiencies is the lack of a requirement to inspect plants at specified levels. As an indication of the inadequacy of the current program, Commissioner Charles Edwards of the Food and Drug Administration testified before the Subcommittee on the Environment on May 20 that only about one-third of the 2,200 interstate establishments are now inspected annually and then only on a modest basis. It is a major purpose of S. 2824 to correct this deficiency.

Aside from the benefits that would accrue to the public health as a result of this legislation, one of the greatest benefits will be to bolster the confidence of consumers in the fish and fishery products he consumes. The fishing industry in this country is in need of help. Consumer confidence in fish has not kept pace with confidence that exists with red meat and poultry both of which are inspected under specific inspection programs. Per capita consumption of fish and fishery products has risen 6.5 percent in the last 10 years. However, red meat and poultry consumption has risen 15.2 percent and 32 percent, respectively. The fishing industry stands to gain considerably from increased demand for fish products.

Further reductions in consumer confidence in fish have undoubtedly resulted from the presence of dangerous materials in fish. The best known of these problems is the contamination of fish by mercury. The presence of mercury in fish certainly contributes to the consumer's reluctance to buy and consume fish. Of course, the problem of hazardous materials contamination is not restricted to fish and is present in other foods as well. The recent discoveries of PCB's in poultry products and the long-standing problem of DDT in a variety of foods is of concern and is treated in the legislation.

Fish inspection legislation was first introduction in the Senate in 1966. Hearings were held in the 90th, the 91st, and now in the 92d Congress. After lengthy discussion in executive session the Committee on Commerce reported S. 2824 on November 8, 1971. S. 2824 is a clean bill that was reported by the committee in lieu of S. 296, S. 700, and S. 1258.

Mr. President, it is my hope that the Senate will see fit to move ahead today.

AMENDMENT NO. 718

Mr. COTTON. Mr. President, I call up my amendment No. 718 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and I will explain it.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed as requested.

The text of the amendment is as follows:

On page 5 strike lines 3–12 inclusive and insert in lieu thereof the following: "(hh) the term 'continuous inspection' means the application of inspection by a full-time inspector."

On page 11, line 10, immediately after "Secretary" insert a period, strike all thereafter through "standards." appearing on line 16 and insert in lieu thereof the following:

"The application therefor shall be accompanied by such assurance as may be required by regulations that the establishment or vessel will be maintained in compliance with applicable standards. No such certificate shall be issued for any establishment unless the Secretary, on the basis of such application and of an intensive inspection made after the issuance of regulations pursuant to subsection (a), determines that there is satisfactory assurance that the establishment is adequately equipped, staffed, and managed to conform to the standards issued pursuant to subsection (a) and that fish and fishery products processed by it, including the labeling and packaging thereof, will in all respects comply with the requirements of this Act."

On page 13, lines 6–12, inclusive, strike all through "commerce." appearing on line 12 and insert in lieu thereof the following:

"SURVEILLANCE, INCLUDING INSPECTION

"(d) For the purpose of preventing the introduction or use in interstate commerce of fish or fishery products which are adulterated or misbranded, the Secretary shall, in accordance with the most modern public health and food protection practice, establish and maintain continuous and effective surveillance of all segments of the industries involved. As a part thereof, the Secretary shall, through inspectors, cause to be made such inspections, including continuous inspection whenever deemed necessary by him, of establishments and vessels as in his judgment will reasonably assure continuing compliance with, and will most effectively achieve, the purposes of this subpart and of this Act. In determining from time to time the appropriate degree (including continuity or frequency) of such inspections to be applied in any establishment or vessel, the Secretary shall, among other relevant factors, consider the results of the intensive inspection required for certification under subsection (b) and any other relevant experience or information (whether obtained through inspection or otherwise), relating to such establishment or vessel or to fish or fishery products processed by it."

On page 14, line 23, strike "The cost of inspection" and insert in lieu thereof "The cost of any inspection, including any continuous inspection,".

On page 17, line 10, strike "inspection" and insert in lieu thereof "surveillance and inspection".

On page 44 strike line 15 and insert in lieu thereof "(b) Compliance with".

On page 44, line 19, immediately after "products" insert the following: ", including any continuous inspection that may be established thereunder,".

Mr. COTTON. Mr. President, amendment No. 718 which I have called up is one which presents a very simple yet basic issue. It is an issue which has been present before the Committee on Commerce throughout its deliberations over legislation similar to S. 2824, providing for the beginning—and I repeat beginning—program of inspection for fish and fishery products. That issue, Mr. President, is the level of inspection to be required for establishments processing fish and fishery products for this initial Federal mandatory inspection program.

S. 2824 would provide that the level of inspection be "continuous inspection." These terms—"continuous inspection"—are defined to mean the following under this bill:

Inspection by an inspector at least once daily while processing or at such less frequent intervals as may be prescribed by the Secretary where he determines that daily inspection cannot reasonably be provided because of illness, weather, geographical remoteness, the seasonal nature of processing operations, or other extreme conditions beyond control. As a part of such inspection, the Secretary may further require, at his discretion, that an inspector be on duty at all times during which the processor is operating.

Amendment No. 718, which I now propose, would provide for "continuous and effective surveillance" coupled with true "continuous inspection" whenever deemed necessary by the Secretary of Health, Education, and Welfare. In this connection, I hasten to point out that the level of inspection proposed in my amendment No. 718 is not only identical to that contained in the administration bill, S. 700, but is also similar to the level proposed in section 11 of the bill, S. 296, introduced by the distinguished Senator from Massachusetts (Mr. KENNEDY). That provision provides, in part, for—

Inspection and reinspection by *sampling or other methods* by the Secretary at any time when processed for introduction into commerce. (Emphasis supplied).

Mr. President, I believe that the level of inspection proposed in my amendment No. 718 is far superior to that advanced in S. 2824 for several reasons.

First, my amendment proposes a level of inspection which is commensurate with the characteristics of the industry to be regulated and the scope of the proposed initial inspection program. In this connection, my colleague in the Senate should be mindful of the fact that S. 2824 proposes for the first time a mandatory Federal inspection program covering more than 4,000 domestic establishments processing fish and fishery products—2,200 interstate establishments and 2,000 operating solely in intrastate commerce. It also would affect the level of inspection to be monitored by the Secretary of Health, Education, and Welfare at approximately 6,300 foreign processing establishments. Additionally, there would be a certification requirement imposed upon an estimated 80,000 U.S. fishing vessels and untold numbers of foreign fishing vessels. It, therefore, is an inspection and certification program of tremendous magnitude.

Second, my amendment would propose a level of inspection which would provide a maximum cost-benefit ratio. The estimated cost to the Federal Government for inspection of processing establishments under my amendment, taking into account the foreign inspection of section 7 of S. 2824, would be on the order of $94 million as compared with almost $150 million under the bill as now written. Thus, my amendment could result in slightly more than a 37-percent reduction in the estimated cost to the Federal Government.

Third, my amendment recognizes that approximately 60 percent of our fish and fishery products come from foreign sources, none of which, according to some knowledgeable sources, would be able to meet the requirement that they have a system of inspection "at least equal to" the level of continuous inspection provided for in S. 2824. Therefore, unless my amendment is adopted, we could unwittingly be imposing an artificial trade barrier resulting in the American consumer paying an even higher price for such products.

Fourth, unless the Senate adopts my amendment, it could very well provide a level of inspection which could have the untoward result of furnishing a "loophole" in the law. "Continuous inspection" under S. 2824 means inspection by an inspector at least once daily while processing or at such less frequent intervals as may be prescribed by the Secretary of HEW under certain exceptions provided for in the bill. Thus, the clear reading of the language of the bill would seem to mean that once a processing establishment had its daily inspection, it need not be concerned to adhere to good processing practices safe in the knowledge that it has been subjected to its inspection "at least once daily." Under my proposal, however, the same processing plant would have no knowledge of when it might be subject to surveillance and this could be once daily or more often if the Secretary of HEW deemed necessary, including true continuous inspection which, under my amendment, would be the application

of inspection by a "full-time inspector."

Fifth and last, Mr. President, I believe that my amendment No. 718 provides a much more straightforward and honest approach to this problem. It certainly does not carry with it the misleading connotations to the average consumer as does "continuous inspection" as defined in this particular bill rendering it subject to certain vague exceptions such as illness, weather, geographical remoteness, the seasonal nature of process operations, or other extreme conditions beyond control. For example, whose control, Mr. President? The Secretary of HEW? The processing establishments? In other words, with such vagueness I frankly fear that we may be selling the consumer a bill of goods.

In summary, Mr. President, I believe that my amendment No. 718 offers a superior approach for the following reasons:

First, it is commensurate with the characteristics of the industry to be regulated and the scope of the inspection program proposed at this time;

Second, it promises to provide maximum benefit at minimum cost to the American consumer in his role as a taxpayer;

Third, it takes into account the impact of this legislation upon foreign establishments processing fish and fishery products;

Fourth, it avoids a probable loophole in the law; and

Fifth, it is a more straightforward and honest approach to a demonstrated need which can be readily comprehended by the American consumer.

Mr. President, for all of these reasons I urge my colleagues in the Senate to act favorably on my pending amendment No. 718.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter written to me on November 19, 1971, by Lee J. Weddig, executive director of the National Fisheries Institute, Inc., Washington, D.C.

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

NATIONAL FISHERIES INSTITUTE, INC.,
Washington, D.C., November 19, 1971.

Hon. NORRIS COTTON,
U.S. Senate Committee on Commerce, New Senate Office Building, Washington, D.C.

DEAR SENATOR COTTON: This letter is directed to you in response to questions by Committee minority staff members concerning provisions of S2824.

During hearings on predecessor bills, I had testified that no nation in the world is currently operating a continuous inspection system for fish plants. At that time, the definition of continuous inspection meant the presence of a government inspector on a full-time basis in each plant. This testimony was based on information obtained from association members who deal in the worldwide seafood trade, and have direct contacts with overseas operations.

Now that S2824 changes the definition of continuous inspection to mean a daily visit by an inspector, one should consider accuracy of that testimony. Examination of the facts shows that as of this time no nation in the world provides inspection to its plants on a daily basis.

Please contact us if we can be of further help.

Sincerely,

LEE J. WEDDIG,
Executive Director.

Mr. COTTON. Mr. President, the nub of the controversy to which my amendment addresses itself is the difference between continuous and effective surveillance, coupled with continuous inspection if needed, and continuous inspection as defined in the bill, S. 2824. This was the subject of some discussion and some disagreement and difference of opinion in the committee. And I filed minority views. Thus, I am offering this amendment in order that the Senate may determine the issue.

Continuous inspection as applied to meat establishments, and, I understand, poultry establishments, has a very distinct meaning. It means that there shall be a Government inspector in the plant at all times while the plant is in operation day or night.

Continuous inspection might be thought to mean the same thing in this bill, S. 2824, in the matter of the enforcement of inspection of fish and fish products. But, Mr. President, it does not mean the same thing even in the bill as now before us. It cannot mean the same thing because it should be understood, in contradistinction to slaughterhouses and meat establishments, and poultry establishments, that the inspection of the fish industry must cover 4,200 domestic processing plants and establishments—2,200 interstate establishments plus 2,000 intrastate establishments. It must also cover in some manner 6,300 foreign processing plants. It also would require certification of some 80,000 U.S. fishing vessels and unknown thousands of foreign fishing vessels. The task is a monumental one, indeed.

I suggest that obviously it will be an utter impossibility to have continuous inspection throughout all hours of the day with an inspector in attendance at all times.

In this case, continuous inspection means that an inspector shall look in at a processing plant at some time during each 24 hours. But, it does not go so far as to mean that, because it is provided in the bill that the Secretary of HEW may dispense with even this form of continuous inspection where the Secretary determines that daily inspection cannot reasonably be provided because of illness, weather, geographical remoteness, the seasonal nature of the processing operations, or other extreme conditions beyond control.

Now, in the first place, it is a far different thing to have an inspector visit a plant at some time during a 24-hour period than having one in the plant at all times, watching and checking on the process as is done in meat processing establishments. As a matter of fact, if an inspector looks in at 9 o'clock in the morning, the processors in that plant can be reasonably sure that he will not be back, possibly for 24 hours, or some time the next day. Therefore, with continuous inspection at least once daily, there will be assurance to those operating the plant that they will be free from inspection for that period of time.

Furthermore, as I previously indicated, even that kind of inspection could be dispensed with in many instances.

It is utterly absurd, I suggest, Mr. President, to feel that 80,000 domestic fishing vessels and untold numbers of foreign fishing vessels could be certificated; that all domestic processing plants be covered by the continuous presence of an inspector; and that we monitor the inspection of foreign processing plants as well. This would be a herculean task even with the so-called continuous inspection provided for in the bill which, I repeat, is not actually continuous inspection, but which is estimated would cost $150 million in the fifth year with full implementation.

Surveillance, on the other hand, would mean a cost of only $94 million. There therefore is a significant difference between this so-called continuous inspection in the bill and surveillance. Surveillance means continuous and effective surveillance, which means that under it, the Secretary of HEW is exactly in the converse position to what he is under S. 2824 in its present form. S. 2824 in its present form holds out the idea and gives the impression to the public and to the consumers of this Nation that there is someone present at all hours of operation in all of these multitudinous establishments, watching and checking the processing, and protecting the consumer in relation to fish products.

On the other hand, under my amendment with surveillance it is clearly specified that the Secretary of HEW, instead of pretending to have continuous inspection and then having all kinds of exceptions such as geographical remoteness, illness, or weather, or something else, would be performing inspection at a commonly understood level—surveillance. But, the Secretary may, whenever he deems it necessary for the protection of the public, of the consumers, cause inspectors to be in plants where he has reason to feel it is necessary for them to be there continuously, until he is assured that these particular plants to which his attention may have been called are adhering to good processing practices.

Mr. President, testimony in the hearings before the committee indicated that it would be utterly impossible and would run into astronomical costs to have anything that would be honestly defined as continuous inspection.

For example, for foreign processing plants alone, we woud have to send a foreign legion abroad to have continuous inspection of such processing plants.

Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. COTTON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. COTTON. I will yield the 3 minutes on my amendment, and 2 minutes from the time on the bill, for a total of 5 minutes, to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. HATFIELD. Mr. President, I am very pleased to rise in support of my distinguished colleague from New Hampshire (Mr. COTTON) and the pending amendment. I am not only anxious to support it, and plan to vote for it, but I urge my colleagues to do the same. I think the Senator from New Hampshire has certainly clearly established a case on behalf of his amendment in terms of practicality and reality in the fishing industry.

What the amendment of the Senator from New Hampshire attempts to do is to return a needed balance to the bill. Without this amendment, the bill could be called the "Giant Fish Producer and Fish Importer Protection Act." In my opinion, one of the first effects of the bill as it now stands could be to effectively throw up sufficient roadblocks in the path of the small fish processors and fishermen that they will be forced to give up fishing, to close their small plants, and abandon their attempts to compete in the marketplace.

Certainly the giants will be able to continue. As some of the bill's supporters have stated, any increase in costs can be passed on to the consumer. For those of us here today, this is a relatively easy matter. My family can afford the extra money per can that could be tacked on to the current price. To the wage earner caught in the squeeze of inflation, with a family to feed, and operating under a strict budget, the effect will be greater. One apparent irony is that the group of Americans who will be the least able to afford these increased costs is right here in Washington this week. I refer to the White House Conference on Aging.

I have met with the Oregon delegation to this conference this week, and heard repeated cases described in my State of how elderly people exist on such very limited incomes. The stories of meager weekly incomes, budgeted to the penny, not even covering what all of us here consider the barest necessities, were heartbreaking to me.

I ask my colleagues to remember that fish products are among the most nutritious foods available, and form an important part of any person's diet. When a food dollar is stretched tight—as it is with elderly people existing on low, fixed incomes—food high in protein becomes even more important. I think we ought to consider carefully any price increase that will be passed on to this group of consumers.

Mr. President, I want to return for a moment to the situation of the small fish processor, and the fisherman who fishes commercially to supplement other income.

As my colleagues are aware, I live in Newport, Oreg. It is a small town on the Pacific coast, and one where the fishing industry contributes significantly to the livelihood. I have talked with my hometown friends who are marginal operators; small businessmen really, men who live from day to day as commercial fishermen. A number are dependent, in turn, on small processing plants.

I just talked with our local State employment office, and our unemployed rate in Newport is 8.7 percent. Since this is the official figure, I presume that it, in fact, is appreciably higher. If this amendment is not adopted, the added costs, actual and hidden, could cause plants to close, part-time fishermen to be forced out of work, and unemployment to go even higher.

I wish to point out, however, that we on the Commerce Committee are of the opinion that adequate fish inspection is needed, and the amendment of the Senator from New Hampshire still provides for this. What his amendment would allow, though, is needed flexibility in its operation. I call attention to the fact that the Secretary still can call for continuous inspection where this is needed. All of us here today would agree to this need. There are many instances where this continuous inspection is not needed, however, and would not only be an added administrative burden, but also increase the cost of this bill's operation significantly. Flexibility is needed, and this amendment allows this. It would allow a better utilization of manpower in administering the bill, and allow better allocation of the dollars we will have to appropriate to carry it out.

Mr. President, while in no way attempting to demean the need for this bill, I do want to alert my colleagues here today that passage will not end mercury pollution of all our foods. During the hearings on this bill, I asked Dr. Charles Edwards, head of the FDA, about possible mercury contamination of other foods. I ask unanimous consent that my colloquy with him be printed at this point in the RECORD.

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

Senator HATFIELD. Dr. Edwards, is it possible that other than fish products may become contaminated with mercury and other such metal traces?

Dr. EDWARDS. Yes.

Senator HATFIELD. Would you submit for this committee a list of other foods besides the fishery products that could have such a metal content that would be dangerous or would create a requirement for regulation of some kind of inspection of other foods?

Dr. EDWARDS. We will.

(The following information was subsequently received for the record:)

Most foods could, under the stress of the proper environmental conditions, develop metals problems. This would be especially true of meat animals and certain grains. The literature is very incomplete as to what are background levels of metals in foods. The following list of foods was developed in anticipation of a comprehensive metals survey of the food supply.

FOOD (FISH AND SHELLFISH EXCLUDED)

1. Milk, fluid.
2. Potatoes, white.
3. Bread, white.
4. Chicken.
5. Eggs.
6. Sugar (cane).
7. Wheat flour, white.
8. Hamburger (ground beef).
9. Lettuce.
10. Bacon.
11. Margarine.
12. Breakfast cereals, Ready-to-eat.
13. Beans, baked, canned.
14. Frankfurters.
15. Carrots, roots, fresh.
16. Corn meal.
17. Rice, white, milled.
18. Orange juice, canned.
19. Cheese, processed American.
20. Liver, beef.
21. Soya products.

Senator STEVENS. I am also interested in the request that Senator Hatfield has just made. We read so much about mercury and fish. Has there been any announcement from FDA of the effects of mercury on any other type of food?

Mr. HATFIELD. The other aspect, Mr. President, that bears repeating, is that we are adding another weight to the neck of our domestic fishing industry. If we are not careful, the industry will simply sink. This bill will not be the sole villain. I could list any number of reasons for the decline of our fishing industry. We must remember, though, the effect that this will have. It could occur that the only fish left to inspect by the inspectors set up by this bill will be imported fish. As I recall, about 60 percent of the fish consumed in this country is imported. I expect this amount to rise as a result of this bill.

I support the idea of adequate fish inspection procedures. The consumers of this country are at the mercy of what is on the supermarket shelves, and what is available as fresh food. Certainly, the Federal Government must move to see that we are protected from impure foods, in all areas. Procedures must be allowed so the Government can move quickly when an emergency arises. What I have attempted to do today, however, is call attention to the fact that this is a complex issue. The entire area of mercury contamination deserves the attention of the Congress. In pushing for a bill with such burdensome inspection requirements, however, I only hope that we gain what we should from its passage, and that the losses, such as I have pointed out today, do not outweigh those gains.

I commend my colleague from New Hampshire for his leadership role in this matter. I support his amendment, and I urge my colleagues to do so.

Mr. COTTON. Mr. President, I yield myself 1 minute to clarify one point which I may not have made clear in my prior statement.

Domestic fishing vessels are inspected and then certificated. After that they are free to land their catch, subject to such dockside inspection as the Secretary of HEW deems necessary. They are not subject to continuous inspection.

With regard to foreign vessels, under the bill they must have a system of inspection which is at least equal to what we have domestically. But it has been suggested that in order to insure that the foreign system is equal to our own, the administering agency would be required to maintain a large inspection force in the foreign country to monitor their inspection system.

Mr. President, I yield 5 minutes on the bill to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I thank the ranking Republican member of the

committee for his courtesy in yielding to me.

I would like to call the attention of the manager of the bill to some of the facts that are developing in the fishing industry. I think they are very graphically illustrated in our State where we have 56 percent of the coastline of the whole United States. I flew from Dutch Harbor, Alaska, to the Pribilof Islands last January and for an entire hour we flew over foreign fishing fleets—not only fishing vessels but also floating canneries.

We are fortunate enough to have three of these floating canneries in the Alaska fleet.

I support the amendment of the Senator from New Hampshire because I think is is very graphically illustrated, in that one very small portion of the Bering Sea.

There are numerous foreign fish processors in that area and there are only three domestic floating processors. Under the bill as it stands today there must be continuous inspection—additional people onboard those American vessels whereas on the numerous foreign vessels we will be lucky if we have the ability to get on once in a while to inspect them. Yet they are importing the products of those foreign vessels into our country constantly.

These vessels are outside the jurisdiction of the United States. This is outside the 12-mile limit. We have no way to board them.

I hope that by virtue of the amendment the Senator accepted to section 7, which we will discuss later, this bill will have an effect on those foreign fish processors. But I am convinced from my trips through processing plants in my State that these American fish processors do, in fact, have the quality of fish products foremost in their minds. They have hired the inspectors. One plant that I was in had three inspectors on the company payroll who had the power at any time to shut down the plant with the snap of their fingers.

If we maintain a level of inspection, so that we, in effect, assure the consumers of this country that there is constant surveillance of the inspection system, and retain on the industry itself the burden to assure itself of a quality product 24 hours a day when they are operating, we will be better off.

If we have continuous inspection—and I appreciate what the Senator from Michigan said, that does not mean there has to be an inspector there all the time—we may induce the industry to reduce its own standards, with the result that company inspectors who have the power to really enforce the standards that we want for consumers would not be on the job. One thing is certain, the Federal Government cannot afford to have full time inspectors in every fish processing plant.

I would be glad, if necessary, to place in the RECORD a comparison of the number of cases of fish that have been stopped from coming into the country by the FDA compared with the number of cases of domestic fish that have been intercepted by the FDA under their present domestic inspections. Less than 1 percent of the total fish packed in this country has ever been withheld from the market by the FDA. And, that 1 percent should not get through. We agree with that goal, but we do not agree it is necessary to have continuous inspection by Federal inspectors. I firmly believe that continuous Federal surveillance will do the job and will make the industry continue to bear its responsibility to make certain we have a high quality product in the American fish canning industry. The industry must perfect its inspection system. Federal surveillance should assure that that system works.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. STEVENS. I appreciate the courtesy of the Senator from New Hampshire.

Mr. COTTON. Mr. President, I yield myself 4 minutes on the bill and I wish to use it to establish a little legislative history with the Senator from Alaska.

Mr. President, as no doubt was noted in my remarks on amendment No. 718, the estimated cost of the bill, S. 2824, differs substantially from that which is contained in the committee report. This results principally from the interpretation placed upon section 7 of the bill by the Department of Health, Education, and Welfare according to information which it has furnished to me.

Section 7 deals with foreign fishery products and was an amendment offered by the distinguished Senator from Alaska (Mr. STEVENS) which I and my colleagues on the Commerce Committee accepted. It is a good amendment, in my opinion, Mr. President, and perhaps HEW's interpretation could be corrected if its author, the distinguished Senator from Alaska (Mr. STEVENS), would clarify it at this point for the purpose of establishing some legislative history.

Would the distinguished Senator from Alaska (Mr. STEVENS) be agreeable to this?

Mr. STEVENS. Yes; and I wish to thank the distinguished senior Republican on our Committee on Commerce (Mr. COTTON) for the opportunity to do so.

Mr. COTTON. Does the distinguished Senator from Alaska (Mr. STEVENS) intend by section 7 of S. 2824 to require the Department of Health, Education, and Welfare—namely, the Food and Drug Administration—to maintain in several overseas locations resident U.S. inspectors to monitor foreign systems of inspecting fishery products?

Mr. STEVENS. I certainly thank the Senator, our distinguished ranking member on the Committee on Commerce.

It is not the intention of section 7, I might state as the author, and I hope the manager of the bill will confirm this opinion, that the Federal Food and Drug Administration be required to maintain at overseas locations resident U.S. inspectors to monitor foreign systems of inspecting fishery products. That is definitely not the intention.

As a matter of fact, I have been under the impression that pursuant to section 510(i) concerning the registration of producers of drugs, that the FDA now had resident inspectors in such places as Japan and Korea. I subsequently have been advised through an informal memo, which I ask unanimous consent to insert at the conclusion of these remarks, that the FDA has no inspectors stationed overseas. Rather, I understand that FDA's foreign drug inspection effort consists of approximately 14 trips overseas each year with two experienced and specialized drug inspectors on each trip, and that the total fiscal year cost for this activity is only slightly more than $77,000. If a similar type monitoring system could prove to be effective so as to insure that the system of foreign plant and foreign vessel inspection of fish and fishery products is at least equal to all the inspection and good processing practices imposed upon our counterpart domestic fishery industry, then the intent of section 7 of S. 2824 which I authored would, in my opinion, be satisfied.

What I am concerned about is insuring that we do not place further impediments upon our already beleaguered domestic fishing industry.

I already pointed out that foreign fishing ships, including factory ships, conduct processing a few short miles off our coasts. Those products are brought to their home ports, processed, and brought back to this country and into our domestic markets to compete with domestic fishery products at substantially lower costs, and often without meeting the FDA requirements that we impose on our local industry. That is a gross inequity.

Simply stated, what we are seeking under my amendment is that the Secretary of HEW would have sufficient control and authority over processing of foreign fish and fishery products which would be commensurate with that imposed on our fishermen. He would not, under the provisions of this bill, have to have a continuous inspection of the processing. What we anticipate is that he will establish a procedure whereby the inspection process that the foreign nation uses is in fact sufficient, as they do in connection with the drug authority.

I hope there would be no fear on the part of HEW or the Senator from New Hampshire that we are seeking to establish a "Foreign Legion" of fish inspectors. We are trying to make certain that the standards the foreign nations themselves are imposing on their fishing processors are the same as we impose on ours. This is what we have done in the drug field. Those who preceded me on the Commerce Committee are familiar with that authority. It has worked very well.

I would hope that with that understanding of what we seek here, both the manager of the bill and the Senator from New Hampshire would be satisfied to leave it as it is.

Mr. COTTON. I thank the Senator from Alaska. He has removed my doubts on section 7. I think this colloquy has brought out the fact that the practical way to do it is with a surveillance system rather than to launch a massive inspection system of both domestic and foreign fisheries.

I yield the floor.

Mr. STEVENS. Mr. President, I ask unanimous consent to place in the RECORD a memorandum I received from the Federal Food and Drug Administration and the correspondence I have received

from the Harris-Kurtz firm indicating their support for the concept that we should impose the same type of inspection on fish processors that we have on drug producers abroad.

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

NOVEMBER 16, 1971.

Subject: FDA Foreign Drug Inspection Activity (in regard to foreign fish inspection provision of fish inspection bill)

To: John Zapp, D.D.S., Deputy Assistant Secretary for Legislation (Health)

The attachment explains FDA's present foreign drug inspection program, in the event this information is needed in the course of Senate consideration of S. 2824, the fish inspection bill.

Please send copy to Nancy Wolff, Room 5109, HEW–N.

M. J. RYAN,
Director, Office of Legislative Services.

FDA FOREIGN DRUG INSPECTION ACTIVITY

The present foreign drug inspection activities of the Food and Drug Administration bear little relation to section 7 of S. 2824 requiring inspection of foreign fish firms "equal to" that performed of domestic fish firms.

1. In the first place, FDA has no inspectors stationed overseas. Likewise, there are no FDA facilities overseas whatsoever. Thus there exists no base upon which to add a capability for frequent inspection of foreign fish firms. To establish such a program for fish would require starting from scratch.

2. FDA's foreign drug inspection effort consists of approximately 14 trips overseas each year, with two experienced and specialized drug inspectors on each trip. At an average of 28 days per trip, this totals 784 mandays for an entire year, or slightly more than two man-years engaged in foreign drug inspection activity. (These figures are estimates for FY 1972.)

3. The total cost of foreign drug inspection activity is $77,448 (FY 1972 estimate) as follows:

Inspectors' salary	$36,848
Per diem	19,600
Travel cost	21,000
Total	77,448

Approximately two-thirds of this cost is borne by the companies inspected, pursuant to 21 C.F.R. 146.8 requiring payment by antibiotic manufacturers of fees necessary to maintain an adequate antibiotic certification service. (Subsection (3) requires a deposit by foreign firms of sufficient funds to cover inspection costs.)

4. Of the 76 foreign drug firms to be inspected in FY 1972, 53 or about two-thirds, are producers of certified antibiotics who, as required, pay the cost of their inspection. These firms are inspected once a year.

The other 23 (estimated) are producers of new drugs which are the subject of a New Drug Application (NDA) or an Investigational Exemption for a New Drug (IND). These inspections are generally a one-time affair, conducted while FDA has under review the NDA or IND. The costs are borne by FDA.

NOVEMBER 8, 1971.

Senator TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: I heartily endorse your efforts to require U.S. Food and Drug Administration inspection of foreign fish processing plants.

I have extensive experience both here in the U.S. and overseas and, with the possible exception of a miniscule number of countries, there are practically none that even approximate the commercial control and government surveillance exercised in the U.S. Any attempt to claim otherwise is to avoid reality—the State Department not withstanding.

There is no equal inspection overseas and one of the matters that gives me grave concern is a policy attributed to Mr. Sam D. Fine, Associate Commissioner for Compliance of the FDA. He avoids the entire gut issue. In commenting on a proposal for mutual recognition of inspection systems drafted by the European Free Trade Association, the European Economic Community, and the World Health Association he is quoted as saying that the U.S. would be prepared to support the exchange of inspection information to the extent that it would enable the health authorities of the importing country to recognize the relationship of the exporting country's inspection system to his own.

There were other statements made by Mr. Fine, but I would emphasize that qualifications for inspectors could be "worked out in conference." Nothing could be less realistic. Please see the copy of my letter to Mr. Fine, attached.

If there is anything I can do to further your position, please call on me.

Sincerely,

KENTON L. HARRIS.

OCTOBER 27, 1971.

Mr. SAM D. FINE,
Associate Commissioner for Compliance, U.S. Food and Drug Administration, Rockville, Md.

DEAR SAM: A statement recently attributed to you spells out a policy of mutual recognition of national inspections and the possibility that a similar agreement could eventually cover food products. I shudder at the immediate prospect.

I think that my expertise in the field of insect, rodent, and microbial food contamination is generally recognized both in the U.S. and overseas. You may remember that I was the organizing chairman of its FAC–WHO Codex Alimentarius Commission Committee on Food Hygiene. I have conducted or participated in sanitation analytical workshops in the U.S. and in more overseas countries than any other individual. I edited and wrote a large part of FDA Technical Bulletin No. 1, and with O. L. Kurtz wrote the definitive volume on sanitation-analytical entomology. I have spent more time overseas (part of it for FDA) on food grain and insects and rodents than any other living person. My FDA background is so well known to you as to scarcely require any reminders.

Sam, I assure you that in few if any countries of the world are there national programs that could in any way even approach inspection, analytical, advisory or enforcement requirements of the U.S. government backed up by the efforts of the U.S. food companies.

The meaning of words such as "cleanable surface", "clean sound raw materials", "filth", and "purity" are untranslatable in a manner that gives them any practical significance in most non-U.S. cultures.

Any import purity control requirements that now contemplate the use of overseas national programs is to be deplored. As a matter of fact some weeks ago I urged just the opposite—a tightening of food purity control over imported foods and I do so now.

As a friend, as an ex-FDA employee who has lived food purity, as one who knows what our U.S. industry is doing, I beseech you in the interest of the consumer, the U.S. industry, the FDA, and even in the long-term interest of the overseas producers to not take such a backward step.

Qualifications cannot be "worked out in conferences." There is a need for shoulder to shoulder training that will take months and even years. Moreover, such training will succeed only if there is pressure for the trainees to achieve new food purity goals in their own, their commercial, or their nation's interest. To offer assistance as a gift is to insure failure. To enforce U.S. purity requirements on imports and then afford an opportunity for overseas suppliers to attain these requirements is to guaranty success.

Sincerely,

KENTON L. HARRIS.

Mr. HART. Mr. President, I yield myself 4 minutes.

I have heard the colloquy between the Senator from Alaska and the Senator from New Hampshire, and I agree fully with the understanding and development with respect to section 7 between them. I want to subscribe to that, which I am sure was the understanding and purpose of the committee. It is the intent of the bill.

The Senator from Alaska with a special knowledge in the area of fishing and fishery products, contributed importantly to the development of all aspects of this bill, but particularly does his knowledge and sensitivity reflect itself in section 7. We did understand his purpose to be as indicated. I would feel confident that HEW will, from this record, appreciate fully its reach and limitation.

What he was seeking to do was to inspect the other fellow's inspection system, and it does not cost anything like the figure that the Department suggests.

I hope that we will retain the language of the bill as reported with respect to the nature of the inspection, its frequency, its scope, and its range.

I would be the first to admit that over the several years we have been debating and attempting to develop a bill, much concern has been voiced. One point of the argument which has been made was that we should have an inspector in any plant any time of the day or night that that plant was in operation. At the other extreme it was suggested the existing FDA law is adequate. That authorizes spot inspections. Spot inspections can be full and complete and around the clock, I suppose, or every 3 months. The hard truth is that the inspections now undertaken by FDA within the existing authorization are grossly inadequate.

I at one time recall insisting that continuous inspection; namely, a man to be there at all hours during the processing, was the sort we should provide for. I have been persuaded that the other extreme is not acceptable, either. I think the majority of us now feel that establishing the minimum of the presence once a day, and authorizing the Secretary to make exceptions within certain defined categories, does represent a balance and a reasonable and constructive accommodation between the several competing proposals.

I would hope that the action of the committee would be supported and that the amendment not be agreed to.

Mr. COTTON. Mr. President, I yield myself 1 minute.

I am gratified to find that apparently the distinguished Senator from Michigan and the rest of us on the committee, including myself, are more or less in agreement on a more careful and practi-

cal inspection. But, we cannot expect to have the extreme, as the Senator has so well expressed it, that exists in the case of meat, for instance, which is an entirely different type of operation from fish. That being the fact, I feel it is much better for us to adopt my amendment and let the consumers know exactly what we are providing for. This is more preferable than suggesting, as the bill now does, that something is going to be complete and around the clock, only to have it subject to several exceptions.

As far as I am concerned, I am ready to vote.

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

The PRESIDING OFFICER. The Senator from Michigan still has 11 minutes remaining.

Mr. HART. Mr. President, I yield such time to the Senator from West Virginia as he may wish.

SUPPLEMENTAL APPROPRIATIONS—UNANIMOUS-CONSENT REQUEST

Mr. BYRD of West Virginia. Mr. President, at the direction of the majority leader, I ask unanimous consent that time on the supplemental appropriation bill, at such time as it is called up before the Senate, be limited to 30 minutes, to be equally divided between the distinguished manager of the bill and the distinguished ranking Republican member of the committee; that time on any amendment thereto be limited to 1 hour, to be equally divided between the mover of such amendment and the distinguished manager of the bill; that the time on any amendment in the second degree, motion, appeal, or point of order, with the exception of nondebatable motions, be limited to 30 minutes, to be equally divided between the mover of such and the distinguished manager of the bill.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not—I have checked this with the ranking minority member, the Senator from North Dakota, and other members of the Appropriations Committee, including the Senator from Maine (Mrs. SMITH), the Senator from New York (Mr. JAVITS), the Senator from Illinois, and I know of no objection to the 1-hour limitation on amendments.

Is it all right with the Senator from New Hampshire to have a limitation of 1 hour on amendments?

Mr. COTTON. Oh, yes.

Mr. GRIFFIN. It seems to be agreeable.

The PRESIDING OFFICER (Mr. BIBLE). Is there objection to the request?

Mr. CHILES. Mr. President, reserving the right to object, I wish to ask the Senator from West Virginia if the bill has been printed yet.

Mr. BYRD of West Virginia. Mr. President, may I say the bill will be ready for action by the Senate sometime tomorrow.

Mr. GRIFFIN. Mr. President, it is true, however, that the majority whip did not indicate when the bill would be brought up. He did not specify that it would be brought up at any particular time, only that when it was brought up there would be a time limitation.

Mr. CHILES. Mr. President, I will object at this time.

Mr. BYRD of West Virginia. The Senator objects?

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, I present the same unanimous-consent request and ask the distinguished Senator if he would state his reason for objecting. Perhaps we can clarify it.

Mr. CHILES. Well, I was concerned with seeing what the bill was going to contain in the way of a supplemental legislative appropriation, and not being able to see that, and not knowing what it does contain in that respect, I at this time would not want to give unamious consent.

Mr. PASTORE. Mr. President, will the Senator yield for a suggestion?

Mr. BYRD of West Virginia. Yes.

Mr. PASTORE. Why not add to the unanimous-consent request "subject to the bill being printed and placed upon Senators' desks"? Is that all right?

Mr. CHILES. Well, until I could see what it contains, I would not have any way of knowing whether I think an hour is sufficient time for an amendment concerning the subject matter.

Mr. PASTORE. Very well, Mr. President, the Senator objects.

Mr. BYRD of West Virginia. I thank the Senator.

The PRESIDING OFFICER. Objection is heard.

VOTER REGISTRATION ACT—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the disposition of the bill making appropriations for the District of Columbia, the Senate proceed to the consideration of S. 2574, the so-called Voter Registration Act, and that after 2 hours, if the Senate has not started to vote on final passage of the bill, the bill be returned to the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. COOK. Reserving the right to object, Mr. President, is it the understanding of the distinguished Senator from West Virginia that this bill will be debated for 2 hours, 1 hour to each side, and at that time, if a vote is not in progress on the bill, the bill will then go back to the calendar?

Mr. BYRD of West Virginia. Yes, the Senator has stated the situation correctly. However, I did forget to ask that the time be equally divided, and I would add that.

Mr. COOK. Is the Senator setting aside any time for amendments or the consideration of amendments, or a time allotment as to amendments? Because there will be numerous amendments to that bill. There will be a great deal of discussion on the bill, and I wonder if we are merely trying to find a target date on which to adjourn, or what the reason is for having a time limitation of 2 hours on a bill, when there is no time set aside for the consideration of amendments or amendments to amendments, and then to merely say that we will put the bill back on the calendar.

Mr. BYRD of West Virginia. The distinguished majority leader is here; he can speak for himself. I would simply say that the leadership could call this bill up tomorrow following the action on the District of Columbia appropriation bill, and, without a unanimous-consent agreement with respect to the time thereon, the bill could be before the Senate all day tomorrow, all day Saturday, and all day Monday and Tuesday.

Mr. COOK. I might say to the Senator, I really would have no objection to that.

Mr. MANSFIELD. Withdraw the request.

Mr. BYRD of West Virginia. Well, let me respond to the Senator.

I am not attempting to be flippant; I am just saying that if we called it up without a unanimous-consent agreement with respect to time, we would be confronted with unlimited time, and that would delay the action on the nominations to the Supreme Court. So, in an effort to limit time on the bill, I have presented the request. If a vote on final passage is not started at the end of 2 hours, the bill would go back on the calendar.

Mr. COOK. Reserving the right to object, Mr. President, certainly the Senator from West Virginia has no conception that it would be ready for final passage within the 2-hour period, does he? And if in fact it is not ready for passage within the 2-hour period, are we not merely delaying the consideration of the nominations for that 2 hour period?

Mr. BYRD of West Virginia. Let me respond to the Senator in this way: The Senator asked whether or not I am under any impression that it may be passed within the 2 hours. I am only saying that it is possible that any bill can be passed within 2 hours. I am simply trying to get a unanimous-consent agreement that we may take up the matter and discuss it, and if the Senate wants to pass it within that 2 hours, it may do so; but at the end of 2 hours, if the vote on final passage has not begun, the bill would go back to the calendar. If Senators want to consume the whole 2 hours in debate, there will be no vote on any amendment or on the bill.

Mr. COOK. May I say to the Senator from West Virginia, I have had a bill on the calendar since July 12, 1971, and there has been a hold on it, and I have not been able to bring it up. I am sure there has been a great deal of discussion with respect to this bill, and a great deal of objection to this bill. Obviously the majority leader could bring it up any time he wished. I will withdraw any objection I have, with the understanding that this bill will be discussed during the 2-hour period, and then my bill will be taken up.

Mr. KENNEDY. Mr. President, reserving the right to object, I just came to the floor. Has the Senator tried to reach a total time agreement in terms of the legislation?

Mr. BYRD of West Virginia. No.

Mr. KENNEDY. Would the Senator make such an offer, just in terms of trying to reach an agreement?

Mr. BYRD of West Virgina. No; there will be no alternative. It would be an impossibility. If, during the 2 hours of debate, Senators wish to discuss the possibility of a final vote at some particular date and time, they could do that. But I just cannot assure the Senator that I can do what he has suggested in this situation.

Mr. KENNEDY. So the leadership is not prepared to make any request in terms of trying to reach some time agreement, even tomorrow?

Mr. BYRD of West Virginia. Well, the effort has been made, may I say. This matter has been discussed with numerous Senators, the Senator from Wyoming (Mr. McGEE), the Senator from North Carolina (Mr. ERVIN), the Senator from Kentucky (Mr. COOK)——

Mr. GRIFFIN. And other Senators on our side.

Mr. BYRD of West Virginia. Other Senators on both sides; and it is absolutely impossible to reach any kind of agreement whereby this bill can be disposed of by Christmas.

But it was thought that if we could at least bring it up and discuss it for a period of 2 hours. In the event they wanted to quit talking before the expiration of the 2 hours, the vote on final passage could begin.

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

Mr. BYRD of West Virginia. I yield.

Mr. MANSFIELD. And also, as in the case of another bill which had to be put aside, we did reach a tentative agreement as to when we would get to that bill next year, which is something we have not even got in the offing on this matter at the present time.

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

Mr. BYRD of West Virginia. I yield.

Mr. COTTON. I have promised numerous Senators who have engagements and are trying to get away that I would be brief on the pending amendment. I have filed at the desk my remarks, and condensed them, and tried to get through the matter as fast as possible. Will the Senator from West Virginia let us vote, so these fellows can get away?

Mr. BYRD of West Virginia. Yes. May I restate the request?

Mr. COOK. Mr. President, reserving the right to object, before the Senator restates the question, would the Senator from West Virginia include within the 2-hour period a provision for amendments and amendments to amendments, assuming that within the 2-hour period the Senate could ever get around to amendments?

Mr. BYRD of West Virginia. I assure the Senator that under the terms of the unanimous-consent request, Senators may offer amendments if they wish, but after the 2-hour period, if Senators have not finished discussing the measure or any amendments, there will be no vote on any amendment.

Mr. President, I ask unanimous consent that, following action on the District of Columbia appropriation bill tomorrow, the Senate proceed to the consideration of the so-called Voter Registration Act; that after the expiration of 2 hours, if the Senate has not started to vote on final passage, the bill be returned to the Senate calendar; that the time be equally divided between and controlled by the distinguished Senator from Wyoming (Mr. McGEE) and the distinguished Republican leader or his designee.

The PRESIDING OFFICER (Mr. PASTORE). Is there objection? The Chair hears none, and it is so ordered.

WHOLESOME FISH AND FISHERY PRODUCTS ACT OF 1971

The Senate continued with the consideration of 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.

Mr. MOSS. Mr. President, for the purposes of evaluating this amendment, the relevant costs are $43 million for once-a-day inspection versus $29 million for discretionary inspecton.

The extra $14 million is worth it to insure a sanitary product. FDA's $29 million figure is based on the following projected level of inspection; 500 plants—full time inspecton; 900 plants—4 inspections per year; 800 plants—2 inspections per year.

Leaving 1,700 of the 2,200 interstate plants as free as is contemplated seems unwise. Things can deteriorate considerably in three to 6 months.

Moreover, what is feared is that these plants will in fact be left even more to themselves than is now envisioned. Without a legislated floor on inspection such as that imposed by S. 2824, we may drop down to amounts approximating those of the current discretionary inspection system—$2.9 million per year.

The $43 million figure compares favorably with the annual cost of meat inspection—$103 million—and poultry inspection—$44 million. Under these laws the legislated floor approach has been used and has worked to insure full funding of the acts. The approach in meat and poultry is "continuous inspection," meaning that every carcass is inspected before and after slaughter. Here we are not requiring every fish or every lot of fish to be looked at. At least we should require that the plants be looked at once a day.

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

The PRESIDING OFFICER. All time on the amendment has expired.

The question is on agreeing to the amendment. On this question the yeas and the 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 New Mexico (Mr. ANDERSON), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Mississippi (Mr. STENNIS), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. McGOVERN), and the Senator from North Carolina (Mr. ERVIN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oho (Mr. SAXBE) is absent on official business.

The Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

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

The Senator from Connecticut (Mr. WEICKER) is detained on official business.

The result was announced—yeas 43, nays 32, as follows:

[No. 431 Leg.]

YEAS—43

Aiken	Dominick	Packwood
Allen	Eastland	Pearson
Allott	Ellender	Percy
Beall	Fannin	Roth
Bellmon	Fong	Schweiker
Bentsen	Gravel	Scott
Boggs	Griffin	Smith
Brooke	Gurney	Spong
Byrd, Va.	Hansen	Stafford
Chiles	Hatfield	Stevens
Cook	Hruska	Thurmond
Cooper	Jordan, Idaho	Tower
Cotton	Mathias	Young
Curtis	Metcalf	
Dole	Miller	

NAYS—32

Bayh	Hollings	Moss
Bible	Hughes	Nelson
Burdick	Inouye	Pastore
Byrd, W. Va.	Javits	Pell
Cannon	Kennedy	Proxmire
Case	Magnuson	Randolph
Church	Mansfield	Ribicoff
Cranston	McClellan	Stevenson
Eagleton	McIntyre	Tunney
Fulbright	Mondale	Williams
Hart	Montoya	

NOT VOTING—25

Anderson	Hartke	Saxbe
Baker	Humphrey	Sparkman
Bennett	Jackson	Stennis
Brock	Jordan, N.C.	Symington
Buckley	Long	Taft
Ervin	McGee	Talmadge
Gambrell	McGovern	Weicker
Goldwater	Mundt	
Harris	Muskie	

So Mr. COTTON's amendment was agreed to.

Mr. COTTON. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. ALLOTT and Mr. COOK moved to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MAGNUSON. I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

AUTHORIZATION FOR SECRETARY OF THE SENATE TO TAKE CERTAIN ACTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive a message from the House on the supplemental appropriation bill tonight and that the bill be referred and that the Appropriations Committee have until midnight to file a report on the bill.

The PRESIDING OFFICER (Mr. PROXMIRE). 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 passed the bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes, in which the concurrence of the Senate is requested.

HOUSE BILL REFERRED

The bill (H.R. 11932) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

WHOLESOME FISH AND FISHERY PRODUCTS ACT OF 1971

The Senate continued with the consideration of 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.

Mr. COTTON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and I will explain it very quickly.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

S. 2824

At the end of the bill add the following:

AUTHORIZATION FOR APPROPRIATIONS

SEC. 10. There are authorized to be appropriated for the purpose of carrying out the amendments made by this Act to the Federal Food, Drug, and Cosmetic Act not to exceed $1,574,000 for the fiscal year beginning July 1, 1972, not to exceed $8,938,000 for the fiscal year beginning July 1, 1973, not to exceed $2,414,000 for the fiscal year beginning July 1, 1974, and for succeeding fiscal years only such sums as the Congress may specifically authorize by law.

Mr. COTTON. Mr. President, I will not offer the second amendment that I suggested because I want to expedite approval of the bill. But, let me say in connection with the bill as it now stands that it has, in effect, an open-ended authorization. There is no limit to it. I am simply offering an amendment based on the figures the Department of Health, Education, and Welfare furnished us on the estimated cost of the first 3 years of the bill in its present form.

The amendment simply provides that there is authorized to be appropriated for the purpose not to exceed $1,574,000 for the fiscal year beginning July 1, 1972, not to exceed $8,938,000 for the fiscal year beginning July 1, 1973, not to exceed $22,414,000 for the fiscal year beginning July 1, 1974.

If, however, my amendment No. 718 had not been adopted, the cost would have been more than $20 million above this. This is the estimate of the HEW and I merely offer it because most of us do not believe in open-ended authorizations.

I hope that it will be accepted.

Mr. HART. Mr. President, at this hour, I believe that the suggestion of the absence of a quorum would be an unwelcome thing to do, but may I suggest the absence of a quorum merely in order for us to be able to check on the figures the Senator has presented. I would anticipate the delay would be for only a few minutes.

The PRESIDING OFFICER. Does the Senator ask that the time on the quorum be charged to his time?

Mr. HART. Yes.

Mr. STEVENS. Mr. President, will the Senator from Michigan withhold his suggestion of the absence of a quorum for one moment.

Mr. HART. I withdraw it.

The PRESIDING OFFICER. Who yields time to the Senator from Alaska?

Mr. COTTON. Mr. President, I yield 3 minutes on the bill to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 3 minutes.

Mr. STEVENS. Mr. President, I would like to make one point very clear for the RECORD, and I hope the Senator from Michigan will confirm this. We have had some objections from the operators of small fishing vessels, particularly in my State from the native groups that operate very small fishing vessels, concerning the time within which they have to comply with the new schedules set in this act, which will be set by the Secretary following the passage of this act. It is my understanding that the regulations required under this act for certifications of establishments and vessels, or either one, will be promulgated within 1 year after the first appropriation is made pursuant to the authorization. The effective date of those will be 1 year from the date they are finally published, and that certification of vessels or establishments will be necessary effective 30 days after the publication of the regulations.

As I interpret the bill, the minimum time is 2 years and 60 days within which the vessels, both the processors and vessel operators, will have to comply with the new regulations established under this act.

I ask the Senator if my understanding is correct, that there is a minimum time from the date of the first appropriations authorized under this law of 2 years and 60 days within which to comply with any new regulations promulgated.

Mr. HART. Mr. President, the Senator from Alaska states correctly the time provision within which the regulations shall become effective.

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

Mr. STEVENS. Mr. President, I thank the Senator from Michigan very much.

Mr. HART. Mr. President, the computers are still working, and hence I suggest the absence of a quorum and ask unanimous consent that the time consumed be charged to my time. I do indicate that it will only take a very few minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COTTON. 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. COTTON. Mr. President, the distinguished Senator from Michigan in checking the figures feels that the limits I have imposed on the authorization may be too low. He has authorized me to amend my amendment by changing the figure in the third line from $1,574,000 to $2,526,000; in the fourth line, from $8,938,000 to $12,947,000; and in the fifth line, from $22,414,000 to $26,884,000.

The PRESIDING OFFICER. The amendment is so modified.

Mr. COTTON. Mr. President, I hope the amendment will be accepted.

Mr. HART. Mr. President, the figures suggested in the amendment as offered do reflect the estimate of the cost required to perform the inspection established by the measure as amended. We accept the amendment.

The PRESIDING OFFICER. Do the Senators yield back their time?

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

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

The PRESIDING OFFICER. The ques-

tion is on agreeing to the amendment of the Senator from New Hampshire, as modified.

The amendment was agreed to.

Mr. COTTON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to correct any typographical errors in my amendments. I note that the word "For", appearing on page 3, line 15, of my amendment No. 718, should be struck.

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

Mr. HART. Mr. President, I have one other amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 40, strike all of lines 6 through 10.

Mr. HART. Mr. President, this amendment would avoid what we now realize to be an inevitable result of the language we asked to be stricken, but which we did not recognize at the time it went through the committee. The language as reported prohibits the release of the disclosure of the results of analyses and research for dangerous materials. The language currently prohibits the release of this data if its release would result in competitive injury to any person. Particularly with respect to the release of test analyses, it is hard to envision when the release of this data would not put someone at a disadvantage if the test results were of concern. In fact, I can envision no test results being available to the public if the language were left intact.

Consequently, the amendment I am offering will strike this provision. The disclosure of test results and research would be subject to the discretion of the Food and Drug Administration subject to the restrictions of 5 U.S.C. 552, 18 U.S.C. 1905 and any further legislation the Congress may pass on this matter. It is my hope that the deletion of this provision will not create any legislative history which might hinder access to the information involved under existing legislation.

I hope the amendment is agreed to.

Mr. COTTON. Mr. President, the amendment is acceptable to the minority.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. COTTON. I yield back the remainder of my time.

Mr. HART. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendent to be proposed, the question is on the engrossment and third reading of the bill.

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

Mr. EAGLETON. Mr. President, the Wholesome Fish and Fishery Products Act of 1971 is an historic piece of legislation. It closes a circle of consumer protection that began in 1906 with enactment of the Wholesome Meat Act and was enlarged in 1957 by the Wholesome Poultry Products Act.

Americans consume about two billion pounds of fish and fishery products each year. Yet there are no specific laws governing sanitation and quality control to insure that this nutritious and healthful source of protein is wholesome and safe for human consumption. The Wholesome Fish and Fishery Products Act of 1971 would correct that shortcoming in our laws.

This act deals comprehensively with the problem of unsafe fish and fishery products. It requires governmental development and application of "good processing practices" for fish processing plants and vessels and it requires that plants and vessels be certified to be in compliance with those processing practices. It calls for inspections of vessels and processing plants, and it authorizes the Food and Drug Administration to assist the States in improving their inspection programs covering intra-State processing facilities. And it requires that an intensive screening system be established to detect dangerous materials that may find their ways into the human food chain. This screening system is not limited to scrutiny of fish and fishery products for dangerous materials, but it will also include intensive screening of other foods for dangerous materials as well.

Mr. President, there is yet another facet of this bill that is important to American consumers. About 60 percent of the fish and fishery products consumed annually in the United States comes from foreign nations. The American public must be assured that the fish and fishery products they consume are safe and wholesome, regardless where they are produced and processed. The act faces that fact squarely. It requires nations exporting fish to the United States to establish a system of fish inspection at least equal to the requirements imposed by the act on the American fishing and fish processing industries.

The act also authorizes increased funding for the fisheries loan fund and authorizes the Department of Commerce to make loans to upgrade vessels and processing establishments to enable them to meet their obligations to comply with the "good processing" requirements. It establishes a National Advisory Committee comprised of a majority of Members who have no financial ties to the commercial fishing industry and it establishes new enforcement tools to enable the act to be effectively carried out.

Mr. President, the Fish and Fishery Products Act of 1971 represents the culmination of almost 5 years effort by the Commerce Committee and reflects the legislative recommendations of two Presidents of the United States. I think it is sound legislation and I urge the Senate to approve it.

Mr. KENNEDY. Mr. President, I rise to support S. 2824, the Wholesome Fish and Fishery Products Act of 1971 as reported by the Committee on Commerce and to commend the distinguished chairman of the Subcommittee on the Environment, Senator HART, for his determination and leadership in this field. Senator HART originally introduced legislation in 1966 to provide assurance to the consumers of this Nation that the fish they bought was of the highest quality. Hearings were held in 1967, 1968, and again in 1969 on this subject and witnesses confirmed the need for legislation to remedy the lack of adequate oversight in the fish processing industry. This year's hearings have produced the current bill, which has drawn portions from Senator HART'S bill, from the administration measure introduced by Senators MAGNUSON and COTTON and from my own bill, S. 296.

I was particularly pleased to see that the sections of my bill authorizing loans and technical assistance to the fish processing industry were incorporated fully into the current legislation. If we are demanding that the fish processing industry live up to new standards, as we should, then we also must recognize the impact of those new requirements on fishermen and fish processors, and provide them with aid in upgrading their equipment. I would hope that the $35 million in the fisheries loan fund would be used to assist the small processors first, because they have the greatest need. And I would suggest that regulations be issued to accomplish this purpose.

Thus, during the hearings, Lee Weddig, Executive Director of the National Fisheries Institute, noted that some assistance was clearly needed for—

Smaller firms which otherwise find it impossible to remain in business under a new set of regulations. . . .

To recite that a company may have to retile a floor or wall, or install new icemaking equipment, may seem rather trivial, but this type of detail and expense is precisely what an inspection bill will mean to hundreds of small businessmen if they wish to continue in this industry.

We are trying to show that the provisions of this bill have very real effects on the industry and the consumer, and are not matters that can be considered in a theoretical sense only.

The president of the Shellfish Institute of America also testified:

Loans or subsidies to the small fishery firms who cannot meet the minimum standards is also urged. It is in the best interest of this nation to keep the small businesses viable to supply food and employment . . .

The importance of such assistance in my own State is clearly shown by a brief look at New Bedford and Gloucester.

In New Bedford, there are 13 fresh fish handling plants which process some 112 million pounds annually, including $19 million worth of flounder and scallops. They also handle substantial quantities of frozen fish blocks and the total processing industry employs some 1,500 persons at the season's peak.

In Gloucester, more than 300 million pounds are landed and processed annually in 31 plants that employ some 4,000 persons.

These industries provide the economic lifeblood of the community and the same situation exists in Maryland, Oregon, Washington, and Alaskan fishing centers.

Legislation such as we have before us now will have a major impact on these industries and we have a responsibility

to insure that the impact of our legislation is not to put small processors out of business.

For that reason, the inclusion of the loan and technical assistance provisions is immensely important to the fish processing industry. And the committee should be commended for recognizing this need.

Surely no one who has examined the question of fish inspection can doubt the overwhelming urgency for fast congressional action. Although it has been nearly 55 years since the Wholesome Meat Act was enacted, we have never enacted adequate standards or provided adequate enforcement to assure the American public that the 2 billion pounds of fish and fish products consumed annually meet minimum standards of quality.

While the actual number of deaths traceable to fish consumption has been small, the instances of recorded poisoning traceable to fish are sufficient to demonstrate the need for much greater protection. Nine deaths occurred in 1963 as a result of botulism traced to smoked lake fish. Again in 1966, some 400 cases of salmonella poisoning were linked to smoked fish and in the same year contaminated shrimp produced 250 cases of food poisoning.

The recent discovery of mercury in swordfish and in Great Lakes fish as well, and the potential for other hazardous heavy metals to contaminate fish have prompted a legitimate public demand for greater protection. With regard to the danger of metallic contamination, the possibility of other foods being contaminated is well justified, I believe, the inclusion of a special provision to undertake an emergency program to establish standards and undertake research to meet this problem.

Public confidence in the fish on the market shelves must be restored if we have any hopes of encouraging the growth of the fish industry. Although per capita consumption of fish has increased over the past 4 years, it is at a much lower rate than the increased consumption of meat and poultry. Yet fish could be the preferred supplier of our protein diet needs since, as the National Consumers League has noted in its testimony, it is less expensive than meat or poultry and contains fewer calories.

But before the American housewife decides to buy more fish, she will have to be convinced that fish and fish products are wholesome and safe, and our previous record in providing that assurance has been poor.

In the past, the level of inspection of fish processing has been wholly unacceptable. The Commissioner of the Federal Food and Drug Administration testified that only about a third of the 2,200 interstate fish processing plants were checked annually and there was virtually no Federal inspection of the more than 2,000 intrastate processors.

After an informal FDA review of industry conditions, FDA Commissioner Charles C. Edwards testified:

> Again we find grossly inadequate processing conditions, improper equipment, the absence of essential equipment and a general lack of quality control.

Not surprisingly, the reason for this situation rests to a large extent with the Federal Government which has failed to dedicate adequate resources to fish inspection. Although there are approximately as many fish processing plants as there are meat processors, 37 times more money is being spent for meat inspection than for fish inspection activities this year.

The current bill would end the system of hit-or-miss inspection of the fish processing industry. It would provide for "continuous inspection" in which one-a-day visits by Food and Drug Administration inspectors would be required except where unusual circumstances prevented such frequency. All processors would be operating under recognized federally established standards, and adequate inspection of vessels to assure sanitary and quality control processing practices also would be required.

I believe the current bill meets the problems of imported fish, as well, by requiring that there be certification that foreign processors operate under equivalent standards of quality control and sanitation. The importance of requiring equivalent standards from foreign importers is evident from a brief glance at the rise in the level of imports into the U.S. market. In 1959, domestic catches accounted for approximately 60 percent of the supply of fishery products; but by 1969, the figures had been reversed, with foreign imports accounting for 60 percent of the U.S. market.

Mr. President, I strongly urge passage of this legislation which places the Federal Government in a position to provide reasonable assurance to the American consumer that the fish and fish products in the market are safe, wholesome and free of contamination. The restored confidence in the quality of fish products also will mean that the U.S. fishing industry will have an opportunity to grow, an opportunity that waning public confidence has substantially impeded in the past.

Mr. MAGNUSON. Mr. President, before we go on to vote on final passage, let me extend my thanks and praise to the members of the Commerce Committee who worked to develop this legislation.

It has been a rather long road for this one, but due primarily to the efforts of the Senator from Michigan (Mr. HART) and the Senator from Utah (Mr. Moss) we have produced something which will be of considerable benefit to the Nation's consumers. Lesser men than these two Senators would have abandoned their efforts in the face of the problems which have confronted this bill throughout the years. Consumers owe them a rather substantial debt of gratitude.

Let me also thank the committee staff, Lee Tyner, Mike Brownlee, and Len Bickwit, of the majority side; Art Pankopf and Pete Powell of the minority, who were able to work together so cooperatively and with such great competence throughout the difficult journey of this legislation. As is always the case with bills of this magnitude, their efforts were invaluable to us as a committee.

The PRESIDING OFFICER. Do the Senators yield back their time on final passage?

Mr. COTTON. I yield back the remainder of my time.

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

The PRESIDING OFFICER. All time having been yielded back, the question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Mississippi (Mr. STENNIS), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Carolina (Mr. ERVIN), and the Senator from New Hampshire (Mr. MCINTYRE) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

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

Also, the Senator from Maryland (Mr. BEALL), the Senator from Michigan (Mr. GRIFFIN), the Senator from New York (Mr. JAVITS), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

If present and voting, the Senator from Maryland (Mr. BEALL) would vote "yea."

The result was announced—yeas 67, nays 4, as follows:

[No. 432 Leg.]

YEAS—67

Aiken	Dominick	Mondale
Allott	Eagleton	Montoya
Bayh	Fannin	Moss
Bellmon	Fong	Nelson
Bentsen	Fulbright	Packwood
Bible	Gravel	Pastore
Boggs	Gurney	Pearson
Brooke	Hansen	Pell
Burdick	Hart	Percy
Byrd, Va.	Hatfield	Proxmire
Byrd, W. Va.	Hollings	Randolph
Cannon	Hruska	Ribicoff
Case	Hughes	Roth
Chiles	Inouye	Schweiker
Church	Jordan, Idaho	Scott
Cook	Kennedy	Smith
Cooper	Magnuson	Spong
Cotton	Mansfield	Stafford
Cranston	McClellan	Stevens
Curtis	Metcalf	Stevenson
Dole	Miller	Thurmond

Tower	Williams	Young
Tunney		

NAYS—4

Allen	Ellender	Mathias
Eastland		

NOT VOTING—29

Anderson	Harris	Mundt
Baker	Hartke	Muskie
Beall	Humphrey	Saxbe
Bennett	Jackson	Sparkman
Brock	Javits	Stennis
Buckley	Jordan, N.C.	Symington
Ervin	Long	Taft
Gambrell	McGee	Talmadge
Goldwater	McGovern	Weicker
Griffin	McIntyre	

So the bill (S. 2824) was passed, as follows:

S. 2824

An act 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

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 "Wholesome Fish and Fishery Products Act of 1971".

CONGRESSIONAL FINDING

SEC. 2. Fish and fishery products are an important source of the Nation's total supply of food. These foods are consumed throughout the Nation and the major portion of the supply moves in interstate commerce, some from foreign sources. It is essential that the health and welfare of consumers be protected by assuring that fish and fishery products distributed to them are of good quality, wholesome, not adulterated, and are properly marked, labeled, and packaged. Fish or fishery products which do not meet these standards depress markets for wholesome, not adulterated, and properly labeled and packaged fish and fishery products. Those articles that are unwholesome, adulterated, of poor quality, mislabeled, or deceptively packaged compete unfairly with articles that are of good quality, wholesome, not adulterated, and properly labeled and packaged, to the detriment of commercial fishermen, processors, and consumers of fish and fishery products. It is hereby found that all fish and fishery products regulated under the amendments made by this Act are either in interstate or foreign commerce or substantially affect such commerce, and that Federal regulation and cooperation by the States and other jurisdictions as contemplated by this Act (including cooperation through federally approved State programs for control of shellfish growing areas and shellfish harvesting) are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of the consumer.

WHOLESOME FISH AND FISHERY PRODUCTS AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

DEFINITIONS

SEC. 3. Section 201 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end of such section the following new paragraphs:

"(y) (1) The term 'fish' means any aquatic animal, including amphibians, or part thereof, capable of use as human food.

"(2) The term 'shellfish', as used in sections 402(f), 421, and 423, means any species of oyster, clam, or mussel, either shucked or in the shell, and either fresh, or frozen, or otherwise processed, or any part thereof.

"(z) The term 'fishery products' means any product capable of use as human food which is made wholly or in part from any fish or portion thereof, except products which contain fish only in small proportions or historically have not been, in the judgment of the Secretary, considered by consumers as products of the commercial fishing industry, and which are exempted from definition as a fishery product by the Secretary under such conditions as he may prescribe to assure that the fish or portion thereof contained therein are not adulterated and that such products are not represented as fishery products.

"(aa) The term 'capable of use as human food' applies to any fish or part or products thereof, unless it is denatured or otherwise identified as required by regulations prescribed by the Secretary to deter its use as human food, or unless it is naturally inedible by humans.

"(bb) The term 'process', 'processed', and 'processing', with respect to fish or fishery products, means to harvest, handle, store, prepare, produce, manufacture, preserve, pack, transport, or hold such products.

"(cc) The term 'official mark' means any symbol prescribed by regulations of the Secretary to identify the status of any fish or fishery product or of any processing establishment or vessel under this Act.

"(dd) The term 'official certificate' means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Act.

"(ee) The term 'official device' means any device prescribed or authorized by the Secretary for use in applying any official mark.

"(ff) The term 'owner or operator' means any person who owns, operates, leases, charters, or otherwise controls any establishment or vessel.

"(gg) The term 'vessel' means a vessel, as defined in section 3 of title I, United States Code, which is engaged primarily in the processing of fish for landing and human consumption in any State.

"(hh) The term 'continuous inspection' means the application of inspection by a full-time inspector.

"(ii) The term 'inspector' means an individual appointed or commissioned as an officer or employee of the Department and authorized by the Secretary to make inspections under the authority of this Act.

"(jj) As used in part B of chapter IV, the term 'establishment' means the premises, buildings, structures, facilities, and equipment (including vehicles) used in the processing of fish and fishery products."

PROHIBITED ACTS

SEC. 4. (a) Section 301 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end of such section the following new paragraphs:

"(q) (1) Casting, printing, lithographing, or otherwise making, except as authorized by the Secretary, any official mark, official certificate, or official device or simulation thereof.

"(2) Forging, counterfeiting, simulating, or falsely representing, any official mark, official certificate, or official device.

"(3) (i) Without authorization from the Secretary, using any official device, official mark, or official certificate, or simulation thereof, or altering, defacing, detaching, or destroying any official mark, official certificate, or official device; or (ii) contrary to regulations prescribed by the Secretary, failing to use, or to detach, deface, or destroy, any official device, official mark, or official certificate.

"(4) Possessing, without promptly notifying the Secretary thereof, (i) any official device, or (ii) any forged, counterfeited, simulated, or improperly altered official certificate, or (iii) any device or labeling, or any fish or fishery product or part thereof, bearing a forged, counterfeit, simulated, or improperly altered official mark.

"(5) Making a false statement in a shipper's or other certificate provided for in regulations.

"(6) Falsely or misleadingly representing that any fish or fishery product has been inspected and passed or exempted from inspection.

"(r) (1) The processing of any fish or fishery product in any establishment or vessel preparing any such article in violation of any requirement of part B of chapter IV or regulations prescribed pursuant thereto.

"(2) The doing of any act in violation of section 411(e) or regulations thereunder, with respect to any fish or fishery product which is not intended for use as human food.

"(s) The importation of fish and fishery products in violation of section 410(i)."

(b) Section 301(e) of such Act is amended (1) by striking out "or" after "507 (d) or (g)," and (2) by inserting "or 411(b)," after "512 (j), (l), or (m)".

(c) Section 301(f) of such Act is amended by striking "section 704" after "by" and inserting in lieu thereof the following: "sections 410(d), 422(d), 704 or 802".

(d) Section 303(c) of such Act is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "; or (6) for having violated section 301 (q)(4) (ii) or (iii), if the possession involved was in good faith and such person had no reason to believe that the certificate or mark involved was forged, counterfeited, simulated, or improperly altered; or (7) for having violated section 301(q) (5) or (6) if the statement or representation involved was made by such person with respect to fish or a fishery product in good faith reliance on a like statement or representation in a shipper's or other certificate of another person from whom he received such article and he had no reason to believe that the statement or representation was false or misleading, unless the person charged with such violation refuses to furnish on request of an officer or employee duly designated by the Secretary the name and address of the person from whom he received such article and copies of the certificate relied upon and of any other documents pertaining to the delivery of the article to him."

ADULTERATION

SEC. 5. Section 402 of the Federal, Food, Drug, and Cosmetic Act is amended by adding at the end of such section the following new paragraph:

"(f) (1) If it is, or it bears or contains, any fish or fishery product, and it has been processed in violation of section 410 or 411 or any regulations issued by the Secretary under such sections.

"(8) If it is, or is a product made or derived in whole or in part from, shellfish and such shellfish (A) was harvested in a State or foreign country that did not at the time of harvesting have in effect (i) an annual State plan for classification and control of shellfish growing areas and for regulation and control of shellfish harvesting practices, approved by the Secretary on the basis of standards promulgated by him by regulation, or (ii) in the case of a foreign country, a shellfish control program at least equal to such standards; or (B) was not harvested, or was not purified after harvesting, in conformity with such State plan or foreign program; or (C) was harvested in a growing area that has been declared closed for such purposes by regulation of the Secretary on the basis of a finding of necessity for the protection of the public health."

INSPECTION OF FISH AND FISHERY PRODUCTS, ESTABLISHMENTS, AND VESSELS

SEC. 6. Chapter IV of the Federal Food, Drug, and Cosmetic Act is further amended (1) by inserting "PART A—GENERAL" immediately below the chapter heading, and (2) by adding at the end of such chapter the following:

"PART B—FISH AND FISHERY PRODUCTS

"Subpart 1—Inspection and Regulations of Products, Establishments, and Vessels

"GOOD PROCESSING PRACTICES

"SEC. 410. (a) The Secretary shall, either directly or by contract, make, by experts in sanitation or other competent persons, such survey of as many establishments in the United States and vessels which process fish and fishery products for interstate commerce as he deems appropriate to inform himself concerning the operations and sanitary conditions thereof for the purpose of developing adequate standards of good processing practices, including but not limited to sanitation and quality control, under which such establishments and vessels shall be maintained and operated. The Secretary shall thereafter by regulation prescribe standards of sanitation and quality control for the processing of fish and fishery products which shall be applicable to persons covered by this part, and he may from time to time amend such regulations, except that prior to the issuance of such standards the Secretary shall consult with other interested Federal agencies, representatives of States, appropriate representatives of consumer organizations and the commercial fishing industry, other interested persons and organizations, and the advisory committee appointed pursuant to section 434. The initial regulations pursuant to this subsection shall be issued within one year after funds are first appropriated to carry out the provisions of this part. Regulations (including amendments to regulations) prescribed pursuant to this subsection shall become effective upon the date specified in the order prescribing them, but the initial regulations shall become effective one year after the day on which such regulations have been issued, unless the Secretary finds that additional time, not in excess of one year, is necessary to place all or any part of such regulations into effect. On and after the effective date of such regulations no person shall process for interstate commerce fish or fishery products in any establishment or vessel under his control without complying with such regulations.

"Certification of Establishments and Vessels

"(b) On or after the sixtieth day following the effective date of such regulations, no person shall process in or for interstate commerce fish or fishery products in any establishment or vessel under his control unless there is in effect for such establishment or vessel an official certificate issued by the Secretary. The application therefor shall be accompanied by such assurance as may be required by regulations that the establishment or vessel will be maintained in compliance with applicable standards. No such certificate shall be issued for any establishment unless the Secretary, on the basis of such application and of an intensive inspection made after the issuance of regulations pursuant to subsection (a), determines that there is satisfactory assurance that the establishment is adequately equipped, staffed, and managed to conform to the standards issued pursuant to subsection (a) and that fish and fishery products processed by it, including the labeling and packaging thereof, will in all respects comply with the requirements of this Act. The Secretary may deny the certificate if an adequate assurance of compliance is not presented, and the denial shall be subject to the opportunity for hearing and judicial review as provided by section 412.

"Suspension and Reinstatement of Certificates

"(c) The official certificate of any establishment or vessel may be suspended, after opportunity for hearings, for failure to comply with the requirements of this subpart. The certificate may be summarily suspended by the Secretary (1) for failure to permit access for inspection, or (2) where an inspection or investigation discloses violation of any provision of this chapter or any regulation issued thereunder which the Secretary determines would involve an undue risk of imminent harm to consumers, except that suspension pursuant to such determination shall not prevent the continued processing by the establishment or vessel of any fish or fishery product if such fish or product is not distributed, sold, or consumed by humans, except that such fish or products may be distributed, sold or consumed if the Secretary withdraws the summary suspension. The authority conferred by the preceding sentence may not be delegated to a nonsupervisory officer or employee of the Department. The holder of such a suspended certificate may at any time apply for reinstatement and the Secretary shall immediately grant such reinstatement if he finds that adequate measures have been taken to comply with the provisions of this part and the regulations issued thereunder. Suspension of a certificate and the denial of reinstatement shall be subject to the procedures provided by section 412, but a summary suspension shall remain in effect during the pendency of the administrative proceeding under that section, except that the Secretary may be enjoined from continuing such summary suspension at any time upon the order of the United States district court of the district in which such establishment or vessel is located. An injunctive proceeding against the Secretary may be initiated by the holder of a certificate summarily suspended by the Secretary under authority of this section. In any such proceeding, the court shall have jurisdiction only to determine whether a summary suspension was warranted under all of the circumstances of the case.

"SURVEILLANCE INCLUDING INSPECTION

"(d) For the purpose of preventing the introduction or use in interstate commerce of fish or fishery products which are adulterated or misbranded, the Secretary shall, in accordance with the most modern public health and food protection practice, establish and maintain continuous and effective surveillance of all segments of the industries involved. As a part thereof, the Secretary shall, through inspectors, cause to be made such inspections, including continuous inspection whenever deemed necessary by him, of establishments and vessels as in his judgment will reasonably assure continuing compliance with, and will most effectively achieve, the purposes of this subpart and of this Act. In determining from time to time the appropriate degree (including continuity or frequency) of such inspections to be applied in any establishment or vessel, the Secretary shall, among other relevant factors, consider the results of the intensive inspection required for certification under subsection (b) and any other relevant experience or information (whether obtained through inspection or otherwise), relating to such establishment or vessel or to fish or fishery products processed by it. For the purpose of preventing adulterated fish or fishery products from being introduced into interstate commerce, the Secretary may require, whenever he considers it appropriate, inspections, by inspectors appointed or commissioned by him, of such fish or fishery products at dockside. The Secretary, at his discretion, may further require that adequate inspections be made by such inspectors of vessels processing fish or fishery products for interstate commerce. Any inspector appointed or commissioned for the purposes of this part, shall at any reasonable time have access to any establishment or vessel where fish or fishery products are processed. Denial of access to such inspector shall be grounds for suspension of the certificate of registration. The Secretary whenever processing operations are being conducted, may, at his discretion, provide for the sampling, detention, and reinspection of fish or fishery products at each such establishment or vessel. Any fish or fishery products found to be adulterated by the Secretary shall be immediately segregated and, if objection is not made within ten days, condemned. If objection is made, the inspector's determination shall be subject to the opportunity for hearing and judicial review as provided by section 412. If objection is made, such fish or fishery products that are in perishable form may be processed to the extent necessary to prevent spoilage, but after such processing such fish or fishery products shall be segregated pending hearing and judicial review. Any fish or fishery products condemned under this subsection by the inspector without objection or after hearing and judicial review under section 412 shall be destroyed for human food purposes under the supervision of an inspector: *Provided*, That any fish or fishery products which may by reprocessing be made not adulterated shall not be so condemned and destroyed if reprocessed under the supervision of an inspector and thereafter found not to be adulterated. Failure to comply with the requirements of the preceding sentence shall be grounds for suspension of the official certificate. The cost of any inspection, including any continuous inspection, shall be borne by the United States, except that the cost of overtime and holiday pay for inspection service performed, in an establishment subject to inspection, at the convenience of the establishment and not owing to conditions of harvesting or processing beyond the control of the establishment, shall, at such rates as the Secretary may determine in accordance with regulations, be borne by such establishment. Sums received by the Secretary in reimbursement for sums paid out by him for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.

"Use of Official Mark

"(e) When fish or fishery products are processed for interstate commerce in an establishment or vessel holding an unsuspended official certificate and are placed or packed in any container or wrapper, the person processing such products may at the time they leave the establishment or vessel, cause the label thereof to bear or contain such identifying official mark as may be authorized by the Secretary by regulation.

"Labeling and Packaging

"(f) If the Secretary has reason to believe that any labeling or packaging in use or proposed for use with respect to any article subject to this subpart renders or would render such article misbranded, he may direct that such use be withheld, and that any otherwise authorized official mark not be used, unless the labeling and packaging is modified in such manner as he may prescribe to comply fully with this Act. Any such determination by the Secretary shall be subject to the opportunity for hearing and judicial review provided by section 412, but the use of such labeling or packaging shall, if the Secretary so directs, be withheld pending such hearing and judicial review if necessary to protect the public health. If the use of such labeling or packaging is withheld pending hearing and judicial review, the person using or proposing to use such labeling or packaging may at any time seek injunctive relief in the United States district court of the district in which such labeling or packaging takes place. In the event an injunctive relief proceeding is initiated, the court shall have jurisdiction only to determine if the Secretary's determination to withhold such labeling or packaging was warranted by all of the circumstances of the case.

"Trade Names and Established Packages

"(g) Established trade names or other labeling and packaging which are not false or misleading in any particular are permitted.

"Storage or Handling Regulations

"(h) Regulations issued pursuant to subsection (a) shall include standards prescribing conditions under which fish or fishery products capable of use as human food shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, or transporting, in or for interstate commerce, or importing, such articles.

"Importation of Fish and Fishery Products

"(i) After the effective date of regulations issued under this subpart and section 802 of this Act the following provisions shall apply:

"(1) No fish or fishery products which are capable of use as human food shall be imported into the United States if such articles are adulterated or misbranded or otherwise fail to comply with all the surveillance and inspection, good processing practice, and other provisions of this subpart and regulations issued thereunder applicable to such articles in interstate commerce within the United States. Notwithstanding the foregoing sentence, whenever, in the case of any foreign country, it shall be determined by the Secretary, after inspection pursuant to regulations promulgated under section 802 of this Act of the establishments in which fish, shellfish, or products thereof are prepared for importation into the United States, such other investigation and evaluation, conducted at least annually, as he considers necessary or appropriate, that its system of plant and vessel inspection of fish and fishery products is at least equal to all the inspection, good processing practice, and other provisions of this subpart and regulations issued thereunder, and that reliance can be placed on certificates required by regulation of the Secretary as to compliance with that country's inspection, good processing practice, and other requirements, the Secretary may accept such certificates as compliance with the comparable requirements of this subpart for such period and on such terms and conditions as he may prescribe. Any fish or fishery products covered by such certificates shall be marked and labeled as may be required by regulations for such imported articles. Notwithstanding any determination by the Secretary as to certification of compliance with comparable requirements of this subpart, all fish or fishery products imported into the United States shall remain fully subject to sections 801 and 802 of this Act.

"(2) The Secretary may prescribe, under sections 801 and 802 of this Act, the terms and conditions of the destruction of all such articles which are imported contrary to this section, unless (A) they are exported by the consignee within the time fixed therefor by the Secretary, or (B) in the case of articles which are not in compliance with this Act solely because of misbranding, such articles are brought into compliance with the Act under supervision of authorized representatives of the Secretary.

"(3) For the purpose of facilitating enforcement of this section and reducing the costs thereof, the Secretary, with the approval of the Secretary of the Treasury and the Secretary of State, may from time to time, by regulation, designate ports in the United States for the importation of fish or fishery products for commercial purposes into the United States. In designating such ports the Secretary shall give due regard to the practical and commercial need for an adequate number of such ports in various sections of the United States. After the effective date of such regulations such importation, except into ports so designated, is prohibited.

"(4) Nothing in this section shall apply to a person who purchases fish outside the United States for consumption by himself or members of his household, except that the total amount of such fish shall not exceed such weight as the Secretary may prescribe by regulation; and the Secretary may further, by or pursuant to regulation, exempt from all or any part of this section, on such terms and conditions as he may deem appropriate, fish that are caught by an individual in the bona fide pursuit of sport and not for commercial purposes in waters outside the United States and that are brought into the United States by such individual by himself or members of his household.

"(5) The Secretary shall submit an annual report to Congress no later than June 30 of each year concerning his administration and enforcement of this subsection with respect to imports of fish and fishery products.

"ADMINISTRATIVE AND AUXILIARY PROVISIONS

"Records and Reports

"SEC. 411. (a) For the purpose of facilitating enforcement of the provisions of this part, persons engaged in the business of processing fish or fishery products for human consumption in or for interstate commerce or holding such products after transportation in interstate commerce shall, as may be required by regulations of the Secretary—

"(1) maintain accurate records (A) showing, to the extent that such persons are concerned therewith, the receipt, delivery, sale, movement, or disposition of fish or fishery products, or (B) showing matters reasonably bearing upon sanitation and quality control in establishments or vessels under the control of such persons, or relating to the labeling of fish or fishery products processed in such establishments or vessels, or otherwise relating to whether fish or fishery products subject to this subpart are adulterated or misbranded;

"(2) upon the request of the Secretary permit him at reasonable times to have access to and copy any such records; and

"(3) make such reports to the Secretary with respect to such matters, including reports as to labeling practices, as the Secretary may reasonably require.

Any record required to be maintained by this section shall be maintained for two years after the transaction which is the subject of such record has taken place.

"Administrative Detention of Fish or Fishery Products

"(b) Whenever any fish or fishery product is found by any authorized representative of the Secretary upon any premise where it is held for purposes of, or during or after distribution in, interstate commerce or otherwise subject to this Act, and there is reason to believe that any such article is adulterated, or misbranded or otherwise in violation of the provisions of this Act or any other Federal or State law, or that such article has been or is intended to be distributed in violation of any such provisions, such fish or fishery products, if not otherwise subject to condemnation under section 410(d), may be detained by such representative for a period not to exceed seven days pending action under section 304 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such article, and shall not be moved by any person from the place at which it is located when so detained until released by such representative. Such fish or fishery product shall be detained in a suitable manner to prevent decomposition and the costs thereof shall be borne by the owner thereof. All official marks may be required by such representative to be removed from such article before it is released unless it appears to the satisfaction of the Secretary that the article is eligible to retain such marks.

"Exemptions

"(c) (1) The provisions of this subpart shall not apply to the processing by any person of fish of his own raising or harvesting, and the preparation by him and transportation in commerce of the fish or fishery products exclusively for use by him and members of his household and his nonpaying guests and employees, if such person does not engage in the business of buying or selling any fish or fishery products capable of use as human food.

"(2) The Secretary may, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this subpart (a) retail dealers with respect to fishery products sold directly to consumers in individual retail stores, if the only processing operations performed by such retail dealers are conducted on the premises where such sales to consumers are made, and (b) equipment other than vessels used in the transportation of fish and fishery products.

"(3) The Secretary may by regulation, under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from the requirement of continuous inspection imposed by the first sentence of section 410(d) any establishment or vessel, known in the trade as a "fish house, shore-based cold storage, or similar floating cold storage, in which no processing of fish or fishery products is performed except (A) the unloading of fresh whole fish from vessels into appropriate bulk containers, (B) icing or other refrigeration of such fish, and (C) prompt shipment thereof either (i) to an establishment subject to continuous inspection, or (ii) to a retail dealer described in paragraph (2) of this subsection.

"(4) Regulations pursuant to section 410 (a) with respect to storage or other handling of fish or fishery products by persons engaged in the business of buying, selling, freezing, storing, transporting, or importing the same shall not apply to storage and handling at any retail store or other establishment that would be subject to that section only because of purchases in interstate commerce, if such storage and handling at such establishment are regulated, under applicable State law, in a manner which the Secretary, after consultation with appropriate State representatives and other interested persons, determines to be adequate to effectuate the purposes of the storage or other handling regulations prescribed pursuant to section 410(a).

"(5) The Secretary may suspend or terminate any exemption under this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this Act.

"Processors of Industrial Fishery Products and Related Industries

"(d) No person shall buy, sell, or offer for sale, or transport or offer to receive for transportation, in interstate commerce, or import, any fish or fishery products which are not intended for use as human food unless they are denatured or otherwise identified as required by regulations of the Secretary or are naturally inedible by humans.

"OPPORTUNITY FOR HEARING AND JUDICIAL REVIEW OF DENIAL, WITHHOLDING, SUSPENSION, OR WITHDRAWAL OF CERTIFICATES AND WITHHOLDING OF APPROVAL OF LABELING OR PACKAGING

"Opportunity for Hearing

"SEC. 412. (a) (1) Any person denied a certificate under section 410(b), or whose certificate is proposed to be suspended or has been summarily suspended, or who has been denied reinstatement under section 410(c), or whose fish or fishery products are segregated under section 410(d), or from whom the use of any labeling or packaging has been withheld or is proposed to be withheld under section 410(b), or any other person adversely affected by the Secretary's action or inaction on such matters, may file objections thereto with the Secretary, specifying with particularity reasonable grounds for his objection, and request a hearing upon such objection. The Secretary shall afford an opportunity for a hearing on such objections,

and shall expedite such hearing upon request. As soon as possible after the hearing, the Secretary shall act upon the objections.

"(2) The Secretary shall issue an order based upon a fair evaluation of the entire record at such hearing, and shall include in such order findings of fact and conclusions on which the Secretary's action was based.

"(3) The Secretary shall grant such interim relief from any order suspending or withdrawing a certificate as he finds justified upon considering the interests of the person holding the certificate and the necessity for protection of the public health and the interest of consumers.

"Judicial Review

"(b)(1) Any person adversely affected by the Secretary's action on such person's objections may obtain judicial review by filing in the United States court of appeals for the circuit in which he resides or has his principal place of business, within sixty days after the entry of the Secretary's order, a petition for judicial review.

"(2) A copy of the petition shall be transmitted by the clerk of the court to the Secretary, and the Secretary shall file in the court the record of the proceeding. The finding of the Secretary with respect to questions of fact shall be sustained if supported by substantial evidence when considered on the record as a whole. The costs of any proceeding under this section may be apportioned to the parties if the interests of justice require.

"(3) The judgment of the court affirming or setting aside, in whole or in part, any order under this section shall be final subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

"EVIDENCE FOR INVESTIGATIONS AND HEARINGS—SUBPENAS

"SEC. 413. For the purpose of any hearing, investigation, or other proceeding authorized or directed under this part, the Secretary is authorized to issue subpenas requiring the attendance and testimony of witnesses and the production of any documentary or other evidence that relates to any matter under investigation or in question before the Secretary and to administer oaths or affirmations. Witnesses so subpenaed shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy by, or refusal to obey a subpena duly served upon, any person, the district court of the United States for the district in which the person charged with contumacy or refusal to obey is found or resides or transacts business shall, upon application by the United States and after notice to such person, have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary, or to appear and produce documentary or other evidence before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"Subpart 2—Federal and State Cooperation

"SEC. 421. (a) It is the policy of the Congress to assist in efforts by State and other Government agencies to protect the consuming public from fish and fishery products that are adulterated, misbranded, or otherwise not processed in accordance with standards in effect under this Act. In furtherance of this policy—

"(1) The Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, (A) to cooperate with the appropriate State agency in developing and administering State fish and fishery products surveillance programs, including inspection, surveillance for dangerous materials as defined in part C of this chapter, and other related activities, in any State which has enacted a State fish and fishery products surveillance law that imposes mandatory requirements that are at least equal to those under subpart 1 of this part, and provisions of this Act related to such subpart, with respect to all or certain classes of persons engaged in the State in processing fish and fishery products for use as human food solely for distribution within such State; and (B) to cooperate with the appropriate State agency in the development of an effective State program (described in a State plan approved on an annual basis by the Secretary as meeting standards established by him) for the classification and control of shellfish growing areas and for regulation and control of shellfish harvesting practices, including shellfish intended for introduction into interstate commerce.

"(2) Cooperation with State agencies under this section may include furnishing to the appropriate State agency (A) advisory assistance in planning and otherwise developing adequate State programs under the State law, and (B) technical and laboratory assistance and training, including necessary curricular and instructional materials and equipment, and financial and other aid for administration of such programs. Grants to any State under this section from Federal funds for any fiscal year shall not exceed 50 per centum of the estimated total cost of the cooperative program in such State. Such cooperation and payment shall be contingent at all times (A) upon the administration of State programs in a manner which the Secretary, after such consultation with the advisory committee appointed under section 434 as he considers appropriate, deems adequate to effectuate the purpose of this section, and (B) upon agreement by the State, when requested by the Secretary, to cooperate with the Department by making available (upon a reimbursable basis or otherwise as may be agreed upon) the services of qualified personnel of the State agency, when duly commissioned by the Secretary pursuant to section 702, for the conduct of fish and fishery products surveillance activities on behalf of the Department for the purposes of subpart 1 of this part and part C of this chapter.

"(b) The appropriate State agency with which the Secretary may cooperate under this subpart shall be an agency designated by the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act, except that with respect to the shellfish control program referred to in clause (B) of paragraph (1) of subsection (a) such State agency may, in the case of a State in which different functions of its shellfish control program are vested in different State agencies, be an interdepartmental agency if found by the Secretary to be consistent with the purposes of this Act, including this part. When the State program, or the performance of services on behalf of the Department (referred to in clause (B) of the third sentence of subsection (a)(2)), includes performance of certain functions by a municipality or other subordinate governmental unit, such unit shall be deemed to be a part of the State agency for purposes of this section.

"SEC. 422. (a)(1) If the Secretary believes, by thirty days prior to the expiration of two years after the effective date of regulations promulgated under section 410(a) of this Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction at which fish or fishery products are processed for use as human food for distribution solely within the State, requirements at least equal to those imposed under subpart 1 of this part and other provisions of this Act related to such subpart, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or a representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of such subpart 1 and related provisions of this Act shall apply to operations and transactions wholly within such State. Notwithstanding the foregoing provisions of this paragraph, if the Secretary determines that there is reason to believe that the State will activate such requirements within one additional year, he may delay such designation for that period, and he shall in that event not designate the State if he further determines at the end of that period that the State then has such requirements in effective operation.

"(2) The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of subpart 1 and other provisions of this Act related thereto shall apply to operations and transactions and to persons engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for interstate commerce.

"(3) Notwithstanding any other provision of this subpart, if the Secretary determines, at any time prior to designation of a State under this section, that any establishment within a State is producing adulterated fish or fishery products for distribution within such State which would clearly endanger the public health, he shall, with a view to achievement of effective action under State or local law, notify the Governor of the State of such fact. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary in the light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of subpart 1 and related provisions of this Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in interstate commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under such provisions.

"(b) Whenever the Secretary determines that any State designated under this section has developed and will enforce State requirements at least equal to those imposed under subpart 1 and related provisions of this Act with respect to the operations and transactions within such State which are regulated under this section, he shall terminate the designation of such State under this section, but this shall not preclude the subsequent redesignation of the State at any time upon thirty days' notice to the Governor and publication of such notice in the Federal Register; and any State may be designated upon such notice and publication at any time after the period specified in this subsection, whether or not the State has theretofore been designated, upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under such subpart and related provisions.

"(c) The Secretary shall promptly upon enactment of this subpart 2, and periodically thereafter but at least annually, review the requirements, including the enforcement thereof, of the States not designated under this section, with respect to the processing of fish or fishery products and the surveillance, including inspection, of such operations.

"(d) For the purpose of enabling the Secretary to make determinations required of him under this section, the authority conferred by subpart 1 of this part and by section 704 to cause to be made inspections of establishments by inspectors appointed by him shall extend to establishments in any

State processing fish and fishery products solely for distribution in such State.

"STATE JURISDICTION

"SEC. 423. (a) Requirements within the scope of subpart 1 of this part, with respect to any establishment or vessel at which a certificate of registration is required under subpart 1, which are in addition to or different from those made under such subpart may not be imposed by any State except that any such jurisdiction may impose recordkeeping and other requirements within the scope of section 411(b) with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements in addition to, or different from, those made under this Act may not be imposed by any State with respect to articles processed at any establishment or vessel in accordance with the requirements under such subpart, but any State may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over such articles (including imported articles after their entry into the United States) for the purpose of preventing distribution of any such articles which are adulterated or misbranded, including the exercise of such concurrent jurisdiction in any such establishment or vessel (with respect to such articles) as the Secretary, by or pursuant to regulation, determines will not conflict with or unnecessarily duplicate activities of the Secretary therein.

"(b) Nothing in this section shall be construed to preclude the establishment and operation and enforcement of a State shellfish program (meeting Federal standards and administered under an annual plan approved by the Secretary) for classification and control of growing areas and for regulation and control of harvesting practices for shellfish, including shellfish intended for introduction in interstate commerce. This section shall not preclude any State from making requirements or taking other action, consistent with subpart 1, with respect to any other matters not regulated thereunder. Nothing in this section shall be construed to preclude the utilization of State or local personnel for services on behalf of the Department, upon being commissioned by the Secretary pursuant to section 702.

"Subpart 3—General

"INTERDEPARTMENTAL COOPERATION

"SEC. 431. (a) There shall be consultation between the Secretary and the Secretary of Commerce, and any other interested agencies, prior to the issuance of standards under this Act applicable to fish or fishery products. There shall also be consultation between the Secretary and the advisory committee provided for under this Act, prior to the issuance of such standards under this Act, to avoid, insofar as feasible, inconsistency between Federal and State standards.

"(b) For the purpose of facilitating enforcement and reducing the costs thereof, the Secretary may, by agreement with the agency concerned, utilize with or without reimbursement law enforcement officers or other personnel and facilities of other Federal agencies to carry out the provisions of this Act and, in connection therewith, may commisson such personnel as officers of the Department. The Secretary is also encouraged to enter, where appropriate, into agreements or other arrangements (on a reimbursable basis or otherwise) with any State for utilization of the facilities, services, and qualified personnel of such State (duly commissioned by him pursuant to section 702) in carrying out the provisions of this Act, and in particular subpart 1 of this part, including enforcement.

"RESEARCH

"SEC. 432. The Secretary is authorized to conduct, directly or through grants to or contracts with public or private agencies or organizations and individuals, studies, research, experiments, and demonstrations—

"(1) to improve sanitation practices in the processing of fish and fishery products; and

"(2) to develop improved techniques in the conduct of surveillance (including inspection) activities under this Act.

"PERSONNEL: APPOINTMENT AND TRAINING

"SEC. 433. (a) The Secretary shall, subject to the civil service and classification laws, appoint such employees, qualified by training or education, as he deems requisite for the administration of this part and prescribe their duties.

(b) The Secretary shall, to the extent necessary or appropriate, provide training for personnel appointed pursuant to this section. He shall work with educational institutions in developing programs designed to enable persons to qualify for positions in the administration of this part.

"NATIONAL ADVISORY COMMITTEE

"SEC. 434. (a) The Secretary shall appoint, without regard to the civil service and classification laws, a national advisory committee of not more than twenty-one members to advise him concerning Federal and State programs of fish and fishery product inspection and on other fisheries matters within the scope of this part and part C of this chapter, including the evaluation of State fish and fishery product surveillance programs having objectives similar to those of this part and part C and the promotion of improved coordination among State programs and between Federal and State programs. The chairman (who shall be designated by the Secretary) and a majority of the members of such committee shall have no economic interest in the commercial fisheries industry and shall be drawn from the public (including persons representative of consumer and environmental protection organizations), from the fields of the environmental and other relevant sciences, and from persons especially conversant with State fishery and fishery products surveillance programs. Not less than one-third of the members of such committee shall be drawn from consumer and environmental protection organizations.

"(b) Members of the committee who are not regular full-time employees of the United States shall, while serving on business of the committee, be entitled to compensation at rates fixed by the Secretary, but not exceeding the daily rate applicable at the time of such service to grade GS–18 of the classified civil service, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"PART C—SURVEILLANCE FOR DANGEROUS MATERIALS

"SEC. 435. (1) In order to protect consumers from the dangers of dangerous materials which may be found in food, the Secretary shall initiate and carry out an intensive screening system for the detection of such materials in food.

"(2) As used in this section—

"(A) The term 'dangerous material' means any material which there is reason to believe might reach toxic levels in significant quantities of food so as to threaten human health.

"(B) The term 'intensive screening' means that level of surveillance required to provide reasonable assurance that the presence of dangerous materials in food does not constitute an unreasonable threat to human health. Such surveillance shall consist of sampling and analysis of those foods which there is reason to believe contain dangerous materials in such quantities as to threaten or significantly contribute to the threat to human health. In the case of those dangerous materials for which additional research is necessary to reasonably specify such levels of surveillance, such term means that level of research which is required to gain reasonably sufficient knowledge to gage the threat to human health arising from the presence of such dangerous materials in food and any other information necessary to ascertain such levels. To the extent practicable, such research shall utilize data on human exposure which relates to consumption patterns and the accumulative effect on human metabolism.

"(3) Not more than one hundred and eighty days after the date of enactment of this section, the Secretary shall propose regulations specifying all dangerous materials and the intensive screening procedures that he will follow in carrying out this section. The Secretary may modify or amend such regulations at any time after they become final either on his own initiative or on the petition of any interested person. Those adversely affected by any proposed regulation, any proposed modification or amendment, or the denial of any petition for any such modification or amendment may file objections thereto with the Secretary showing reasonable grounds therefor and request a hearing thereon. The Secretary shall afford an opportunity for a hearing on such objections. All hearings conducted pursuant to this section shall consist of the oral and written presentation of data, views, or arguments pursuant to section 553 of title 5 of the United States Code.

"(4) If the Secretary finds that there is a threat to the public health that requires an immediate increase in the level of research he may increase the level of such research or testing to such extent he determines necessary without regard to any requirement under this section for previous notice or opportunity for a hearing; but the Secretary shall comply with such requirements as soon as practicable after initiating such increase in the level of research or testing for the dangerous material in question.

"(5) Analyses performed under this section to determine the presence and amount of dangerous materials in food shall be performed using the best available technology."

FOREIGN FISHERIES PRODUCTS

SEC. 7. (a) Chapter VIII of the Federal Food, Drug, and Cosmetic Act is further amended by adding at the end thereof the following new section:

"SEC. 802. (a) (1) The Secretary, after consultation with the Secretary of State, shall establish regulations for the inspection of foreign establishments which process and prepare fish, shellfish, or products thereof for importation into the United States.

"(2) In the event that officials of the Department are refused access to inspect any foreign establishment which so processes and prepares fish, shellfish, or products thereof or such etablishment does not meet the regulations prescribed by the Secretary, then the Secretary shall so advise the Secretary of the Treasury.

"(b) Upon receiving notice from the Secretary pursuant to subsection (a) (2) of this section, the Secretary of the Treasury shall issue an order prohibiting importation into the United States of any fish, shellfish, or products thereof of—

"(1) any foreign country which does not permit the officials of the Department to carry out inspections of establishments that are located within such country's jurisdiction and that prepare fish, shellfish, or products thereof for the bringing or importation into the United States;

"(2) any such foreign establishment which does not permit inspection by officials of the Department; or

"(3) any such foreign establishment which after inspection has failed to meet the requirements of regulations established by the Secretary.

"(c) It shall be unlawful for any person subject to the jurisdiction of the United States knowingly to import into or cause to be imported into, the United States any fish, shellfish, or products thereof prohibited pursuant to this Act.

"(d) Enforcement of the provisions of this section prohibiting importation of fish, shellfish, or products thereof into the United States shall be the responsibility of the Secretary of the Treasury.

"(e) Any fish, shellfish, or products thereof imported into the United States in violation of the regulations established under this section, shall be deemed to be in violation of the Tariff Act of 1930 and subject to the provisions of such Act relating to seizure, forfeiture, condemnation, and disposition of such fish or shellfish or products thereof or disposition of the proceeds from the sale thereof, insofar as such provisions are applicable and not inconsistent with this section."

(b) The provisions of this section shall become effective on the same date as provided for section 410 of this Act unless the Secretary, for a good cause, finds that additional time is necessary but in no event shall the effective date of this section be delayed beyond the one hundred eightieth day following the effective date of section 410 of this Act.

FISHERIES LOAN FUND

SEC. 8. (a) Section 4 of the Fish and Wildlife Act of 1956 (70 Stat. 1121; 16 U.S.C. 742c) is amended—

(1) by inserting before the period at the end of subsection (a) the following: "or new or operating establishments processing fish and fishery products subject to regulations issued under the Wholesome Fish and Fishery Products Act of 1971 and subject to the enactment of such Act";

(2) by inserting immediately after the word "gear" in the first sentence of subsection (b)(4) the words "and establishments processing fish and fishery products", and by inserting before the period at the end of such sentence the phrase "and commercial fish processors";

(3) by inserting immediately after the word "applicant" in subsection (b)(5) the words "for a loan relating to vessels or gear", and by adding at the end thereof the following new sentence: "The applicant for a loan relating to an establishment processing fish and fishery products shall be the ability, experience, resources, and other qualifications necessary to operate and maintain the establishment in a sound, businesslike manner."; and

(4) by amending the last sentence of subsection (c) of such section to read as follows: "There is authorized to be appropriated to the fisheries loan fund the sum of $35,000,000 to provide initial capital.".

(b) Section 7(a) of the Fish and Wildlife Act of 1956 (70 Stat. 1122; 16 U.S.C. 742f(a)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) a new paragraph to read as follows:

"(4) provide technical assistance to the commercial fishing industry in developing economically feasible technical improvements to meet any standards of sanitation and quality control for the processing of fish and fishery products promulgated under the Wholesome Fish and Fishery Products Act of 1971 and any other provisions of such Act, upon the enactment of such Act, and to assure that the processing of all fish and fishery products fully complies with such standards;".

EXISTING AUTHORITY

SEC. 9. (a) Notwithstanding any other provisions of law, the amendments made by this Act shall not derogate from any authority conferred upon any Federal officer, employee, or agency by or under provisions of the Federal Food, Drug, and Cosmetic Act in force prior to enactment of this Act, by the Fair Packaging and Labeling Act, by the Public Health Service Act, or by any other Act.

(b) Compliance with the requirements prescribed by or pursuant to the Federal Food, Drug, and Cosmetic Act (including the amendments made thereto by the Wholesome Fish and Fishery Products Act of 1971) with respect to fish and fishery products, including any continuous inspection that may be established thereunder, shall not exempt any person from any liability under common or State law.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 10. There are authorized to be appropriated for the purpose of carrying out the amendments made by this Act to the Federal Food, Drug, and Cosmetic Act not to exceed $2,526,000 for the fiscal year beginning July 1, 1972, not to exceed $12,947,000 for the fiscal year beginning July 1, 1973, not to exceed $26,884,000 for the fiscal year beginning July 1, 1974, and for succeeding fiscal years only such sums as the Congress may specifically authorize by law.

Mr. MANSFIELD. Mr. President, I wish to thank deeply the distinguished senior Senator from Michigan (Mr. HART) for the outstanding manner in which he steered to overwhelming success this measure which is designed to create effective inspection procedures over the fish industry.

With its passage, Senator HART has added another superb achievement to a record that is already abundant with proposals to help and protect every consumer in this Nation. The Senate is deeply grateful.

The Senate is grateful as well to the distinguished Senator from New Hampshire (Mr. COTTON). His cooperation was indispensable to the swift and efficient disposition of this measure.

To Senator HART and Senator COTTON and to Senator MAGNUSON, the chairman of the Committee on Commerce, and to all those Senators who joined this discussion, the Senate is truly grateful.

The passage of this measure is a great accomplishment for which we may all be proud.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination.

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

U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS

The PRESIDING OFFICER. The clerk will state the nomination.

The assistant legislative clerk read the nomination of Richard W. McLaren, of Illinois, to be a U.S. district judge for the northern district of Illinois.

The PRESIDING OFFICER. Without objection, the Senate will consider the nomination, and, without objection, the nomination is confirmed.

Mr. HART. Mr. President, I ask that the President be immediately notified of the nomination.

The PRESIDING OFFICER. Without objection, the President will be so notified.

Mr. HART. Mr. President, very briefly, we have just confirmed the nomination of Richard McLaren, of Illinois, as a judge of a Federal court. I am delighted. Mr. McLaren has served conscientiously as Assistant Attorney General in charge of antitrust for several years. Those of us who have had contact with him have come to respect and admire him. I compliment the President on the appointment.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The PRESIDING OFFICER. Pursuant to previous order, the Chair lays before the Senate Calendar No. 474 S. 1857, which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1857) to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment on page 2, after line 22, strike out:

"SEC. 7. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, to remain available until expended."

And, in lieu thereof, insert:

"SEC. 7. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act and to remain available until expended $4,300,000 for fiscal year 1972, of which not to exceed $2,400,000 shall be for grants-in-aid."

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 the joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended, is further amended as follows:

(1) Section 2(b)(3) is amended by adding the words "The Secretary of the Treasury" after the words "The Secretary of State".

(2) Section 2(b)(4) is redesignated as section 2(b)(5) and is amended by striking out "seventeen" and inserting in lieu thereof "twenty-five".

(3) By adding a new section 2(b)(4) to read as follows:

(4) Four members of the Federal judiciary to be appointed by the Chief Justice of the United States;".

SEC. 2. Section 6(b) is amended to read as follows:

"SEC. 6. (b)(1) The Chairman, with the advice of the Commission, shall appoint a Director who will be compensated at level IV of the Executive Schedule, and three Deputy Directors who will be compensated at level V of the Executive Schedule. Such officers shall serve at the pleasure of the Chairman.

"(2) The Commission shall have power to appoint and fix the compensation of such additional personnel as it deems advisable and to appoint such advisory committees as it deems necessary.

"(3) The Commission shall delegate such

powers and duties to the Director (with power to redelegate) as necessary for the efficient operation and management of the Commission."

SEC. 3. Section 7(a) is amended to read as follows:

"SEC. 7. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act and to remain available until expended $4,300,000 for fiscal year 1972, of which not to exceed $2,400,000 shall be for grants-in-aid."

SEC. 4. Add at the end thereof the following new sections:

"SEC. 8. In carrying out the purposes of this Act, the Commission is further authorized to provide for:

"(1) the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects which will contribute to public information awareness and interest in the bicentennial;

"(2) competitions, commissions, and awards for historical, scholarly, artistic, literary, musical, and other works programs, and projects relating to the bicentennial; and

"(3) a bicentennial calendar or register of programs and projects, and in other ways provide a central clearinghouse for information and coordination regarding dates, events, places, documents, artifacts, and personalities of bicentennial historical and commemorative significance.

"SEC. 9. The Commission is authorized to carry out a program of grants-in-aid in furtherance of the purposes of this Act. The Commission shall, subject to such regulations as it may prescribe:

"(1) Make equal grants in two successive years of not to exceed $45,000 annually to each State, territory, the District of Columbia, and the Commonwealth of Puerto Rico, upon application therefor, to assist in the establishment or implementation of Bicentennial Commissions.

"Sec. 10. Appropriations or other funds available to any Government department or agency (including the Commission) for carrying out purposes related to or in furtherance of the bicentennial commemoration may be transferred between the Commission and any such Federal department or agency as may be mutually agreed between them. Funds so transferred may be used for direct expenditure or as a working fund, and any such expenditures may be made under the authorities governing the activities of any such department or agency or the authorities of this Act, provided the activities come within the purposes of this Act."

SEC. 5. Section 5108(a) of title 5, United States Code, is amended by striking out "2754" and inserting "2764".

The PRESIDING OFFICER. There is a limitation of 30 minutes on the bill.

Who yields time?

Mr. BROOKE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. BROOKE. Mr. President, in these days when we are so deeply concerned with the present and future of this Nation, we sometimes overlook the significance of the lessons which the past has to teach us.

This Nation was created out of great struggle and sacrifice. It was founded on brave ideals of freedom, justice, and equality for all. It has become a guiding light for nations and peoples throughout the world who value our ideals and seek to follow our way of life. It is thus particularly fitting and important that we recognize our Nation's birth in a solemn and significant way. And it was with this thought in mind that the American Revolution Bicentennial Commission was established on the historic date of July 4, 1966—exactly 10 years before the 200th anniversary of our Nation's founding.

Under the mandate originally given to the Commission, 5 years were to be spent in planning, and 5 years in actually developing and implementing programs to honor our birth.

We are now at the midpoint in the Commission's progress toward its goal. Starting with this fiscal year, we are actually putting into effect our plans.

This bill represents the authorization for the Commission to continue and expand its work. The legislation approves $1.9 million for salaries and expenses of the Commission, and $2.4 million to be used for grants-in-aid to every State and territory, the District of Columbia and the Commonwealth of Puerto Rico, to assist in the establishment or implementation of local bicentennial commissions.

It is vitally important that this work proceed, and that the States and territories now seek to approve and promote their own programs for observing this, our most historic commemoration.

I am pleased that the Judiciary Committee has seen fit to approve this authorization, and extend my special gratitude to the distinguished senior Senator from Nebraska (Mr. HRUSKA), the manager of the bill, and to the distinguished senior Senator from Arkansas (Mr. MCCLELLAN), who serves on the Subcommittee on Federal Charters, Holidays, and Celebrations.

I thank my colleagues, and urge the prompt adoption of this bill.

Mr. BROOKE. Mr. President, I yield 3 minutes to the Senator from Nebraska (Mr. HRUSKA).

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. S. 1857 is an administration proposal to amend Public Law 89-491, the basic legislation which established the American Revolution Bicentennial Commission. The Judiciary Committee unanimously approved the bill as amended and urges its enactment.

The bill as reported includes provisions for an enlarged Commission, additional administrative and personnel authorities, and extension of the Commission's authorization for appropriations for the current fiscal year 1972. The bill would also authorize two annual grants of not to exceed $45,000 each to each State, Territory, the District of Columbia, and the Commonwealth of Puerto Rico to assist in the establishment or implementation of local bicentennial commissions.

The basic purpose of the bill is to begin the implementation of the national plan developed by the American Revolution Bicentennial Commission for the Nation's 200th anniversary in 1976.

The primary Commission recommendations, which were strongly endorsed by the President, are:

The commemoration be national in scope, seeking to involve every State, city and community;

The bicentennial be a focal point for a review and reaffirmation of the principles on which the Nation was founded and for a new understanding of our heritage; and

This be the occasion for looking ahead, for defining and dedicating ourselves to our common purposes, and for speeding the accomplishment of specific local projects responsive to our changing national priorities.

The goal which the Commission has established is most appropriate for our Nation at this time: "to forge a new national commitment, a new spirit for '76, a spirit which vitalizes the ideals for which the Revolution was fought; a spirit which will unite the Nation in purpose and dedication to the advancement of human welfare as it moves into its third century."

This is a grassroots program which emphasizes and depends upon local planning and local initiative. The National Commission has developed criteria and guidance for the States to assure that local planning comes within its goals and objectives.

The nucleus for this local-initiative approach must be the State bicentennial commissions. While more than 46 State commissions have been established, few of them have adequate staff or funding. Indeed, many are without either full-time staff or any regular funding whatsoever.

The grants proposed in S. 1857, therefore, are intended to provide each State with a minimal amount that can be used for a skeleton staff, professional studies, and research that would permit the initiation of planning to develop a bicentennial program for their State's participation in the 200th anniversary of America. Each State, regardless of size, will have an equal need for such seed money to provide basic resources now.

The primary role of the Federal Commission will be that of a coordinator and a catalyst with State and local bicentennial commissions and with the multitude of historical, service, patriotic and other groups and organizations throughout the country.

Extra effort is needed and a long lead-time required to mobilize, encourage, and coordinate local and regional programs by State and local groups. But there is also great opportunity for the awakening of national interest, a revival of a do-it-yourself spirit in this approach which makes the effort most worthwhile. I sincerely believe that such an approach will have a quantum multiplier effect throughout our country—deep involvement in our Nation's 200th anniversary.

It should be noted that S. 1857 is considered an interim measure to bridge the transition from planning to action. As such, it provides only a 1-year appropriations authorization for fiscal year 1972.

Also, the organizational structure of the Commission as amended by the bill is not deemed suitable for long-range implementation of the national bicentennial program through 1976.

The bill provides in section 2(3) for a delegation of full executive authority to a staff director who will be responsible for the operation and management of the Commission.

The report of the Judiciary Committee on S. 1857 notes that the committee considers this an interim arrangement and requests the executive branch to submit organizational proposals that would be adequate for conducting and funding the bicentennial program through 1976.

The bill clarifies and amplifies specific authorities to assist the Commission in carrying out its statutory mandate to plan, develop, encourage, and coordinate a total program of local, State, national, and international activities.

That section authorizes the Commission to arrange for the preparation of materials and objects relating to the bicentennial and for their distribution, exhibition, and sale. Such items may include, for example, pamphlets, manuscripts and films, commemorative and historical artifacts, and other mementos. It is anticipated that the Commission will work closely with State and local commissions and with patriotic, historical, and service groups and organizations to assure the availability of such materials.

The success of the bicentennial depends to a very large degree upon the ability of the Commission to stimulate others, in many cases volunteers and unpaid individuals, and potential contributors, to participate in the commemoration. It is recognized that the Commission needs to defray certain expenses of hospitality when hosting meetings of individuals and groups to accomplish its objectives.

The bill also authorizes the Commission to conduct competitions for historical research essays, musical works, cultural programs, and so forth, relating to the bicentennial and to commission and give awards for such works. The Commission expects to stimulate interest at all levels, from schoolchildren to recognized professionals, to produce works which will promote and perpetuate understanding of 200 years of national development.

The bill also authorizes the Commission to initiate a bicentennial calendar of programs and projects and provide a central clearinghouse for information and coordination regarding dates, events, places, documents, personalities, and so forth, of bicentennial historical and commemorative significance.

S. 1857, as amended by the Committee on the Judiciary, is necessary in order to provide the Bicentennial Commission with the necessary authority and funds so that it can move forward the programs for the bicentennial in 1976. Accordingly, I urge favorable consideration of S. 1857, as amended.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MATHIAS. Mr. President, I call up my amendment at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, line 1, beginning with "by", strike out all through the period on line 2 and insert in lieu thereof the following: "to read as follows:"

"'(5) Twenty-five members from private life to be appointed by the President, one of whom shall be designated as the Chairman by the President, who shall be so chosen as to be broadly representative of the nation's people, with specific recognition of the contributions of its youth as well as its elders, of its racial and ethnic minorities, of its creative arts, its useful crafts and its learned professions.'"

The PRESIDING OFFICER. Who yields time?

There is no time on the amendment. Time is yielded on the bill.

Mr. BROOKE. I yield 5 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, a very funny movie made the rounds recently called "Don't Start the Revolution Without Us."

It appears that we are going to do just that with the 200th anniversary of the American Revolution—that we will let it come and go as if it meant no more to the American people than the usual fireworks and flag waving and commemorative coins and community cookouts, as if it had no power to engage the energies and imagination of the American people in a celebration of any lasting significance.

And I do not find that very funny at all.

Nearly 6 years have passed since, together with Representative BRADFORD MORSE of Massachusetts, I introduced the original legislation that led to the creation of the American Revolution Bicentennial Commission. The rather stormy story of the Commission's creation is told by Eric Goldman in his book, "The Tragedy of Lyndon Johnson."

We did so because we believed not only that the Revolution was the most important event in our history but, even more, that the ideas and ideals of that Revolution are as real and relevant today as they were 200 years ago.

We did so because we believed that the bicentennial offered us a rare opportunity to come together as a Nation and as a people, and to renew our commitment to those ideals and ideas that are the sum and symbol of all we are and all we ought to be.

We also believed that such a bicentennial would not simply happen, out of some sort of spontaneous combustion, but would occur only if we began, far ahead of time, to give it the careful consideration that it deserves.

So we proposed the creation of a commission that was, in the words of the resolution, finally enacted—

to prepare an overall program for commemorating the bicentennial of the American Revolution, and to plan, encourage, develop, and coordinate observances and activities commemorating . . . the American Revolution

and, in all planning, to "give special emphasis to the ideas associated with the Revolution which have been so important in the development of the United States, in world affairs and in mankind's quest for freedom.

On July 4, 1966, the President signed the joint resolution establishing that commission.

By July 4, 1968, the Commission was supposed to submit to the President "a comprehensive report incorporating its specific recommendations for the commemorating of the bicentennial and related events."

That report was to "include recommendations for the allocation of financial and administrative responsibilities among the public and private authorities and organizations recommended for participation by the Commission" as well as "proposals for such legislative enactments and administrative actions as the Commission considers necessary to carry out its recommendations."

Nearly 6 years have passed; the bicentennial year is only 4 years away; the bicentennial era—starting in 1970 and continuing until 1987—is already almost 2 years old, and I regret to say that neither in terms of the spirit nor of the letter of the resolution has the Commission fulfilled any of these responsibilities.

Its report appeared not in 1968 but in 1970.

In no legitimate sense could it be said to contain "an overall program for commemorating the bicentennial of the American Revolution."

Its rhetoric was indeed resplendent, its sentiments sublime.

But instead of a concrete plan or program, instead of a coherent and carefully conceived set of recommendations, it offered only a loose and slim assortment of projects and proposals put forth by various public and private bodies.

It proposed no "legislative enactments" or "administrative actions."

It contained no "recommendations for the allocation of financial and administrative responsibilities among the public and private authorities and organizations."

In fairness to the Commission, it must be said that it has labored under severe and numerous handicaps.

It took President Johnson some 6 months to appoint the public members of the Commission.

The Commission had, to begin with, no money. Representative MORSE and I had proposed a $200,000 authorization, but that was cut out in committee and until fiscal 1969 the Commission had to try to function on whatever private funds it could come up with.

Representative MORSE and I had also originally proposed that the Commission convene a "national assembly" to consider and recommend various kinds of activities to commemorate the bicentennial.

We hoped that, through such an assembly, the Commission not only could draw upon the best ideas the country could offer, but could begin to draw the country together for a genuinely national celebration. The White House, unfortunately, did not agree and this proposal was never adopted.

Off to such a late start, with few resources, the Commission was able to accomplish little before its members submitted their resignations after the elections of 1968.

Not until July 4, 1969, was the new Commission appointed.

And like its predecessor, it has suffered from a lack of adequate funds, staff, and other resources.

But once all this is said, the fact remains that the bicentennial is upon us and the Commission has, thus far, come forth with nothing—no plan, no program—capable of genuinely arousing and involving the entire Nation in the celebration of its 200th anniversary.

The Commission has, indeed, demonstrated again and again that it is not only incapable of coming up with any overall national plan, but unable or unwilling to respond constructively and creatively to the ideas and suggestions that various public and private agencies and groups have put forth.

It has, for example, totally ignored an impressive—and eminently practical—proposal put forth several years ago by the combined bicentennial commissions of the District of Columbia, Maryland, and Virginia—a proposal for making the National Capital region the center for a set of urban innovations in the fields of transportation, communication, medical care, housing, and environmental control that could serve as a model and catalyst for cities throughout the country.

A group of graduate students and architects in Cambridge, Mass., have advanced a thoughtful and comprehensive proposal, called "Polis Seventy-Six," for a "living" bicentennial celebration throughout the eastern seaboard. Its main feature is an improved transportation and telecommunications network that would tie the major cities of the region much more closely together. This network would not only ease and speed the travel of visitors to and through "the Nation's cradle" during the bicentennial year, but could—if employed in the imaginative ways envisioned under "Polis Seventy-Six"—help the citizens and cities of the region discover and develop a far greater sense of community and common purpose. The U.S. Department of Transportation has conducted a feasibility study of the proposed improvements in the high-speed rail system and has found them sound. Yet the Bicentennial Commission—while it has favored the proposal with such words as "exciting" and "imaginative"—has, so far as one can discover, done little or nothing to actually get it going.

To far too many imaginative and thoughtful proposals the Commission has responded with resounding silence or rhetoric and very little else.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. President, the Senator has time on his amendment.

The PRESIDING OFFICER. No, he does not.

Mr. BYRD of West Virginia. It just comes out of the time on the bill, if I may say so.

The PRESIDING OFFICER. The Chair stands corrected. The Senator has time on the amendment, and the time comes out of the time on the bill.

There are 7 minutes remaining to the Senator from Massachusetts.

Mr. MATHIAS. Well, I will be very economical.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield me 10 seconds?

Mr. MATHIAS. I yield.

Mr. BYRD of West Virginia. I say most respectfully to the Chair, I did not correct the Chair; I just happened to have propounded the request, and I remembered what was in it.

The PRESIDING OFFICER. The Chair appreciates the diplomacy of the Senator from West Virginia.

Mr. MATHIAS. If there are 7 minutes remaining, if I may yield myself 3 more minutes, I will then yield the floor to the Senator from Massachusetts.

In everything it does—even more in everything it fails to do—it reflects the attitude of that anonymous civil servant who, when somebody suggested "The Ongoing Revolution" as an overall title and theme for the bicentennial, gave a nervous giggle and said:

> Oh no. That wouldn't do. We've got to stay away from the word "revolution" at all costs.

Small wonder, then, that unless somebody does something about it we are going to observe the bicentennial of the greatest revolution in human history with what has aptly been described as the "most unrevolutionary celebration imaginable."

In October 1971, under the sponsorship of the Smithsonian Institution and of John D. Rockefeller III, 25 young people—representing a cross section of concerned young Americans—met for a week at an appropriately pre-Revolutionary house in Belmont, Md., to discuss the bicentennial from the vantage point of the young.

While they came to no common agreement on what the bicentennial should consist of—indeed, they decided deliberately to prepare a number of different proposals reflecting diverse points of view—they emphatically and unanimously agreed that, in their words, the Bicentennial "Commission does not represent the diversity of the American people, and that this explains, in part, why the Commission has not formulated a program which elicits our support and makes it highly unlikely that it will do so in the future."

Later, a number of these young people appeared before the Commission to present their reservations and recommendations.

The Commission did not share, or seem even to understand, their concerns.

Recently the historical committee of the Maryland Bicentennial Commission, under the leadership of B. Floyd Flickinger, sponsored a day-long conference that brought together 80 historians, local representatives, and politicians to "plan Maryland's part in the nationwide celebration of the Revolution." Over and over again, speaker after speaker played variations on a single overriding theme: "We must understand our history to understand ourselves, and this may be our last chance to understand."

And that is true enough. It is also true that we are more than the simple sum of our past, and our past can tell us little about who we are and where we are going unless we approach it from the point of view of the present.

As Alfred North Whitehead once reminded us:

> The understanding that we want is an understanding of an insistent present. The only use of a knowledge of the past is to equip us for the present. The present contains all there is. It is holy ground for it is the past, and it is the future.

Michael Schultz of the Carroll County Times wrote a column to accompany his story on the conference. His last few paragraphs apply not only to that conference and the Maryland commission, but to the national bicentennial and the national Commission:

> The commission may face an uphill fight in gaining the support of the disaffected. There is a feeling that the first revolution is lost and forever and only a new one can win back the lost ideals.
>
> If the bicentennial becomes a flag wavers' holiday, a time for empty shibboleths and chauvinistic cliches, then the disaffected may be right. The spirit of the revolution will have died.
>
> But if the bicentennial can recapture the dreams and ideals, the wisdom and justice, the courage and forthrightness we have learned to attribute to Washington, Jefferson, Paine, Lee and the others, then it will have succeeded partly.
>
> If the people take up the ideals and face the changes ahead with wisdom and courage and justice, then, perhaps the success will be complete.

Yet all the evidence suggests that unless we do something the 200th anniversary of the American Revolution will consist, for the most part, in activities that will make no difference at all in the lives of most Americans; that will not, as the Commission put it in its report, "summon us all to greatness" but rather make no impression on most of us at all.

Some will say that perhaps that is just as well.

Why waste our time on celebrations, they will say, when we are beset with problems whose resolutions will require all the resources and the resolve we can muster?

Others will say that there is nothing wrong with America that a good old-fashioned flag-waving, coin-minting, speechmaking, song-singing celebration would not cure.

I happen to be rather fond of flag waving, and coin minting, and speechmaking, and song singing.

And I should be deeply disappointed if these things did not happen somewhere in a celebration of our birth as a nation.

But I am disturbed and distressed at the very real prospect that our bicentennial celebration will consist of nothing else.

It can and must be far more.

It must be the kind of celebration that will enable and encourage the American people of every region, every race, every religion, every age, every ethnic group, every sex, every income level to discover and develop a greater sense of common purpose, of sharing common aims and ideas, of belonging to the same country.

It must reflect the fact that not just some of us, not just a select few, but all of us—young and old, black and brown and red and white, rightwing and leftwing and middle of the road, poor and prosperous—are the daughters and sons of the American Revolution.

It must focus upon the ideas and ideals of the Revolution not simply as they moved men 200 years ago, but as they are capable of moving us now to deal with the very real problems that torment our society, with the very real obstacles that still stand between millions of Americans and the realization of the American dream.

It must not serve to further alienate Americans from each other or to divert their attention from the ills and injustices that are the heritage of far too many Americans.

We cannot, through a Bicentennial Commission or a bicentennial celebration, solve our social problems.

But neither can we allow our bicentennial celebration to become simply another vast exercise in evasion, another empty excuse for acting as if our problems didn't exist, another circus to divert our attention from the present.

We cannot expect to achieve, through a bicentennial celebration, the kinds of reforms and changes that we have been unable or unwilling to achieve through our political processes and our social institutions.

But we can expect such a celebration to help put us back in touch with each other, to help us discover how together we can and must carry on that Revolution that began some 200 years ago and that will never end as long as there are still men and women who refuse to let it end.

The bicentennial era is over 2 years old. The bicentennial year is only 4 years away. And there is no such celebration in sight.

Nor will there be as long as the membership of the Bicentennial Commission fails to reflect the breadth and depth of the American people.

I understand, for example, that the youngest member of the Commission is 42 years old.

It is indeed ironic that such a Commission should preside over the celebration of a Revolution that occurred, as the report of the Commission itself states, when half of the Nation's people were under 16 years of age.

Only one of the public members of the Commission is black. There are no Indians, or Spanish-speaking Americans. There is a need for leadership by national figures from such professions as the arts, urban planning, revolutionary history, and constitutional law.

In his letter transmitting the Commission's report to the President, Chairman David Mahoney informed the President that "the members of the Commission held varying views on changes, in the size and composition of the Commission." Some wanted a larger Commission with greater representation of minority groups and the young. Others simply wanted a smaller Commission. Mr. Mahoney said:

> In the end, the Commission declined to make a recommendation on this matter but asked me to report to you the fact of their differing views.

On October 17, 1970, when the distinguished historian Catherine Drinker Bowen resigned from the Commission she urged that the membership be broadened to include young people and black people and urban planners.

At a meeting of the Commission some 10 days later, several members expressed wholehearted agreement with Mrs. Bowen's recommendations. The Commission's response was to approve unanimously a motion that the Commission formally convey to Mrs. Bowen its regrets at her resignation.

I am convinced that, unless and until the membership of the Bicentennial Commission is significantly broadened, there is simply no possibility of a bicentennial celebration that does anything more than go through a wide array of thoroughly meaningless motions.

The bill before the Senate would, among other things, expand the private membership of the Commission from 17 to 25.

My amendment would require that the private membership be broadly representative of the Nation's people, including its young and its racial and ethnic minorities, and including outstanding authorities in such professions and disciplines as the arts, literature and the humanities, urban planning, revolutionary history and constitutional law.

So constituted, the Commission could develop—as it now cannot—a celebration in which all Americans can join, a celebration of a Revolution that still runs strong and deep among the American people, a Revolution that begins anew as each generation of Americans seeks, in the context of its own time, to achieve those aims and ideals that are America's for all time.

So constituted, the Commission could reach out into the country and get the people of this country—all of them—involved in their own bicentennial, not after all the plans have been made, but at the very beginning of the planning process itself. There is a technique for doing this. Developed several years ago at Ohio State's School of Architecture, it is called the "community charrette" and has been employed with significant success in communities all across the country—including Calvert County in Maryland. The charrette brings together, in a two-way planning effort, the various professional experts whose advice is required, the public officials responsible for signing off on any plans that might be adopted and, most importantly, a majority of representatives from all segments of the citizenry.

Through this process, or something like it, a Commission so constituted could get the people of this country—all of them—involved in putting together a celebration they could all take part in. It could sponsor and support such planning efforts all across the country: at universities and colleges, in cities and towns and counties, in rural and metropolitan areas.

In this and other ways, a Commission so constituted could help bring about the only celebration worth having—a celebration that is, in all respects, by and of and for all of the people of this country.

The founders of the Republic had a unique vision of what they were about in winning the war of revolution and creating not only a new nation, but also a new quality of life and a new scale of human aspirations. The clarity of their vision is expressed in their own words that are engraved in the very walls of the Senate chamber and so are impressed in the fabric of the Capitol as well as in the tradition and heritage of the American people.

The Great Seal of the United States which the patriots of the Revolution devised also contains, on its reverse side, the phrase "Novus Ordo Seclorum"—the New Order of the Ages—and an unfinished pyramid, which symbolizes not only the stability and durability of that order, but the fact that it is an order never finally achieved, an order always open to the future.

It is in our continual commitment to that new order, our continual struggle to come as close as we can toward achieving it, that we must discover the meaning of the American Revolution and of its bicentennial.

In its report to the President, the current Commission recommended the "Festival of Freedom" as the overall theme of the bicentennial.

In his letter transmitting the Report to the Congress, President Nixon said that:

> A "Festival of Freedom" does not, in my opinion, grasp the unique character of the American experience. True, this event will be festive, colorful and affirmative, yet it must also be thoughtful, profound and searching.

He went on to point out that the most famous phrase in the Declaration of Independence—"life, liberty and the pursuit of happiness"—was Thomas Jefferson's version of the concept that the English political philospher John Locke had earlier offered as the inalienable rights of man—"life, liberty and property."

But Jefferson, and the new nation along with him, saw—as President Nixon puts it—"property rights not as an end in itself, but as one means to human happiness."

And so, the President goes on to say:

> Jefferson substituted the phrase "the pursuit of happiness," and that ideal has constantly reasserted itself—most recently as a renewed concern for the "quality of life."

It is not enough, in other words, that we should have life and the liberty to enjoy it if that life is demeaning and degrading and if there is little or no likelihood of improving it.

It is in terms of the quality of life that Americans—all of them—are at liberty to lead that we must measure how far our revolution has come and how far it has yet to go.

The President says:

> It is there that "we will find the fundamental theme for our anniversary observance of the continuing revolution that is the United States of America.

I am convinced we can and will find it—once we have a Bicentennial Commission that knows where to look.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point several documents which relate to the committee.

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

HAVERFORD, PA.,
October 17, 1970.

MR. DAVID J. MAHONEY,
American Revolution Bicentennial Commission, Washington, D.C.

DEAR MR. MAHONEY: It is with real regret that I sit down to write my resignation from the Bicentennial Commission, after serving since its inception, nearly four years. I am beginning work on a new biography, and when writers start new books they have to stay in one place, by themselves, and not be running round talking about interesting subjects.

I have much enjoyed my work with the Commission. I am sure things will go ahead smartly and strongly under your leadership. I hope its not out of line for me to make a suggestion as to my successor. At this stage I believe firmly that we need young people and black people as members, and that if we don't have them, plans will be blocked. Here in Philadelphia I have seen how impossible it is to go ahead without the cooperation of the blacks, and the interest of the young. Although my own interest is history, I think at this stage we need urban planners—not merely as subcommittee men but right up there at the top.

May I add that I just returned from some weeks in Seattle and Utah, and found much enthusiasm out there for the idea of a nation-wide competition among towns and cities, to see which could improve their community most by 1976—with annual inspections and prizes.

You have my cordial good wishes as ARBC chief.

Sincerely yours,
CATHERINE DRINKER BOWEN.

BICENTENNIAL CELEBRATION: CHANCE FOR REBIRTH

(By Michael Shultz)

WESTMINISTER.—Sitting in Memorial Hall Saturday, listening to the historians talk about the American revolution and the plans for the coming bicentennial celebration created a feeling of paradox.

There was electricity in the air. Outside the rain fell in spurts and the wind was chilly. But despite the lousy day for traveling, 80 representatives of colleges and universities, historical societies and local governments had assembled to plan the bicentennial.

The speeches were emotional and stressed the idea that this moment in our history was perhaps our greatest and that we must "rediscover" the ideals that led to our nationhood.

But there was a definite feeling of foreboding. The speakers said that this may be the last chance for the nation to pull itself together again and to rediscover its founding philosophy.

The question of the day was, "How do we get the people involved? They made the first revolution and they must be involved in its celebration."

The historians are searching for a bicentennial that will produce more than pageants and scholarly works. They want to filter the product of their study down to the common man in the form of "popular histories" and histories of the common man. They want to dredge the attics of the state and find any papers, diaries and letters that have not been copied before. From this new material they want to write the history of the "Yankee Doodle."

Like all conferences there was a great deal of wind inside the halls. The speakers were all bestowed with the highest honors of academia and the listings of their honors were complete.

One relatively long-haired young man leaned over to another and confided, "When I look around me here, I think everyone I see would have been a Tory."

The young and the black were noticeably lacking from the conference. But the brass of history in the State were present. It was the "cream of the cream" as the chairman, B. Floyd Flickinger, said. The bicentennial will be based on scholarly work and it was evident in the conference.

But the commission may face an uphill fight in gaining the support of the disaffected. There is a feeling that the first revolution is lost and forever and only a new one can win back the lost ideals.

If the bicentennial becomes a flag wavers' holiday, a time for empty shibboleths and chauvinistic cliches, then the disaffected may be right. The spirit of the revolution will have died.

But if the bicentennial can recapture the dreams and ideals, the wisdom and justice, the courage and forthrightness we have learned to attribute to Washington, Jefferson, Paine, Lee and the others, then it will have succeeded partly.

If the people take up the ideals and face the changes ahead with wisdom and courage and justice, then, perhaps, the success will be complete.

He said that historic Annapolis should be one project the state should focus on, noting the town had served as the capital for the United States twice and has been a capital for almost 300 years. He said that Annapolis had national significance along with Boston and Philadelphia.

Speaking in measured phrases like a professor addressing a lecture class, Land, crew cut and dressed in a double-breasted suit with a thin gray tie, outlined the national program for the group.

He said that the national program was divided into three parts—Heritage '76, Open House U.S.A. and Horizons '76. He said under the Heritage '76 program the national historical societies would try to develop museums and collections of materials from the revolutionary period.

Open House U.S.A. would include civic beautification programs, establishment of permanent cultural centers (one will be in Miami, Fla.,) and the staging of fairs, festivals and sham battles.

Horizons '76 will try to carry out programs of education and involve the people in the revolution bicentennial.

Land said he felt that the bicentennial could restore a "philosophical basis for moving ahead between conservatives, middle of the roaders and the new left," but he said he was "reluctant to hitch historical enterprises to any interest group."

The keynote speaker said it was important for the historians to "get the worm's eye view" of the revolution. "We know about the generals and the governors. But what about Jack Tarr and Yankee Doodle."

A dragnet to search out whatever historical papers are still not known to historians was suggested by Land. He said the local historians should go over their respective geographical areas with a fine tooth comb to seek out old letters and papers.

Judge Wilson K. Barnes, chairman of the Maryland Commission for the Bicentennial, addressed the group at lunch. He told them that the idea of sovereignty of the people was the unique product of the revolution. He said the idea formed the basis for "a philosophical system which would have been just as great if we had been in China."

James Addie, state supervisor of social studies education, urged the commission to make the bicentennial "a revolution towards a more just society."

He said the celebration should include young people so that "students see themselves as able to work within the system."

Flickinger said that the state had "been derelict. We have been deficient. This state does not have a well set up or well financed historical commission." He said Maryland was behind other states in beginning work on the bicentennial celebration.

LET THEM EAT BIRTHDAY CAKE

(By James Seymore)

"A National Birthday Cake!??"

"Umm-hmmm. National Birthday Cake."

"A cake! They can't be serious!"

"Very serious. Cake. And community cookouts. And block parties."

That bit of dialogue passed between two Washingtonians last year as one told the other that the American Revolution Bicentennial Commission, guiding us all toward our two-hundredth birthday in 1976, had included a national pastry among its draft recommendations to the President of the United States. There it was, along with suggestions that we wipe out illiteracy, clean up the environment, and make Washington a new Camelot. The commission's draft said: "It is hoped that a major bakery would volunteer to bake the National Birthday Cake and make miniature replicas of the cake available for sale in supermarkets across the nation. Everybody would then have a chance to have a slice of the National Birthday Cake and make a wish for America as each candle is extinguished."

Well, to the disappointment of bakers, the grey fathers of the commission deleted the birthday cake proposal from their final recommendations submitted to President Nixon last July 4. But to the future disappointment of nearly everyone, the commission also deleted the campaigns against pollution and illiteracy. And it muffled its recommendations for the renovation of Washington. The cookouts and block parties remained.

It may be unfair to begin a report on the Bicentennial with the issue of the Great National Birthday Cake. After all, cakes, pollution, and illiteracy were mentioned only in confidential drafts of a commission report. But this curious juxtaposition of birthday party plans and social action programs reveals a certain confusion about the Bicentennial within the very group appointed to plan our homage to the founding fathers and sustaining ideals of our nation. And five years since the creation of the Bicentennial Commission and five years before the date whose significance the commission is charged with commemorating, the 1976 Bicentennial of the United States is in trouble.

Supposedly the basic planning is over. "Implementation" is now the byword at national commission offices. Yet we need look no further than to Bicentennial affairs here in Washington to discover the sorry state of our impending two-hundredth national anniversary. Much of what has been "planned" for the Federal City's Bicentennial is slowly sliding into bureaucracy's Sargasso Sea. Neither the national commission, the White House, nor the Congress has made more than a rhetorical commitment to Washington's Bicentennial aspirations. No money has been appropriated. No legislation has been passed. No plans have been agreed upon. On the local level, our Bicentennial planning has struggled along on a shoe-string budget, often hampered by a lack of leadership, and stymied at every turn by the unresponsive federal bureaucracy that controls the city's destiny. By this July 4, Mayor Walter Washington will have announced a new high-level committee to oversee the District's Bicentennial planning. Those close to Bicentennial affairs see this committee as the city's last hope for a Bicentennial of permanent value. They estimate that the committee has maybe six months to get the city and federal machinery revved up for Bicentennial action. After that it may be too late to do much

more than bake a birthday cake for Washington and think about another glorious opportunity missed.

I

Consider the plight of the American Revolution Bicentennial Commission. It is a national commission expected to *do* something rather than just talk about it. That requirement, almost antithetical to the nature of a national commission, goes far to explain the glacial slowness with which the commission has helped Bicentennial plans to sink into the present morass. It all began quietly enough on July 4, 1966, when the Eighty-ninth Congress passed a Joint Resolution to establish the Bicentennial Commission. Specifically, the Congress instructed the commission to:

"Plan, encourage, develop and coordinate observances and activities commemorating the historic events that preceded, and are associated with, the American Revolution;

"Give due consideration to related plans and programs developed by State, local, and private groups;

"Give special emphasis to the ideas associated with the Revolution—ideas that have vitally influenced the development of the United States, world affairs, and mankind's quest for freedom;

"Recommend allocations of financial and administrative responsibility among public and private authorities and organizations."

The commission also was told to submit a comprehensive report to the President with specific Bicentennial recommendations. President Johnson appointed its members and named Carlisle Humelsine, president of Colonial Williamsburg Inc., to chair the fledgling panel.

And there the matter rested.

There was no money and, ten years before the Bicentennial date, precious little interest by anyone concerned. Beyond organizing itself, securing authority from Congress to receive money for expenses, and inviting several cities to present their ideas, the commission did little for two years.

With the election of Richard Nixon in 1968, the commission took its next action. Its members submitted pro-forma resignations.

Seven months later, the White House got around to accepting most of the resignations, and on July 4, 1969, President Nixon announced the appointment of a new commission, including ten new members and Dr. J. E. Wallace Sterling, former president of Stanford University, as chairman.

The commissioners were as diverse a lot as you might expect to be chosen by the Republican elite. They included conservative businessmen, conservative educators, conservative historians, and the president of Whittier College, a small school with one well-known alumnus.

The new commission soon got word from the White House that there would be no more extensions on the delivery date of its report, originally expected in 1968 and then postponed to 1969 and 1970. After a fashion, it got down to work. From the first, there seemed to be common sentiment that the Bicentennial should be national in scope, not just limited to a few major cities or the original thirteen States. But that left large questions to be answered. Should the celebration be a celebration and nothing more? Should it be the occasion for new attacks on national problems, à la the War on Poverty? Should the emphasis be on the American Revolution *qua* Revolution, or was that too risky? How should the commission use its influence to illuminate the ideals upon which the nation was founded?

During the year following its reorganization in July 1969, the commission held eight meetings, heard presentations from four cities seeking major Bicentennial activities, formed committees, enlarged its staff, invited hundreds of organizations and individuals to submit their ideas, and generally cast about for a suitable report to the President. The catch in this idea dragnet was disappointing. Not surprisingly, most historical organizations had some plans on the back burner that they were only too happy to bring to the attention of the national commission. But many groups responded to the commission's inquiries with letters that were the literary equivalents of blank stares.

Well, how was the Bicentennial to be made a national activity? Taking the slim suggestions it came up with during the year, the commission groped for an answer in three full-blown drafts, dated June 5, June 23, and June 27, that preceded its 1970 report. The drafts grouped all Bicentennial activities under one of three headings—Heritage 76, Open House 76, and Horizons 76. Heritage 76 suggested that Americans review their country's history during the Bicentennial. Open House 76 said that Americans should have a national birthday party and be proud of their achievements during the Bicentennial. Horizons 76 pointed the way toward the future and therefore was an area of potential controversy.

Under Horizons 76 in the commission's first draft appeared five proposed programs—Call for Achievement, Communications 76, Electorate 76, Right to Read, and ECO, USA.

Call for Achievement was described as "a nationwide call for the people of each community to formulate goals for local achievement by 1976 and to translate those goals into action." This suggestion survived subsequent drafts and was recommended to the President. It occurred to no one that state and local governments exist to respond to "calls for achievement" day in and day out, Bicentennial or no. Communications 76 called for "a national effort to bring quality radio and television programming related to the Festival of Freedom (i.e., the Bicentennial) to all Americans and their friends abroad." That suggestion also survived.

Electorate 76 was a different fish indeed. This proposal, the commission's draft stated, "is a recommended Bicentennial program to encourage and assist Americans to exercise their right to vote" with a goal of 100 million Americans voting in the 1976 Presidential election. The draft continued, "Historically, free societies have seen fit to broaden the base of the franchise. They have done so by modifying the qualifications which confer entitlement to vote—qualifications which have had to do with ownership of property, with place and time of residence, with sex and with age." Residency requirements, particularly in "our mobile society," should be reduced, the proposal said. Noting that "this society is a young society—as it was in 1776," the proposal said lowering the voting age "would provide these young men and women with an influence on the course of affairs which they are eager to exert, and which they do not now have. Do they deserve less?" The commission answered its own question with a firm *yes*. By the second draft of the report, the commission had deleted any recommendation that voter registration or an expanded electorate be part of the Bicentennial era. It is suggested that someone at the White House pointed out that well over half of those poor people, transient people, and young people would likely vote Democratic.

There is a curious story behind the Right to Read proposal, the second recommendation with political overtones. The commission's committees on education and publications had suggested that it would be nice to print copies of the Declaration of Independence and the Constitution and to distribute them to every schoolchild in America. The U.S. Office of Education, then headed by Commissioner of Education James Allen, said it thought it would be nice too, but there were a few problems. First, it would be expensive to provide those copies to each of the nation's 51 million schoolchildren. Second, 15 million of America's schoolchildren haven't managed to learn to read. Why not, the Office of Education asked, throw the weight of the Bicentennial Commission behind the education office's "Right to Read" program and make the eradication of illiteracy a national goal for 1976? The proposal was then written into the first draft of the commission's report: "The ability to read is fundamental to all education and to effective participation in the nation's social, economic, and political life. The Commission recommends intensive effort to eradicate the blight of illiteracy in the United States, hopefully by 1976."

The draft went on to quote shocking statistics about the extent of American illiteracy and to recommend specific ways the problem might be attacked. But Right to Read, at the hand of commission's illustrious educators, writers, and publishers, was dead by the time of the commission's second draft.

The only other national program of social activism initially considered was ECO, USA. This program would have been "an enterprise to unite the nation in a coordinated effort to restore the balance in the nation's ecological environment." The commission recommended that a task force in the Department of the Interior serve as a clearinghouse for national ecological action. "This program should be a stimulus to assist in reforestation and replanting projects in both urban and rural communities, antipollution training in agricultural and industrial areas, practical research into the causes and elimination of environmental pollutants, and in the enforcement of environmental regulations." The commission then waxed eloquent: "How pure the air on July 4, 1976, how clean the water, how wild the wilderness, how beautiful our cities and towns depend on what the nation does, or fails to do—now." ECO, USA, in watered down form, survived into the second draft of the commission's report. Then it died.

In the third and final draft, the commission devoted one paragraph to voting rights, illiteracy, and the environment. Here is the substance of that paragraph:

"Current books, articles and statements reveal widespread interest in and concern about the quality of life in the United States today. There is concern about pollution, about illiteracy, about less than full citizenship for many of our people and about the failure of so many voters to vote. The Commission shares these concerns . . . it is eager to lend its help and endorsement to all efforts to improve the quality of life in this country, and it hopes that each and every community which seeks new horizons for 1976 will give high priority to such improvement."

It can be argued that voter registration, illiteracy, and pollution are not the most pressing social questions facing the nation. And many persons, including the Bicentennial commissioners, felt it was not the job of the commission to attack social problems at all. What can't be argued is that the commission's decision not to focus attention on national problems, not to invoke the Spirit of 76 to attack them, not to lead, but to follow, has effectively stymied national social action as part of the Bicentennial. Its own Congressional mandate, the exhoratory rhetoric of the President not withstanding, the commission has left it up to state and local groups to decide what the Bicentennial is to be. So we see the answer to the questions that faced the national commission. First, the Bicentennial will not include attacks on social problems. Second, the emphasis will be on American history rather than American revolutionary ideals. Third, the commission will use its influence in some undefined way to back whatever plans lo-

calities might come up with. Fourth, how far would the commission go in urging Bicentennial plans? Here are some Bicentennial plans and goals the Commission deemed worthy to report to the President and to urge on the people:

The preparation of Block Biographies by students under the guidance of local school teachers. The biographies are to trace the ownership and use of the land, catalogue structures, etc. . . .

The staging of "historic sports competitions" including bush hurdling, pole tossing, grease pole climbing . . .

A competition of junior high school fife and drum corps with the national winners "perhaps traveling throughout the land."

The commission endorsed the Boypower 76 program of the Boy Scouts of America which seeks to enroll one-third of the nation's boys by 1976 and "make Scouting more relevant to today's needs."

The commission endorsed religion. Religion has "great relevancy today" and encourages "good citizenship," the commission said. A Bicentennial Prayer and Hymn should be written for use at "appropriate ceremonies throughout the Bicentennial Era."

The other major decision the Bicentennial Commission had to make involved the Bicentennial hopes of four cities—Washington, Boston, Philadelphia, and Miami. Meeting on Capitol Hill in September 1969, the commission heard each city cite its advantages for being the center of the nation's Bicentennial. The assumption at that time was that the Commission was going to recommend one city as the site for an outpouring of patriotism, probably through a King Kong world's fair. Not to mention an outpouring of federal money to spruce up the place, tidy up the poor, and enrichen the rich. Philadelphia argued that it had been the city of the Constitutional Convention, the Liberty Bell, the Centennial of 1876. And besides it had a lot of eminently restorable slums. Boston argued that it had had the Tea Party, a Massacre, Paul Revere, and a lot of slums, too. Washington argued that it was the only truly National City and the inheritor of everyone else's tradition. Washington didn't really want a World's Fair, but it had a preposterous amount of slums to fix up. Miami said it had none of the above. But it did have a lot of hotel rooms and could guarantee everyone a good time.

Of all the presentations, Philadelphia's was the most impressive. No matter what little the national commission had been doing for three years, Philadelphia had seen the light and the promise of all that federal money. At work since 1966 with a million-dollar budget and a big staff, the City of Friends came armed with a multimedia exhibit half a day long.

Boston had ideas but its partisans couldn't get their hearts into the appeal for their $1.4 billion fair. They had a beautiful drawing of things that could be built over the waters of Boston Harbor, but they knew that the city government, under pressure from critics such as Louise Day Hicks, was about to give the whole idea the axe. Shortly thereafter, it did.

Washington, in cooperation with the state Bicentennial commissions of Maryland and Virginia, with a budget of $50,000 and a paid staff of one, came up with a vague but in many ways novel proposal. The National Capital Historic Region Bicentennial Committee, as the triumvirate was called, wanted to revitalize Washington as a showcase for the nation, focus attention on the historical importance of surrounding areas, and, essentially, use the District of Columbia as a proving ground for the most imaginative and promising new techniques of urban change.

Miami . . . well, it wanted a piece of the action.

The commission took the cities' ideas under advisement. It was thought that the 1970 report to the President would finally reveal just what the Bicentennial was to be, what funds would be available, what goals we would set, what Revolutionary ideas we would revitalize, and what city would be anointed by the national commission.

When the report was presented, the Bicentennial watchers had a curious sensation. Before their very eyes, the proverbial Mountain, after four years, had become the proverbial Molehill. The entire report, including index, letter of transmittal, recommendations, appendix, and a news briefing by the Commission's executive director, was forty-four pages long. And you could search in vain among those pages for a hard fact about the Bicentennial.

The cities didn't quite know if their fates had been decided or not. On the one hand, the commissioners had proposed a "multi-city exposition" and approved everyone's plans. Or had they? For it was obvious that the other hand was empty. There was no mention of federal financial aid, no guarantees of what support might be forthcoming for these expensive endeavors.

For Philadelphia, this foot-dragging by the national commission has meant a gradual attenuation of its plans during the past year. It was general knowledge that the commission was only lukewarm to the idea of an international exposition from the start, but the Presidential report said the commission "invited" Philadelphia to undertake such a fair if it was "cultural and inspirational" in intent. Accordingly, the city went ahead with plans for a $1.2 billion exposition that would have required $556 million in federal funds. That proposal was rejected in December 1970 by the commission and the Department of Commerce. Philadelphia revamped its proposal and resubmitted plans in April for a fair only half as expensive as the first. There has been no response from the commission. Late in May, the Philadelphia Bicentennial Corporation rejected a proposal by its own steering committee that the fair be scrapped and has gone ahead with its plans, but relations with the national commission remain "less than cordial."

The commission invited Boston to "explore and examine the revolutionary roots of America through its great historical resources." Nobody seems to know just what that means, and little has been heard from the city since. For Miami, the commission said it endorsed "the completion of [its] permanent Trade and Cultural Center by 1976 as a part of the Bicentennial observance."

In Washington, the commission's empty promises have meant another year of wasted effort and rampant confusion. All of Washington's problems can't be blamed on the national commission, which did pass more favorable judgment on Washington's proposals than on any other city's. But the commission refrained from endorsing any of the social action programs proposed by the Washington Bicentennial planners, and there has been no indication during the past year of how the city is to pay for the physical renovation the commission did endorse.

Why did the commission waste Bicentennial momentum on sideshow recommendations instead of directing it toward solving national problems? Why has it let Washington's plans languish in confusion?

Priscilla Crane, former executive director of the National Capital Historic Region Bicentennial Committee, sums up the feelings of many Bicentennial Commission critics: "The national commission and staff are composed primarily of very conservative people and bureaucrats. They want to play it safe."

Another critic grew disenchanted with the national commission while watching it from the inside last year. "Look," he told me, "there were guys on the commission who didn't think they should say anything controversial. They said the country's problems were always changing and it wasn't their job to do anything about them anyway. The argument that they could do a lot of good just didn't move them at all. They've got an outlook that is really just self-contained and impervious. Their argument is that whatever Bicentennial activities really dip down into social action have to come from local efforts or established branches of government.

"I just didn't see it that way, but what could you expect from them? There's no racial mix on the commission, no youth—I think only a couple are under fifty—and three or so women. One of the women wanted the whole Bicentennial to focus on George Washington. So the Revolution—which was really an extraordinary event—brought about by intellectuals, youth, and revolutionary fervor—is being celebrated through the efforts of a national planning committee composed of the conservative establishment. They want to place the Revolution in a dust-covered niche."

Melbourne L. Spector, executive director of the national commission, a short, affable man on loan from the State Department, defended last year's decisions. "The commission could have gone many ways," he said. "It could have been just a historical and commemorative celebration, and some members of the commission wanted it just that way." Instead, he said, the commission hoped to "create a mood to solve problems" rather than "take on the problems themselves as a national group. . . . We just didn't think it was incumbent upon us to go out and be a substitute for the Crime Commission and all that."

But the probelm solving mood the commission hoped to inspire around the country has produced something very different here in Washington.

II

"It seems like nobody's doing anything. It's like a game of dominoes. You can't knock down the other dominoes until you knock down the first big domino. And the Office of Management and Budget is that domino. They've been very busy with other things—the war, federal revenue sharing—and it's hard for them to get excited about the Bicentennial so far away."

That statement pretty well sums up Washington's present Bicentennial predicament. The city has mounds of plans, but those plans are under the thumb of the federal bureaucracy.

The problem is compounded by the leadership vacuum created by the national commission last July. Since then, everybody and Uncle Sam has gotten into the act, but nobody is in charge. Among groups that now have had a hand in the city's Bicentennial planning are the District of Columbia Bicentennial Commission, a Mayor's Task Force on the Bicentennial, the D.C. government, the National Capital Planning Commission, the White House and OMB, the Bicentennial Coordination Center of General Services Administration, and the Congress. That's not to mention organizations such as the Smithsonian Institution, Library of Congress, National Archives, and National Trust for Historic Preservation, which are busy with their own plans.

Before the national commission's report last July, Washington's Bicentennial preparations were jerrybuilt but comprehensible. In effect there was just one group—the District Bicentennial Commission—brainstorming about what the Spirit of 76 should mean to the city. Washington first became interested in 1968 when the national commission invited cities to present their Bicentennial ideas. The WASHINGTONIAN Magazine was one of the first to spur the city's efforts, pointing out in its March 1969 issue that the "Spirit of 76" could revitalize the city. The spark struck by the magazine rekindled the interest of the Federal City Council, a high-powered businessman's lobby mainly interested in long-range plans for Washington. A delega-

tion from the Federal City Council met with Mayor Walter Washington in the summer of 1969, urging that he appoint a local commission and suggesting members. Though no money was appropriated, the mayor did appoint twenty-eight persons to a local commission. Since its birth, the commission's life has fallen roughly into three parts: from July to September 1969 it prepared a Bicentennial plan to present to the national commission; from the September 1969 presentation to July 1970 it lobbied for endorsement of the plan by the national group; since the ambiguous endorsement of July 1970, the local commission has tried to stay alive and maintain a brave front.

The one characteristic common to all periods of the District commission's life has been poverty. For its first year of operation, the commission's staff and budget was Priscilla Crane and her salary. The Federal City Council had detailed Mrs. Crane, its deputy director, to the local commission in the first place. It paid her salary and provided office space and a little expense money, but that was all it could do.

Despite this penury, the District group accomplished much during its first year. It made contact with the Bicentennial commissions of Maryland and Virginia and formed with them the National Capital Historic Region Bicentennial Committee. Its purpose was to unite the historic attractions of Maryland and Virginia with the social goals of the District in an attractive Bicentennial package to be presented to the national commission. It met with community groups and sought their ideas. It consulted members of the District government. The local commission learned we could clean up our rivers, we could build parks along the Anacostia, we could rebuild slums and repair riot damage, we could really have a Metro subway system, we could build a new town as a model for the nation. We could become what the Nation's Capital should be.

Boiling down all these suggestions, the District commission came up with a plan that was vague in detail but that contained a widely praised idea. The core of the proposal was that the national commission should approve the structural and spiritual rebuilding of the Nation's Capital rather than stage a conventional world's fair.

"The concept we tried to present," Mrs. Crane explained, "was that rather than just focusing on an international exposition, let's focus on certain qualities of life. Let's help everyone achieve the basic goals of the American Revolution. Let's use the Bicentennial as a time to try radically new solutions to urban problems that have been suggested but never had the political clout to get implemented."

Using "A Living Process of Urban Development," Washington was to become an urban laboratory for new ideas, ideas exportable to other troubled American cities. The estimated cost for the city's plans was high—$6 billion. But more than half of that represented languishing projects already approved and funded, and much of the rest was to come from private sources.

The plan was presented to the national commission under chaotic circumstances. Mrs. Crane feels that the city "didn't get its message across." The District commission was dissatisfied with the expensive report prepared by the consulting firm of Barrett & Bonham Inc., but there was too little time to do a new one. Design and Production Inc., a Virginia firm, had agreed to do the visual part of the presentation at cost, but hours before the presentation several people were still scavenging for slides. Mark Evans, of Metromedia's Channel 5 and now chairman of the local commission, did a good job on presenting the District's case, Mrs. Crane said, but he was hampered by the rickety structure of the city's preparations.

Compared to Philadelphia's million-dollar expenditure, Washington's presentation cost slightly more than $50,000—split between Maryland, Virginia, and the District. The Federal City Council paid $7,000 of Washington's share and the Washington Convention and Visitors Bureau picked up the remaining $10,000 tab.

As it entered the lobbying stage, the local commission continued to suffer from money problems. The Convention and Visitors Bureau provided office space for part of that period, but the commission staff remained only one.

Early in 1970, national commission staff members quietly told the local commission that its proposals would get national endorsement. But the national commission wanted some assurance that money could be raised and that the plans were feasible. This was a crucial juncture for Washington's Bicentennial hopes. The District commission raised $20,000 from area businesses to pay for a study of its plans by a group at MIT and Harvard. This group's June 1970 report said the city's plans were practical and promising. But the $20,000 paid for the report was all the local commission could scrape up. Mrs. Crane singles out the *Washington Post* for not helping the cause. While proposing grand schemes in its news pages, the *Post* was "one of the first" to turn down the commission's pleas for money last year. The *Evening Star* provided neither spiritual nor material sustenance.

It is difficult to determine how greatly this lack of money influenced the national commission. But its report last July did not contain the whole-hearted support Washington had hoped for. There was no endorsement of Washington's proposed social programs, the most innovative part of the city's proposals, but the national commission urged that "special emphasis be placed on the renewal of Washington, D.C." As the Nation's Capital, the city has a "unique claim" on funds "for the renewal and revitalization of our cities," the report added, and it urged that the claim be honored through "prompt action." While not a defeat for the city, the commission's report was a pale reflection of its earlier, unpublicized support for Washington plans. In a confidential draft of its report, the commission had called Washington "the star to steer by" for the entire nation's Bicentennial. At that time the national commission was ready to endorse all of Washington's plans, including those aimed at the social weal. Philadelphia's World's Fair proposal didn't get a mention, favorable or otherwise. Insiders say Senator Hugh Scott of Pennsylvania, Senate minority leader, then stepped in to put the muscle on the President for approval of Philadelphia's plans over Washington's. That political arm-twist and Washington's money-raising problems resulted in the watered-down support that Washington received and the grudging invitation" to Philadelphia to stage its World's Fair.

The national commission washed its hands of responsibility for major Bicentennial projects. It may have been an innocent gesture—turning Washington's plans over to those who run Washington. The national commission possibly didn't know that gesture could mean a slow death for Washington's hopes at the hands of bureaucracy. For the un-unanswerable question during the past year has been, "Who speaks for Washington?"

Certainly the District wasn't interested last year. Last spring the mayor asked the local commission to continue to coordinate Bicentennial plans because the District didn't have the staff to do it. But the local commission itself was about to collapse. In June of 1970 it lost its staff; Mrs Crane, learning there could be no further guarantee of her salary by the Federal City Council, left to become director of development at Sidwell Friends School. Then it lost its tiny budget. Evans, appointed chairman when telephone company executive William L. Lindholm moved to New York, presided over the ruins of the commission during the critical months following the national endorsement.

The commission fortunes were raised somewhat by a $10,000 contribution by the Cafritz Foundation and a matching sum by the Convention and Visitors Bureau, but that money will run out soon. Patricia Bray, an experienced public relations woman, was hired in January to become the staff of the commission. Commission offices—a few files—were moved to space provided by Riggs National Bank at its Dupont Circle branch. Furniture was begged and borrowed and the commission has tried to bear a proud demeanor under the circumstances. In addition to its money and staff problems, an important change in the local commission's focus has occurred. Reversing its previous stand, the District government decided last fall it wanted to control substantive Bicentennial programs. With Evans' concurrence, the District commission was left to plan the city's Bicentennial fireworks and not much more.

Since that time the commission has been in Evans' hip pocket. There has been no meeting of the commission since February, and its members are vague about just what is happening. If they were to find out, they would be dismayed. The group that originally brought Washington to the forefront of Bicentennial thinking is now working on the celebration's sideshow aspects. Evans recently listed some projects for 1976 on which the commission labors:

A twice nightly Sound and Light show extravaganza on U.S. history scheduled for the east steps of the Capitol.

"Blackout" dramatic sketches of the signing of the Declaration of Independence to be held at the National Archives.

A drama entitled "This Nation Under God" to illustrate the role of religion in America "from Washington on his knees at Valley Forge to a Presidential prayer breakfast."

A "very unusual puppet show" at Sylvan Theater to "dramatize in puppet style the part youngsters have played in American history."

A daily "retreat parade" around the Washington Monument by a huge encampment of Boy Scouts.

The commission will probably deserve some credit if the Eisenhower Sports and Convention Center is built. Evans also mentioned hopes of converting the unused streetcar underpass at DuPont Circle into a public art gallery, of staging "patriotic dances and musicals" at Kennedy Center ("We originally thought of ballet and opera but someone pointed out they were not very American"), of building a "garden of peace" on the old federal Munitions Building site ("I don't think the peaceniks will tear it up because we're hoping they'll help build it"). Evans and Miss Bray have been looking for a "black executive director" to head the commission's work. Sources say D.C. councilman and former delegate candidate Joseph Yeldell was approached about the job but turned it down. Asked about this, Miss Bray said that Yeldell refused "for personal reasons" and that the commission doesn't have "anyone in mind right now." As ever, Miss Bray added, the number one problem is money. The commission has no funds to pay an executive director and his salary would have to be picked up by a sponsoring company.

The business community's continued failure to provide the commission with financial support, and the commission's surrender of leadership to the District government would not have been so disastrous if the D.C. government had been able to get some Bicentennial commitment from the federal bureaucracy. As it is, the past year has been an almost complete waste. At present, Washington's Bicentennial dream is no nearer realization than it was last summer. Consider these examples of the year's activity.

Last September President Nixon repeated his request for the creation of the Federal City Bicentennial Development Corporation. This group would have the single purpose of improving Pennsylvania Avenue from the White House to the Capitol. A Senate bill to establish the corporation was introduced on February 10. It was referred to the Committee on Interior and Insular Affairs—and there it rests today. The proposed corporation has drawn criticism for ignoring community involvement and for the likelihood that Bicentennial money would be used to beautify official Washington at the expense of more urgent needs. A staff man said the Senate committee has proposed changes in the President's request to give local residents some voice in the corporation's power over their futures. The changes were sent back to the GSA Bicentennial Coordination Center for comment more than three months ago. There has been no reply.

More than a year ago the National Capital Planning Commission submitted a comprehensive report analyzing nearly all the city's Bicentennial hopes. They received no word from the national commission.

Dr. Lynn Carroll, the staff man who handles District affairs for the national commission, says "very little" is being done on Bicentennial plans aimed at Washington's social problems. Nobody seems to be working in that particular area, he added, but the city's celebration "hasn't jelled yet so there's nobody to jump on or criticize."

The District government's own work this year, representing its first direct involvement in the Bicentennial, has come to naught. Having appointed the twenty-eight angels of the local commission three years ago to rush in where it had feared to tread, the District government had been waiting to see if the national anniversary might really mean some federal money was to be appropriated. "We have been leary of getting in," a source explained. "We have no vast resources of our own and we don't want to promise too much."

The President's endorsement last September of the national commission's kind words for Washington apparently was enough to get the District moving. In October the mayor appointed a Task Force on the Bicentennial and named D.C. Housing Administrator James Banks as its head. Early this year the Task Force completed a two-inch-thick sheaf of plans containing Bicentennial requests for everything from a new jail to home rule. The report was handed to the national commission. The national commission handed it to OMB and then . . . silence. Someone who observed all this said, "It was kind of a tease. The city went to a lot of trouble, got up all this info and OMB kind of looked at it and said 'Well, that's nice.'" Banks recently complained that he's heard nothing about the Task Force report in the months since it was submitted—"There's been no indication as to what the parameters of planning feasibility are."

The one thing OMB did suggest was that the District reorganize its Bicentennial planning process. Formation of the new, high-level group was to be announced in June. It is hoped that it can form a united front of public and private interests for Washington's Bicentennial.

Even so, Washington's hopes for a 1976 rebirth will rest with the federal bureaucracy that so far has proved an inept midwife. Many see OMB as the great stalling point, but OMB says it isn't so. The delay, OMB contends, is in the Bicentennial Coordination Center established by the President last year under Robert L. Kunzig, head of General Services Administration.

"All the federal agencies in this area including the District were asked to submit their reports to GSA," an OMB spokesman explained. "It's doing all the coordination of physical affairs in this area and is now preparing a consolidated report. We haven't done any budgetary 'policy review' yet, and we're not going to until we see the [GSA] report—the meld they put together. They're picking out what really is Bicentennial and what isn't.

Well, OMB gives the GSA unit credit for more activity than its own spokesmen do—for the Bicentennial Coordination Center has been very quiet during its six-month existence. Kunzig, a former aide to Senator Scott, has surrounded himself with Pennsylvania Republicans at GSA, and he made no exception in the case of the Bicentennial unit. To run the new office, he brought in William Hart, a twenty-nine-year-old Pennsylvania Republican who has benefited greatly by friendship with Republicans in high places. Hart makes $28,000 a year in his new position, but it is difficult to find out much about operations in his office. He is unavailable for comment for weeks at a time. Just what has the Coordination Center done these many months? A GSA public relations man had this to say: "When we say coordinating, that's just what is means. We're not going to be doing these Bicentennial things ourselves. It just made sense for somebody to know just what is going on. At this point we're just into the organization thing. There's not much to report. The principal thing that has been accomplished, if anything, is that we've met with some of the agencies to let them know the mechanics of coordinating—just who we are and what we're doing."

Which brings us back to the beginning question: Who speaks for Washington's Bicentennial dreams? Who's going to knock down the first domino to start things moving? Answer: Stand all the planners in a circle. Have each one point to the fellow on his right and say "Him."

III

It may be an indication of the vitality of America's revolutionary precepts that celebrating them can still be dangerous. But that danger has arisen only because our leaders have been afraid to believe their own rhetoric. At this late date, only the American people themselves can save the Bicentennial from its well-intentioned but overly-cautious planners.

As in so many things, Washington is a microcosm of the national Bicentennial situation. Whatever has been planned is pretty much a dead issue now. But while five years is a short time to turn the tide in Washington, there still is hope. The new group being formed by the mayor may give us a fresh start. It has to act quickly—before the 1972 campaigns sweep such thoughts from everyone's mind. If this new group can obtain substantial financial support from private sources, if it can involve a cross-section of the community, Washington may still be able to capitalize on its preeminent position among cities seeking Bicentennial aid from the federal government. First, let's face it, Washington can only benefit from the apparent elimination of Philadelphia as a major competitor for whatever money will be appropriated. Second, everybody from President Nixon on down has praised Washington's Bicentennial ideas. Now's the time to see what that praise is made of. Third, since nobody knows what the Bicentennial is going to mean here, there's been none of the community opposition that has plagued Boston and Philadelphia. If our new Bicentennial organization hammers away for what the community wants and needs, it should find support among the citizenry.

Nationally, the Bicentennial is showing some feeble signs of life. David J. Mahoney, appointed chairman of the national commission last year, has requested changes in the commission's authorizing law to allow an expanded staff and the appropriation of planning money for local commissions. There's a long, slow road ahead for these proposals, but it might mean an eventual $90,000 in planning money for the District. As for the big money everybody needs, that's so far in the future it's hardly worth writing about. The appropriation of large block funds is not envisioned until at least 1974, according to Hugh Hall, the commission's deputy director for finance. Hall explained that this was part of the Commission's "planned low profile" that is designed to keep the Bicentennial from "peaking too early." That doesn't seem to be a major Bicentennial problem.

Hall added that the commission is holding informal conversations with large foundations and corporations about raising money, but the private sector, in turn, is looking to the national commission to plan how the money is to be funneled to Bicentennial efforts. Hall said the commission is doing "staff research" on the problem but will not ask large sums from the private sector "until we get some federal government financial support."

Mahoney, president of the Norton Simon conglomerate, has taken the national commission to California and Texas to meet with state Bicentennial Commissions and to beat the bushes for Bicentennial involvement. The national staff is enthusiastic about its work on a Bicentennial calendar, allotting one focal week during 1976 to each state's Bicentennial activities and collating all the festivities. Tentative plans have been drawn for national activities such as the "Arts on Parade," a traveling exhibit of American art.

But all in all, if the Bicentennial is left in the hands of those now in charge, it promises to be the most unrevolutionary celebration imaginable. There are scores of schoolmarmish proposals about how we should be proud and have lots of fun. There's nothing wrong with that, but it's bland for a steady diet. What the country really needs, it doesn't have. There simply are no Bicentennial plans to improve the quality of life in these United States, no plans to apply Revolutionary ideals to our potentially revolutionary problems.

The attitude surrounding the Bicentennial in past and present days was summed up for me in the first conversation I had about the Bicentennial. In the summer of 1969 I talked briefly with a government agency's Bicentennial liaison man. Twirling a pencil between his fingers and tilting back in his chair, he tried to think of an overall theme to suggest to the national commission. As the silent moments passed, I tentatively suggested, "What about 'The Ongoing Revolution?'" The pencil twirling stopped. He laughed nervously and sat up in his chair.

"Oh no. That wouldn't do. We've got to stay away from the word 'revolution' at all costs."

JUNE 10, 1970.

THE AMERICAN REVOLUTIONARY BICENTENNIAL COMMISSION,
Washington, D.C.

GENTLEMEN: At the request of the cooperating Bicentennial Commissions of the District of Columbia, Maryland and Virginia, and with the aid of the facilities and resources provided by them, a special study group was convened in May of this year to discuss the Proposal that those combined Commissions submitted to you in September, 1969.

As a result of that meeting, a task force drawing on the resources of the Joint Center for Urban Studies and the American Academy of Arts and Sciences was set in motion to provide a written review of the Proposal. The aim of this task force was to provide the special perspective that students of urban problems would bring to consideration

of the Bicentennial, and in particular to consider the potential and feasibility of the recommendations outlined in the Proposal for the commitment of resources to a demonstration of "The Living Processes of Urban Development" as part of a Bicentennial celebration focused on the National Capital Region.

In sending the report of this task force to you, and in making it available to those concerned with our problems of urban growth and decay and the opportunities that might be offered by the Bicentennial, we hope to draw attention to the implications for the Bicentennial of the urban character of this nation and its urban dilemmas and challenges. We have tried to concentrate our efforts on examining, however briefly, those alternatives for improvement of urban conditions that are doable within the obvious constraints of time and the probable constraints of funds. We have sought to suggest experiments that may be on the frontiers of innovation but are firmly within the realms of current skills and techniques. And we have focused our attention on demonstrations and programs that are easily replicable and generally applicable for urban areas throughout the land.

We think the overall strategy of the Proposal—of a major effort at urban innovation in Washington as one component of a broad range of historical celebrations and national cultural events and entertainments—is a sound one. It can complement and reinforce such approaches to a national celebration, and at the same time bring real meaning and unity to such disparate activities. We hope that you will find, in the body of this report, grounds to agree with our conclusion that such an effort is both eminently practicable and highly desirable.

Sincerely yours,

CHARLES M. HAAR,
Director of the Special Task Force on the Bicentennial in an Urban America.

INTRODUCTION: THE BICENTENNIAL IN AN URBAN AMERICA

1. THE PLACE OF A NATIONAL CELEBRATION

The Proposal submitted to the American Revolution Bicentennial Commission by the District of Columbia, Maryland and Virginia Commissions (the "Washington Proposal") wisely refrains from commiting itself to any single theme. It recognizes, as do we, that deliberation over the purposes and motifs of this national celebration are a task for which the Presidentially-appointed national Commission is best suited. And yet, without trespassing on the preserve of that Commission, it is fair to say that the Bicentennial will have to come to grips with a dual problem of relatedness. On the one hand, there is our relationship to our national past, to the salient events, struggles, victories and ideas that compromise our domestic history and uniquely flexible ideological legacy. On the other hand, there is the web of our continuing and increasing interrelationships, the skien of economic, social and political bonds and arrangements that tie together a spectacularly diverse population to a degree that adds new meaning to our national motto, *E Pluribus Unum.*

It is 77 years since Frederick Jackson Turner first put forth his thesis that the frontier had nurtured democracy and equality in the United States. The occasion was an address to the American Historical Association at the 1893 World's Columbian Exposition in Chicago that celebrated the 400th anniversary of the discovery of America. By then the era of the frontier was ending. We have long since reached our territorial limits on this continent and now are pushing hard on our ecological and environmental ones. The Bicentennial will have to give due recognition to the steady growth since then in the nature and extent of interdependency in American society; it will have to acknowledge in an appropriate way that this economic and social condition that stands in such sharp contrast to the symbolish of the frontier settler is most manifest in and signified by our densely settled and internally specialized urban areas, and that all of us are tied tightly to urban-focused, urban-centered and urban-dominated processes and functions. Jeffersonian suspicions as to the relative undesirability of the virtues and influences of cities may linger, but we are very much an urban nation—and becoming more of one, not less. A Bicentennial may legitimately remind us of the American Colonial heritage, and of the break with the restrictions of it, of the Revolution and of the development of the spirit of the frontier. Indeed, it must. But it can hardly shirk from either the responsibility it has or the potential contributions it can make to the resolution of the dilemmas and difficulties of our condition as an urban nation.

The Washington Proposal fully acknowledges this, and we wholeheartedly concur in the recognition that there is a tremendous opportunity to provide lasting benefits for our national urban life through the Bicentennial. But before discussing some of the possibilities that we see for this, it is important to consider, if only briefly, the necessary relationship of the Washington area to the Bicentennial.

2. THE PLACE OF WASHINGTON, D.C., AND THE NATIONAL CAPITAL REGION

The Washington Proposal presents compelling arguments for the National Capital Region as a focal point of the Bicentennial. And a strong case is almost inevitable. As the Proposal points out, there is Washington's particular advantage as the geographical center of the colonies and the young Repubic, the prevalence of shrines, monuments, memorials and historical sites, and the District of Columbia's unique position as a national city. It would seem as if the flood of visitors that the area must unavoidably draw with the impetus of a widespread celebration of the Bicentennial makes it incumbent on the national Commission to see that proper measures are taken to insure not only that the millions of visitors will be smoothy and suitably accommodated, but also that such preparations will, to the greatest extent possible, not only cushion the impact of visiting throngs but also provide lasting benefits to the area and its residents.

There are, then, unique attractions and necessary roles of the National Capital Region in a Bicentennial, and these alone will demand appropriate and extensive investments by the national government. But even more, there are underlying national responsibilities and realities to be faced, which we especially recognize as students of urban processes and urban problems. Washington, D.C., as an urban area, is a showplace not only of our past heritage but also, unfortunately, of our present difficulties: of the deterioration of both the physical and social fabric, of the concentration of the poor and the black in central cities, of insufficiencies in public services, of breakdowns in public order. To make the preparations required to provide millions of visitors access to the sites and shrines they will be travelling to see on our 200th anniversary without a concurrent effort to improve the condition of the city itself would be misleading, improvident and virtually immoral. It would be a contemporary equivalent to the construction of the notorious Potemkin Villages by means of which Catherine the Great was deceived as to the true condition of the Russian people.

It would make a mockery not only of the essential spirit of the Bicentennial, but also of the special responsibility that the nation does bear to its capital city, where so many of the essential decisions are made in the absence of the very self-representation that the Revolution championed and the Declaration of Independence so eloquently expressed. We strongly believe that there is a responsibility in any national plan for a Bicentennial celebration to face squarely the problems of Washington and to take advantage of the exceptional opportunities that the momentum and the challenge of such a celebration offers—to take advantage of this opportunity to make a lasting contribution to Washington and through that contribution to provide not only a means and a cause for extending and expanding our national celebration, but a model and a catalyst for urban innovations and development throughout the country.

The six years remaining before the beginning of the Bicentennial is not all that great a time in terms of basic urban redevelopment and rebuilding; but it is more than sufficient for exciting experiments and significant benefits. Our present national standard would seem to be the less than ten years it took us to fulfill a Presidential commitment to reach the moon; if the tasks are not altogether comparable, the need for the national commitment—and the potential benefits that might derive from it—are all the greater. Goalposts, markers, deadlines and birthdays are spectres only to those who have passed their prime; they are a spur and a challenge to the vigorous and growing—individuals and nations alike. This nation has a unique heritage manifest in the National Capital Region, and it has a responsibility and debt to Washington that is equally unique. It also has a singular opportunity to turn both to the advantage of the area and to the country as a whole through the Bicentennial celebration. We suggest that this can be achieved through the type of efforts envisioned in the Washington Proposal, within the framework of an effort designed to give those in Washington real and special reason for joining in this national celebration. And we would like to suggest some problem areas in which this might be most appropriate, and to sketch some approaches that could be taken.

THE BICENTENNIAL CELEBRATION: APPROACHES TO URBAN INNOVATION IN THE NATIONAL CAPITAL REGION

Introduction to proposal sketches

In a nation that has taken on an increasingly urban character, a Bicentennial must carefully consider the fundamental changes that the processes and patterns of urban and metropolitan growth have wrought. The political borders of a "city" are only a partial explication of its existence. In the face of the quantum transformations of technology in transportation and communications that we have seen in this century alone, the very task of defining what a city is and where a city starts and ends is far different now than it has ever been. With a highly mobile population occupying an electronically "national village," many of our political jurisdictions are today more arbitrary and archaic than they are organic, and the location of city limits is often more a conceptual delineation than on observable geographic one. But the problems of urban life can be defined by their relative incidences among different populations, and the spatial distribution of such incidences is marked and notable.

In terms of the problems of Washington, D.C., of national urban problems, and of the requirements of responsive efforts that can at the same time fit with some of the evident needs and the very idea of a celebration of concepts and places, we would judge the areas of greatest potential to be in transportation, environmental control, housing, medical care, and communications generally. There are other critical problems to which attention must be paid—and those of education and public order may be chief among them—but there it is much more

difficult to structure efforts that will be genuine and useful experiments and at the same time meet the kind of threshold tests that may have to be applied for commensurability with the Bicentennial and its celebration in the Washington area: visibility, accesibility and the like. Though the limited time available has led us to concentrate on the most promising areas, this certainly should not exclude specific and earnest attempts to find useful common grounds in dealing with these other problems as well. And even if such attempts were not successful, it would not follow that it is possible or appropriate to ignore the problems involved. Rather, it would mean that the efforts to improve conditions and performance in these areas would have to be made without intent to offer them for display, as part of the national commitment to experiment with urban innovations and renew Washington for all its residents in the process, with little expectations that the innovations, processes, developments or results would be demonstrable within the context of the Bicentennial celebration. But an effort of appropriate scope and scale, even if confined to just the five areas we are discussing here, can have such dual benefits, and we will briefly sketch some of our reasons and ideas for productive approaches to them.

TRANSPORTATION

Changes in urban transportation technology and the availability of that technology have altered and redefined our very notions of what a city is and how it grows and functions. Relatedness and interaction encompass far larger populations dispersed over much greater areas than ever before, and give functional meaning to agglomerations of metropolitan and regional scale. At the same time, there are transportation dilemmas that mark urban areas throughout the nation—the problems of handling peak load during morning and afternoon rush hours, of developing viable public transit systems, and of ameliorating the impact of large volumes of vehicular traffic on the quality of urban life (a problem we will examine in discussing the urban environment). In terms of a response to the needs and opportunities of the Bicentennial in the National Capital Region, there are at least four perspectives on transportation systems and problems that we should consider.

First, there is transportation as a part and a problem of the Washington urban area, and of the network that promotes the essential symbiosis of the central city and the region around it, and of the impact of Bicentennial visitors on those networks. Second, transportation can be considered a service problem in light of the record crowds of visitors that can be expected to come to Washington during the Bicentennial. This will be of particular importance in relation to what can be referred to as the "monument area" (the Capitol, Supreme Court, White House, the Washington Monument, Lincoln, Jefferson and Roosevelt Memorials, and Arlington Cemetery) and the consequent aggravation of transportation problems common to visitors' Washington and National Capital Region.

CONCLUSION: THE OPPORTUNITY AND THE RESPONSIBILITY OF THE BICENTENNIAL

In the past, national and international celebrations and expositions have had important effects on developments in the United States, as the notes in the Appendix indicate. From the Crystal Palace of the Great Exhibition in London in 1851 through the Philadelphia Centennial, the World's Columbian Exposition in Chicago and the Chicago World's Fair, and up to Expo 67 in Montreal, the influence of these events has been felt through the United States—in such diverse fields as architecture, plastic packaging, and transportation technology. What we are urging is that in our national celebration we do, at the very least, acknowledge our urban character and fulfill our responsibility to Washington, and in doing so avoid the persistent error of past fairs, what may be the prototypical American error that is only now catching up to us: the emphasis on transience and disposability, an attitude that has marked our handling of cities as well as fairs and expositions. We are suggesting that efforts be concentrated on activities that not only make the National Capital Region a living fair, but are long lasting in their benefits—and that demonstrate the viability for the present and the immediate future of the exciting and promising innovations in urban concepts and services that are now at hand. The Bicentennial can in this way raise the expectations of all who witness for the quality and diversity of urban life, the strengths of interdependencies, and the potential for good and plenty that concentrations of Americans in urban areas can share.

Our conclusion is that in terms of the most fitting approach to a national Bicentennial celebration, it is both highly desirable and eminently practicable to undertake a broad effort of urban innovation and development in Washington, D.C and the National Capital Region, and we strongly recommend that this be done. If such an effort is to be successful, there will have to be a clear national commitment, and it will have to command resources of a magnitude appropriate to the tasks involved. The responsibility rests heavily on the National Commission to make the bicentennial a cause as well as an occasion for celebration, and we urge it to take the steps necessary to respond to the opportunity and responsibility manifest in the nation's capital.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION,
Washington, D.C., October 5, 1971.

Memorandum to: M. L. Spector, Executive Director.

Subject: Attendees at National Conference on Youth and the Bicentennial.

Attached is a list of youth leaders who were invited to Belmont, Maryland at the Smithsonian Conference Center for a meeting on "Youth and the Bicentennial".

Those with an asterisk are expected to attend the ARBC meeting in Chicago and make a presentation on their Belmont meeting of September 6–13, 1971.

R. LYNN CARROLL,
Deputy Executive Director.

NATIONAL CONFERENCE ON YOUTH

*1. Bailey, Benny Ray—Alcor Inc., Pipsa Passes, Kentucky, Appalachian, 28 years old. Works for Alcor, Inc.

2. Booth, Paul—Campaign against pollution; Chicago, Illinois. Former executive secretary of the SDA. Late 20's.

3. Brewer, Mike—Washington, D.C. A founder of the Ripon Society.

4. Buxton, Warner—Jackson, Mississippi; Black; President of the Jackson State Student Body.

5. Chickering, A. Lawrence—San Francisco, California; formerly wrote for William Buckley.

6. Gerzon, Mark—University of Chicago; he is about 23; author of the book, *The Whole World is Watching*. Now studying with Eric Ericson.

7. Greenfield, Jeff—New York City; co-author of the book *The Advance Man*. Was speech writer for Mayor Lindsay.

8. Hamm, Larry—Newark, New Jersey; Black; teenage member of Newark Board of Education.

*9. Haskins, Ann—Los Angeles, California; she is white; was the editor of the Daily Bruin at UCLA.

*10. Hill, Thomasine—Billings, Montana; Indian; College student; was delegate to the White House Conference on Youth.

*11. Jefferson, Eva—Chicago, Illinois; Black; Former President of the NW Student Body.

12. Kunen, James—New York City; 23 years old; author of the book *The Strawberry Statement*. Delegate to the White House Conference on Youth.

13. Luciano, Philip—Former member of the Young Lords, New York City.

14. Mixner, David—28 years old; Work with McCarthy Campaign; now works for Common Cause in Denver, Colorado.

*15. Oxman, Steven—Yale Law Student; former President of Yale Student Body.

16. Page, Paula—She heads up a Womens' Rights Project for the National Student Association.

17. Ragain, Priscilla—Detroit, Michigan; member of the UAW and is an assembly line worker.

18. Rhodes, Joseph, Jr.—Cambridge, Massachusetts; Harvard fellow; former member of the Scranton Commission; Black.

19. Stanley, Anna—Minneapolis, Minnesota; Black; teaching a Black studies program at the University of Minnesota.

*20. Vollertsen, Rick—Anchorage, Alaska; recent high school graduate; delegate to the White House Conference on Youth.

21. Wagner, Carl—Washington, D.C.; 24 years old; works for the American Labor Alliance on youth programs and the 18 year old voters registration.

*22. Walker, Geoffrey—Vietnam War veteran; now stationed at Fort Carson, Colorado.

*23. Whitehead, John—27 years old; senior vice president of Technicon, Inc., Tarrytown, New York.

*24. Wilson, Mary—Founder of the Student Information Center which is a clearinghouse for high school students. She is 17 years old.

25. Phillis Haynes—Black, WPIX Report, New York; President of Student Body at NYU, 1970.

26. Cris Holmes—Black, Operation Breadbasket, Chicago; MacAlister College.

27. Robert Boyd—Chrysler Corporation; Stanford University; MBA, Black.

28. Harvey Hakari—Public Broadcasting Corporation, San Francisco, YAF Chairman; Stanford University, 1969.

29. Yvonne Jaffe—No. 9 Crisis Center; New Haven, Connecticut.

* Those with an asterisk are expected to attend the ARBC meeting in Chicago.

OCTOBER 7, 1971.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT, In response to an invitation from Mr. John D. Rockefeller, 3rd. twenty-five young Americans met together for a week last month at the Belmont Conference Center in Elkridge, Maryland. Our purpose was, in part, "to develop recommendations to relate the youth point of view and possible youth activities to the Bicentennial." In pursuance of such an effort we prepared the attached memorandum, and we earnestly recommend it to your serious attention.

A group of our size could not even approach a representative sampling of American youth. More importantly, the experience of our Conference suggests strongly that "the youth point of view", if such a thing indeed exists, is not susceptible to definition or codified application. We do not, therefore, address our observations and recommendations to you and the American Revolution Bicentennial Commission under any pretense of a capacity for the formulation of "the youth point of view."

In frankness, we must also say that our evaluation of the current concepts and programs of the American Revolution Bicentennial Commission were often negative, suspicious, or indifferent. It is by no means the sense of our Conference that widespread or meaningful participation can be expected from American youth if the Bicentennial

unfolds along the lines set forth in the Commission's *Report to the President* of July 4, 1970. While a number of the ideas expressed in the *Report* deservedly elicit our commendation, most of us hold severe reservations as to the appropriateness, diversity, dignity, and inspirational value of the overall program.

There is a general feeling that an official celebration and self-adulation as applied to contemporary American society would be hollow and dishonest, and that it would serve only to inflame the animosities which divide our peoples. We would greatly regret the usurpation of the Bicentennial by such rhetoric as you used in your Bicentennial television and radio broadcast of July 3, 1971, in saying "To look at America with clear eyes today is to see every reason for pride and little for shame, great cause for gratitude and little for regret, strong grounds for hope and none at all for despair." To many young people this statement is plainly untrue and therefore inflammatory.

The prevalent feeling among us is that the Commission does not represent the diversity of the American people, and that this explains, in part, why the commission has not formulated a program which elicits our support and makes it highly unlikely that it will do so in the future.

For these and other reasons, the Conference found it impossible to "develop recommendations to relate the youth point of view and possible youth activities to the Bicentennial." We did, however, wish to address ourselves as individuals to you, and to the Commission, in some way which might be useful. The accompanying memorandum is our effort to do that, to communicate the cautionings, concurrences, rejections, and positions which emerged, collectively and individually, from the consideration of the American Revolution Bicentennial by twenty-five young Americans.

Respectfully,

GEOFFREY WALKER.
STEPHEN A. OXMAN.

TWO MODELS FOR A PEOPLE'S BICENTENNIAL

People's heads have got to change! As a nation, we just have to develop a desire for service, for sacrifice, for working together to get our thing together.

There's no way cities can continue to provide services for their people without the active aid and participation of those people. Companies will never be able to do good things—as opposed to profitable things—without the help and support of the markets they serve. The consequences of *not* developing a national gestalt of work, sacrifice, and service for the good of the "whole" are obvious.

The Bicentennial offers a perfect opportunity for speeding up the changes that peoples' heads are already undergoing. The "celebration" will have wide notoriety and power—both symbolic and real. That power should be used to help change where people are at.

One underlying assumption about changing the national *gestalt* is that it must happen from the people up, and not from the institutions down. The rest of this report deals with two possible models (out of many) for accomplishing this change. Both models can be tied to the Bicentennial, and both should be acceptable to the Commission.

MODEL I

Model I follows a plan based on the Canadian Bicentennial. The national government should set aside a Peoples' Bicentennial Fund of $1 billion per year from now until 1976. It should be made available to individual states on a matching, per capita basis. The states should then make it available to individual towns and villages on a matching, 2:1 or 3:1 basis. The matching funds from individual communities should come from special, non-government collection groups formed by *ad hoc* citizens' committees. There would be one such committee per community, and each community would be limited to one project at a time—at least for Bicentennial funding.

Examples of community projects that might be undertaken with funds from the Bicentennial and help from the people are: new sewage systems, new or better schools, food for poor people, parks for all people, land reclamation, etc. The list is obviously inexhaustible.

Advantages of Model I are

(A) it depends on grass roots support

(B) it is non-controversial, so that it can get grass roots support

(C) people get the habit of working together towards common goals

(D) are encouraged to do more by their successes, and

(E) local problems are solved while a new *gestalt* is developed (or, the "medium is the message.")

Disadvantages of the Model are

(A) it depends to some extent on institutional money, so that

(B) it might be suspect by some, and

(C) it could be somewhat limited in the political and institution-changing projects that could be undertaken.

MODEL II

Model II is somewhat similar to the first Model, except that it requires little institutional funding. A group of 25 or 50 "seed" people would assemble in Washington, D.C. for several months. These "seed" people should already be involved with local community projects.

During the first few months, the "seed" people would seek publicity for a "Bicentennial Coalition"—a coalition of local projects across the country. The thrust of this publicity would be that there are already many community projects underway, and that the Bicentennial Coalition would be available to help other communities identify local problems and to set up programs to solve them.

The Coalition would then disperse to as many local communities as possible, having already created an atmosphere of movement and momentum by their activities in Washington. Specific programs that might be undertaken by *ad hoc* community groups are: street patrols by private citizens (more people on the streets=less crime), building and block renovations, local pressure on polluting industries, composting programs for suburbs, etc. Any money or supplies needed would be obtained from local businesses or from the people themselves via the *ad hoc* committees.

At the same time, a small group would remain in Washington to (A) help coordinate the Coalition's resources for any new community groups wanting help, and (B) to continue to obtain publicity and media coverage for their activities. This would help to insure continuing momentum for the programs.

In addition to the advantages of Model I, Model II offers the possibility for an ultimately bigger "trip" for the country: just as Model II depends more completely on grass roots support for its success, so too are the opportunities greater for really developing a new *gestalt* of service and sacrifice in the interest of building good things together.

Model II also eliminates the disadvantages of Model I, although it poses a much greater risk of failure than the first plan.

In a certain sense this document is pie-in-the-sky naive. But so was Earth Day, the Moratorium, and the American Revolution. People want to set things right and need only to be shown a way and given a means to do it.

AN ONGOING AMERICAN REVOLUTION

The approach of the two hundredth anniversary of the revolution which gave birth to the United States of America leads us to re-examine the foundations of this country and to deal with the reality of its shortcomings.

We find that the high ideals of Life, Liberty, and Happiness have never been a reality for all peoples from the beginning to the present. The Constitution and the persons creating it were both racist and sexist in belief. The Declaration of Independence seems not to have been read by Congress or the Executive Branch. The freedoms set forth in the Bill of Rights are constantly undermined by government and big business.

The nation created in 1776 promised individuality, freedoms, the right to seek one's own happiness, and a unique form of government giving the power to the people. Less than 200 years later every aspect of that dream has been lost. We are the best-educated, best-motivated, and most socially concerned generation yet produced. While we are idealistic, we are staunchly tough-minded. We shall be convinced by cold hard fact, not by myth.

We are unable to comprehend the prostitution of our national ideals.

We seem powerless to end a war that asks us to kill and to die, powerless to stop chemical and nuclear genocide, corporate destruction of beauty, nature, and the purity of life. We have not put an end to prisons filled with cruelty and inhumanity, prisons which breed crime, rather than deter it or to irrelevant school systems which regiment students, teaching the three R's, not how to live with our brother, or how to learn, or how to teach our children to live.

We ask why the police and judicial systems do not protect us.

Why employers and unions ignore us.

Why welfare must strip away our dignity.

Why our children and aged must starve.

These shortcomings must be faced if we are to survive. America must strive to restore its sense of direction and regain allegiance to the fundamental principles of its conception.

America must redirect its technology and institutions to fulfill the needs of the common man, not the elite. We must strive for the growth of meaningful social change and the furtherance of the quality of American Life.

America must insist on the dignity of the individual, offer him health, education, meaningful employment, decent living conditions, protection of his rights, though he may be neither rich nor powerful.

We may attain solutions if we are willing to make a significant economic commitment. We can help only if we care. Times will change only if we face reality.

It is time to affirm and implement the rights articulated in the Declaration of Independence, the Constitution, and the Bill of Rights. These documents must be reinterpreted so as to be meaningful to all persons in our society.

In addition we demand the following for every person:

The Right to adequate housing, clothing and nutritious food.

The Right to an opportunity for self-fulfillment, a living wage, and health in body and mind.

The Right to be an individual, so long as that expression does not infringe upon the rights of others.

The Right to preserve and cultivate ethnic and cultural heritages.

The Right to enjoy clean air, water, and natural beauty.

The Right to exercise political freedom.

The Right to an equal, futuristic and individually relevant education.

The Right to do whatever is necessary to protect these rights.

Because we are aware of our responsibility to fight for the rights of all people, we dedicate ourselves to the struggle for the realization of the ideals embodied in our nation.

We recognize further that while youth is often most receptive to change, they are not alone in desiring it. We affirm our kinship with persons of goodwill of all generations. Together we demand to be heard, not merely listened to.

Thus we feel that 1976 is not the 200th anniversary of the genesis of this country. Rather it is the anniversary of 13 colonies declaring independence from the British Empire. It signifies neither the beginning, the climax, nor the conclusion of the American Revolution.

The American Revolution is not over!

OUR HERITAGE: A NEED FOR HONESTY

How we commemorate to the Bicentennial depends on how we understand our own past. We are very concerned about aspects of our own past which we feel the Commission has underemphasized, or ignored altogether. In order that the Bicentennial commemoration be meaningful, we believe that our heritage must be understood, both its unique virtues and its tragic faults. From the revolution of 1776 to the present day, Americans have permitted much of our history to be erased from our national memory. We feel that to properly celebrate the nation's two hundredth birthday, our memory must be refreshed.

THE REVOLUTION

The Bicentennial has been designed to celebrate America's birth, the American Revolution. Yet both at home and abroad many people consider the U.S.A. to be the most powerful *anti*-revolutionary country in the world today. This presents a paradox which the Bicentennial Commission must face if it is to be respected.

The American Revolution was a time of disunity, a time when decisions were at last confronted because they could no longer be evaded. Some men were backward-looking, clinging to their oppressive colonial heritage, while others were forward-looking, searching for a new society, a new equality, free from the past. The revolution, therefore, was a time of conflict, of debate, of *diversity*. This, we feel, is one major theme of the revolution: not artificial homogeneity but constructive opposition.

The other major theme of the revolution was *change*. The Founding Fathers had no intention that Americans should forever accept their goals. On the contrary, Thomas Jefferson tried to ensure that every generation would have the legal means to alter institutions which had become inadequate. Although he was the architect of the Declaration of Independence, the Constitution, and the Bill of Rights, Jefferson nevertheless sought to assure future generations of the right to change those documents. "Let us provide in our constitution," he wrote, "for its revision at stated period."

Each generation is as independent of the preceding one, as that was of all which had gone before. It has then, like them, *a right to choose for itself the form of government it believes most promotive of its own happiness . . .*

Jefferson's goal was to create institutions which every generation could re-examine and, if necessary, re-design those institutions.

Unfortunately, at present these two essential themes of the American Revolution have been sacrificed. Instead of cultural diversity, we find in the Commission's Reports a narrow uniformity. And instead of change, we find lethargy.

The emphasis on celebration is offensive to large segments of our population. It is frivolous to stage an expensive, elaborate display of self-congratulation and merriment in the face of serious unsolved national problems. Such a Bicentennial could only alienate the unemployed, underpaid workers, young people, blacks, Indians, and any group of citizens actively concerned about such grave threats as pollution, drugs, racial inequity, distorted national priorities, etc.

If the Bicentennial celebration is to be for *all* Americans, diversity is essential. Black Americans, for example, have been totally ignored in the written history of our country. Public education has left black people completely out of history books. When they have appeared, their character has been grossly distorted. How many Americans know that the cotton gin, an invention which made the South into an agricultural giant, was invented not by Eli Whitney but by a black slave on his plantation? Or that Estevanico, a black Spanish explorer, was the first to explore what is now Arizona and New Mexico? Or that it was not the famed Frenchman l'Enfant alone who designed the unique plan for the nation's capital, but the freed slave Benjamin Banneker who completed the task?

This list could be continued indefinitely. Throughout the 244 years of legal slavery, and 108 years of illegal slavery, black men and women achieved tremendous accomplishments which today are not known by the masses of Americans. We understand that white people naturally wish to celebrate the Bicentennial in 1976 because it is the two hundredth anniversary of *their* freedom. But the Commission should not forget that black people were not freed then. They have remained in a position of economic subjugation and political powerlessness. For black people to join this national celebration, both their history and their present must become an integral part of the Bicentennial's programs.

Black people are, of course, only one of the many forgotten groups. The American Indian has been living on this continent for 30,000 years and has celebrated his concept of freedom for centuries before Columbus or Erickson arrived. White European immigrants may now celebrate the 200th Anniversary of their country but, fundamentally, the land on which they stand belongs to the Indian.

Few Americans realize that their country is not simply a reflection of Europe. Many of the distinctive features of American democracy are Indian. Distinctively American political ideals emerged out of the rich Indian democratic tradition. Universal suffrage for men and women; the system of states within a state that we now call federalism; the practice of considering political leaders as the people's servants rather than their masters; the insistence on respect for diversity and pluralism—*all these political practices were part of the American way of life long before European settlers arrived.*

The Europe that lay behind Columbus as he sailed toward the "New" World was, in many respects, less civilized than the lands which lay before him. Politically, nothing in the European nations of the fifteenth and sixteenth centuries could equal the democratic constitution of the Iroquois Confederacy. This Confederacy provided for initiative, referendum, recall, and universal suffrage. Men and women, rich and poor—*all* could cast their vote, unlike the system in Europe.

Many of the most crucial political ideals which Thomas Jefferson expressed in the founding documents of America, the very documents which the Bicentennial is to celebrate, originated in American Indian culture. Borrowing from the Indians, Jefferson cautioned against government power. He argued for local self-government rather than the ostensibly more efficient centralized government. He trusted the ability of neighbors to settle their problems on a local level. These enduring elements of our democratic system are the contributions of the Indian peoples.

Other ethnic groups, economic groups, and age groups could easily be enumerated. But our point should be clear. *Rather than illumine the true diversity in the American people and enable each to express its own heritage, the present Bicentennial is an exclusive, centralized attempt to make Americans appear uniform and unified.* Such a national celebration will not be believed by many Americans. And it will not be believed by those outside our borders.

Just as the concept of diversity has been betrayed, so has the concept of change. Although Thomas Jefferson said that each generation should be free from its predecessor, with the right to "choose for itself the form of government it believes not promotive of its happiness," we find that the Commission appointed to commemorate the revolution has not a single member from the young generation. Only the heads of large organizations, many with special self-interest in the Bicentennial, have been made members of the Commission. For the Bicentennial to be a *national* event, not only in theory but in practice, we firmly believe that the Commission must be profoundly broadened. Constituencies which have been excluded must be represented. Otherwise we will have betrayed, not commemorated, the spirit of the American Revolution.

POLIS 76

PREFACE

The Polis proposal is meant to be a positive alternative. It is less important that its proposers find fault with the exposition concepts advanced by Boston, Philadelphia, Washington, and Miami than it is that they are convinced we can and should do something better for more people. They suggest Polis as the most appropriate way to honestly commemorate the causes and immediate results of the revolutionary "Declaration of Independence", and apply the spirit and philosophy of that document to the problems which seriously traumatize third century America.

Dare we admit our weaknesses, and take action to improve reality and reinfuse hope into the self-pitying national soul? Dare we begin to communicate with one another, and together, make better the place we all share? Dare we deny the tyranny of "trends" and "statistics", and begin to mold the future according to our needs and dreams? Dare we look into the mirror during the Bicentennial year if we now decide to be tyrannized?

We all espouse the same concerns. The historical descendents of Paul Revere abound everywhere. We all know the British of our time "are coming". But more than any other idea thus far proposed for celebrating the Bicentennial, Polis directly challenges our wisdom, and our will to do something about the existing and impending crises. It provides an opportunity for concerned citizens and leaders to release their frustrations and resources into a constructive effort. The positive results of a creative Polis program could prove as permanent as the breaking from Britain has. For more than anything else, the colonial revolution was a state of mind; of hope, and of innocence. The Washingtons and Adamses knew they had to struggle. But they had no idea how hard. Or at what cost. They simply knew what they wanted and needed to attain. For more than anything else, Polis springs from a hopeful spirit. It is a frankly innocent document. Not for what it proposes we do, but for what it proposes we be. In that sense, Polis presents a greater challenge to current Americans than Jefferson's "Declaration" did to the colonials. They possessed the strength of conviction to overcome resource shortages; to survive Valley Forge winters and the like.

We possess the resources to build trains, communications systems and cleanse the environment we have polluted. We have the resources to do much more. But we lack their strength because we lack their convictions. That marks the difference between what we are becoming and what the Revolutionary participants were. They recognized the enormous odds against victory, but battled to win nonetheless. We are intimidated by difficulties, and are confused by the complexities we have created. We are frightened. Of each other. Of the things we produce. Of ourselves. Of tomorrow. We are "a mature, realistic nation". And it eats at us.

Polis asks that we not be confined by every past and present, social and political constraint. Rather, we should emulate the essence of what we intend to honor by understanding what we are and what we have, and by beginning to act as we should. It is not so much that Boston, Philadelphia, Washington and Miami individually are wrong, than it is that something like Polis is much more right. Much more relevant to our needs as a regional entity, and to our needs as people within the regional village.

What follows this preface is not a carefully detailed masterplan. It is not well enough buttressed by supportive data to be defined as a professional, much less persuasive codification of the Polis "faith". The initiators have had much more success spreading the word of Polis than they have had in attracting moneys to fund detailed defining of the word.

However, there is little doubt that the integrated concepts are fundamentally sound and workable. And precisely what Trenton or Providence or New York or other cities do within the framework of the Polis celebration should be imaginatively determined by the people and governments of those cities Polis is not a finished product prepared for marketing. Polis is a feasible opportunity. It waits to be realized through the participation of all types of people at every scale.

Though Cambridge Seven Associates have given ten thousand dollars to keep Polis alive, they seek no contract and wish no special reward for shouldering the burden. Their involvement in past world's fairs taught them much. They simply want the right thing to be done in the right way for the Bicentennial. The students who first presented Polis, Jim Chard and Rob Hollister, are not hoping to capture lucrative, post-graduate, Polis related jobs. The coordinator, Doug McConnell, is similarly motivated. All of the others who have given much to the creation and development of Polis have contributed in the same spirit. They are individually concerned about the lack of direction our society is on the verge of non-taking, and about the meaningless decade and celebration we may have unless they, at least, speak.

That is the beauty of Polis' history and promise. Many different people, spacially removed from one another and lacking political "connections", giving freely of their energies, abilities, dollars, and professional reputations to allow an excellent idea a chance in the "Bicentennial Sweepstakes". They do not wish a pat on the back. That would defeat the purpose of what they are trying to cause. Simply reflect on what has been done by a relatively small, relatively impoverished, passionately disinterested group of persons who said and did a few things new, and much that is traceable to 1776. Imagine what could be done if we all assumed that attitude. For a brief moment anyway. It is worth trying.

WHAT POLIS PROPOSES

Polis envisions a regional focus for the nation's commemoration of its 200th birthday. The Polis celebration will be a coordinated affair, definitely linking the cities between Boston and Washington, and if at all possible, including the territory south of Washington to Atlanta. The nation's regional birthplace, the region which includes the nation's capital and America's largest city, the regional landing point for most immigrants to America, and the region which presently houses the most number of our citizens and the most comprehensive catalog of pressing megalopolitan problems, is the logical focus for a bicentennial celebration. If cooperative regionalism is to succeed as it must, it should begin in the place where the nation began two hundred years ago.

But the bicentennial will be a national celebration. Polis happenings will not comprise the sum of America's activities in 1976. It seems likely that Los Angeles or Denver or both will be Olympic hosts during the bicentennial year. Other communities, in mid-America and the far West, will wish to engage in festivities and environmental improvement projects. Polis encourages such resourcefulness, and will provide an information bank for persons who wish to know the nature of occurences beyond the colonial region, and who need advice about how to get it to them. However, to avoid debilitating diffusion of energies and continued confusion of national purpose, a focused celebration is necessary.

A single-city focus is inappropriate. No lone community can claim fatherhood to the freedom spirit and its revolutionary expression. No single city can likely cope with the massive influx of tourists from around the world who will come to share or ridicule our celebration. Perhaps most importantly, no one city embodies the complete American experience.

The cities of the eastern seaboard, taken together as separate but interdependent parts, provide a clearer view of the developing American reality. Just as we are residents of Harlem and New York City simultaneously, so we are tied residentially to the Corridor megalopolis. We commune at all scales. Hence, we should celebrate, and achieve tangible urban improvements at all scales. An exposition, solely within the limits of Boston's or Philadelphia's artificially conceived boundaries, would today be as anachronistic as one hundred years ago it would have been innovative and far-sighted.

Therefore, Polis will construct mechanisms which symbolize our increasing interdependence and simultaneity of experience.

On the regional scale, Polis will support improvements which make it easier for persons to move quickly and pleasantly along the megalopolitan spine, and which make it easier for different people from separate sections of the unified whole to communicate meaningfully—which make it easier for them to understand each other, and interact without fear.

Polis proposes:

(1) Balancing our transportation system by dramatically improving our inter-city, ground transit system. The trains will be fast, efficient and comfortable, and will be travelling arrays of multi-media shows and demonstrations for the interested celebrant.

(2) Funding an experimental telecommunications network to bring the creative thrust of the celebration and related happenings into homes throughout the region. And through the medium of two-way telecommunications, provide forums for spacially separated residents of the regional village to share thoughts and feelings, and discuss issues.

On the local scale, Polis emphasizes improvements to the major rail terminals, to the intra-city transportation systems, and to the fabric of what already exists in the urban environment. Cities should cleanse and invigorate themselves, and make it simple and fun for visitors to move from the regional transportation line through the terminals and the local transit nodes to street celebrations and historical sites. No new, strictly-for-Polis-pavilions should be built. Polis emphatically discourages artificiality.

At the neighborhood scale, Polis encourages street art, theatre, festivals and expressions of particular cultural souls. Polis supports projects for neighborhood enlivening and cleaning up—and for giving resources to the people so they may create much of their own celebration, and invite the nation and world to attend, either in person, or through the telecommunications network. No American should be afraid to immerse himself into neighborhood happenings across the tracks.

And at all scales concurrently, Polis will coordinate efforts to reorder ecological priorities by 1976. A motivating principle of the entire Polis movement will be to arrest and reverse our tragic environmental decay. Other Polis accomplishments will mean nothing if our children smother in the garbage of our neglected responsibility. Polis can be the vehicle for action which the frustrated, ecologically concerned are seeking.

Polis is a comprehensive proposal for integrating all social and political scales into a balanced celebration. Polis is not a "fair" or an "exposition". It is a celebration. A festival of building together; of sharing achievements and excitement. There is no "expo" location. No city will dominate the regional activities, except that each city will be encouraged to stress what is unique and positive about its own particular character.

True, such a thing has never been done. But neither had the American experiment been tried before 1776. Neither had a "world's fair" been tried before the nineteenth century. Polis may not receive an "international designation" by the Bureau of International Expositions in Paris. But so what? If the divided and torn America of recent years were significantly mended by 1976; if the cities of the eastern region were pleasant instead of befouled and noxious; if it were enjoyable, efficient, and entertaining to travel throughout the "colonies"; and if America were truly young and hopeful and open-armed again, foreign visitors would join us in astounding numbers. Are we so miserable and tiresome that we need a gimmick to attract world attention? Aren't we enough? And if we aren't enough, shouldn't we try to become enough by 1976?

Typical Question: Then how does Polis involve contributions from other nations if it will contain no specific location for international pavilions?

Answer: Polis will invite foreign people and their governments to send demonstrations of their cultures. Ballet troupes, soccer teams, art exhibits, folk groups and film exhibitions will tour the Polis region. The Olympic city or cities will host great international spectacles in the west.

Typical Question: Then what will there be to see and do? People want an "Expo". They want a Disneyland with gadgets and everything? How could you package a Polis trip?

Answer: Polis is not a value judgment against occasional Disneylands. It is an offered alternative to provide people a new experience. How do we know that people unswervingly desire expo-type, Disneyland repetitions? Upon what can such an assumption be made? We have never offered a choice.

Millions of Americans annually tour the Polis region. It is a legitimate guess that millions more would tour the colonial area if we made the events and places of interest fun and easy to get to. Imagine a scenario:

The Adams family has always wanted to visit the east coast. John Adams is a supermarket manager in Boise, Idaho, and he has a three week vacation coming. In the early spring of 1976, his wife, Abigail, contacts a neighborhood travel agency to plan their vacation. Two weeks of travel between home and the Polis region must be arranged.

One week will be allocated for participating in the events of the national celebration.

The travel agency is well informed about the historic sites to visit, and about the occurrences planned throughout the nation for the bicentennial. The agency is plugged into computer banks at Polis headquarters in Washington, and thus is capable of advising the late planning Adamses about how to avoid the times and places of anticipated crowding.

Mrs. Adams informs the agency that she and Mr. Adams hope to make the excursion a memorable experience for their two sons, Quincy and Henry, twins in their early teens. The two boys have never journeyed further east than Salt Lake City, and have never been to a major metropolitan center. They want to see the Capitol of course. And they are both interested in sports. Quincy is intrigued by drama and the arts. Henry is a history buff, and would like someday to teach at the college level. Of course no summer vacation would be complete without a little camping.

It's been years since Mr. Adams has visited the east. He's mostly interested in seeing his ancestoral home in the Boston area. Mrs. Adams explains that she hasn't been back to her girlhood Baltimore home since her family moved west decades ago for the sake of her father's health. "The air was so dirty. That's before they started talking about pollution and such. Frankly, I never wanted to go back. I was afraid to take my sons to the frightful cities. Everybody fighting each other. Despair. Hostile crowds. Filth. But I understand that is beginning to change now. So why not go? Besides, I want to see where Washington crossed the Delaware. I think you can swim there which will be a great treat for the boys."

The agency telephones Mrs. Adams two weeks later with her reserved itinerary. In mid-July, the Adams family is on its way in the family station wagon. They visit a Colorado centennial rodeo in Denver; a demonstration of midwestern art in Kansas City; Tom Sawyer's home in Hannibal; and spend an afternoon learning about coal mining in West Virginia. "Now to show you boys something", Mr. Adams says, "we will camp along the east coast. You may have thought the whole area was crowded with people and buildings, but there are nearly eighty national parks, monuments, and historic sites in the colonial area." Quincy and Henry are amazed that much open land still exists despite the urban explosion.

They arrive in Washington, D.C. to begin their Polis holiday. They leave their auto in a newly provided parking shelter, and with the help of direction giving devices, maps, and improved intra-city transit modes, the Adams family spends one long day touring Capitol Hill, The White House, the Smithsonian Institution and the Lincoln Memorial. They struggle against few lines, and find no difficulty confirming their accommodations for the night.

The next morning, the Adamses go to the modernized Union Station for a train journey north to Philadelphia. They hold tickets for an international soccer match at 1:00 P.M., in Philadelphia. But there is time to watch an hour long, multi-screen film in one of the Terminal's theatres about the history of the nation's capitol. Quincy is unable to view an enactment of a play concerning the antebellum south, and becomes quite depressed. Then he boards the Metro-train.

The family is surprised by the congeniality of the train's interior, and the courtesy of its attendants. Upon entering the Metro, they are presented a program of events and purposes for each of the cars. The range of choice is remarkably broad, and Quincy's humor is immediately brightened by an opportunity to see selections from plays written by black playwright residents of the Corridor—on film and tape in car three. However, he is again saddened to learn that if he weren't exiting the train in Philadelphia, he could view a documentary about the Raleigh Rock Festival until New York. Then, he could join Pete Seeger and other passengers for a sing and talk to Providence, Rhode Island.

Mrs. Adams is pleased to learn that a Baltimore theme car, number four, will describe her former home as she journeys to and through the city. After leaving Baltimore, she will tune in the special Polis television network, and watch an historical account of Polish involvement in America's history, with live cutaways to two separate Polish festivals in New York City and Boston. The two parties are themselves joined by a large screen, two-way telecommunications link, and the televised conversations fascinate Mrs. Adams who is unaccustomed to such ethnic celebrations.

Young Henry Adams indulges his curiosity about American history by viewing a creative account of the Cornwallis surrender at Yorktown. Period paintings and still shots of the area as it presently appears mesh new visual techniques with an audio mix of Revolutionary era music and quotes from British and Colonial Yorktown combatants.

Mr. Adams is a bit overwhelmed by it all, and is somewhat exhausted by the weeklong journey from Boise. He retires to a parlor car for a Bloody Mary. In quiet comfort, he writes postcards to his supermarket subordinates. The drink does not spill, and he has no trouble writing. Near Wilmington, he walks to another car to preview Philadelphia's attractions. He also telephones their hotel in Philadelphia, and finds that his family is, indeed, expected.

The family finds immediate and understandable instructions concerning how to travel from the rail terminal, to the soccer stadium, to the hotel, and back again to the terminal the following noon. Intracity movement is no problem.

After Philadelphia, the trip includes an afternoon at the Trenton battle sight—and a delightful swim in the Delaware.

New York is two days of moving easily throughout Manhattan. To the Empire State Building, Central Park, a Harlem Film Festival, the Statue of Liberty, the Museum of Modern Art, and a Broadway play.

New England. Boston. The Harvard and M.I.T. complex in Cambridge for Henry. For Mr. Adams, a chance to trace his family heritage. And for Quincy and Mrs. Adams, the stunning wall murals of black Boston.

And then. Too soon. After a swift, lively, four and one half hours from Boston along the transportation spine, the Adamses return to their automobile and prepare for the adventurous trek home.

They have not "seen it all". But in a pleasant sweep, they have tasted a hopeful, learning, positive American east. It was a "packageable" tour. A real experience. No pretend world of glass slippers, pumpkins, and mice. In the West Virginia coal mines in the streets of Harlem, and in the words of black playwrights, the boys learned that all is not well. But America, with all its beauty and blemishes, was unafraid to expose its past, present, and future to itself and others. To challenge itself. And therein rests the true "Spirit of '76". Shared in by the Adams family.

If the question persists: "What is there to see?"; it is fair to ask in return: "What is there we wish to hide?"

WHY POLIS?

We have wounds to heal and problems to solve, and the time left to us may be very short. Now is our golden opportunity to recommit ourselves to our collective needs; to make the Bicentennial decade truly relevant to the creation of a sensitive, open society; to say "no" to barrier building between people, neighborhoods, cities, states and nations. Yet the natural differences between people and political entities should be respected. Divisive, "rugged" individualism is suicidal now that "elbow room" is not-existent. But compassionate, cooperative individualism should be encouraged.

Polis will direct dollars, technologies, energies and talents to those ends. No utopian state will be attained by 1976. However, we will all have something to celebrate if demonstrable renewal has been accomplished out of the ashes of the 1960's. That is the challenge Polis offers. Do we individually and collectively have the will to disengage from the quagmire of despair? Polis is an opportunity to prove we do.

Specifically, our transportation system will be necessarily balanced.

We will reverse the environmental decay from which we all suffer.

We will finally test the potential of our telecommunications magic, and use it to enhance levels of citizen awareness, understanding, and decision making.

Obviously, many other predictable and unforeseen by-products will emerge from the Polis program. Polis is a comprehensive, positive framework within which there remains room for much imaginative work.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. SPONG. Mr. President, the Senator from Maryland has rendered a service this evening in pointing out to the Senate what has not been done to date by the Bicentennial Commission. When this commission was initially authorized, I had great hopes for it. The chairman named was Carlisle Humelsine, President of Colonial Williamsburg, and I knew he had the capacity and understanding to do a good job.

Since his resignation in 1969, I must say the commission has done little, that gives me hope that there will be an appropriate celebration.

In any event, I hope the legislation being presented this evening by the Senator from Massachusetts and the Senator from Nebraska will initiate renewed activity so that, within the next 4 years, a celebration that can be participated in by all our citizens may be planned.

I want to say to the Senate that the State of Virginia has an excellent commission; that, regardless of what is done or not done, by the national commission.

Mount Vernon, the home of the Father of his country, will be open; Monticello, the home of the author of the Declaration of Independence, will be open; Gunston Hall, the home of George Mason, author of much of the Bill of Rights, will be open.

I would say to the Senator from Massachusetts that, whereas the Revolution began in his State, it ended in Virginia; and the Yorktown Battlefield will still be there for all to visit.

I hope the proposed legislation will be enacted and its passage will serve to invigorate what I fear has to date been a lagging effort.

Mr. BROOKE. Mr. President, how much time remains?

The PRESIDING OFFICER. The only remaining time is 15 minutes to the other side, which is controlled by the majority leader or his designee, and I presume that is the Senator from West Virginia.

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

Mr. BYRD of West Virginia. I yield 5 minutes to the Senator.

Mr. BROOKE. Mr. President, I am glad that my distinguished colleague the Senator from Virginia, recognizes the fact that it all started in the great Commonwealth of Massachusetts, and Massachusetts itself has a bicentennial commission.

It is working on it, and many other States throughout the Nation have Bicentennial Commissions.

For the RECORD, I want to say that we have had very distinguished leaders on the Bicentennial Commission, and the present Chairman of that Commission, David J. Mahoney, is a very competent, very able, and very distinguished Commission Chairman.

The Commission has had some very serious problems, among them the question of the direction in which it would go in observing the bicentennial anniversary. Many have believed that we should take on such projects as rapid transit systems throughout the Nation or recognition of the great problems of poverty and air pollution and water pollution. Others have indicated that we should have just a gigantic birthday party, or that we should have an exposition similar to those which were held in Canada and in New York City.

I, for one, have always believed that we should not have just a great exposition, a great birthday party, because we might expend tremendous sums of money, only to wake up the next morning with a big head, and find we have nothing left, nothing to point to, nothing permanent to show for the celebration of our bicentennial.

I commend the distinguished Senator from Maryland for his very timely suggestion, because at this period in this halfway mark, as we move into the planning phase of the bicentennial, I think it is appropriate that we take stock and that we broaden the Commission membership. I do not know that we will be able to include all the suggestions of the distinguished Senator from Maryland, because he has suggested that we limit the Commission membership to 25. But I certainly think that the intent of the distinguished Senator from Maryland can be carried out by the Commission in getting as broad a representation of this Nation, as broad a participation, as we can of all sectors and all groups within this Nation, so that the bicentennial can be truly representative of the United States of America.

I think that the commission itself recognizes this great need. I think the commission wants it. I think the commission will vote for this amendment. I certainly support the Senator's amendment, and I hope that the Senate will support it as well, because it is needed, and it will enable the commission to get on with its tremendous work. Time is of the essence; time is running out; and precious few years are left for us to execute some of the plans which have already been adopted by the Bicentennial Commission.

Mr. MATHIAS. Mr. President, if the Senator will yield, I should like to thank him for his encouragement and for his support.

The limit of 25 is not my limit. That is the limit which the committee, in its wisdom, has adopted. I think the commission ought to be as big as it needs to be to do its work and to be broadly represented. Let me say to the Senator from Massachusetts that there is a way in which the commission can be representative regardless of the limitation on its membership, and that is by bringing into its work all the people of the country and making everybody, in effect, a deputy on the commission, by broadly engaging the interests, the energies, and the creative abilities of the American people. If that is done, we really cannot have any objection.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. BYRD of West Virginia. I yield the distinguished Senator 5 additional minutes.

Mr. BROOKE. That is exactly what the commission is attempting to do with the resolution which the Committee on the Judiciary has reported with the authorization. It wants every State, every Territory in the United States, to have a bicentennial commission of its own. These bicentennial commissions would be mandated to embrace all segments of the population, all diverse groups within the Nation, so that they will participate. The staff is very zealously, very energetically, working in this direction.

I want to give assurance to the distinguished Senator from Maryland that the commission is well aware of the necessity for bringing in full participation of the entire United States of America.

Mr. MATHIAS. I am not going to interrupt the Senator again, but I would just say this: Congress is deeply concerned here, not just because I was the author with Representative MORSE of the original bill. The commission is going to have to be more and more involved with Congress as it seeks further authorizations and further funds. I think it is only fair to say tonight that Congress has a real duty on oversight here, and Congress has to carry out that function.

I know that in the other body there is very grave concern at this time about the posture in which the commission finds itself at this moment, and that is a concern I share or we would not be here tonight.

Mr. BROOKE. I assure the Senator from Maryland that Congress was given representation on the commission. Four Members of the House serve on the commission. Three of our distinguished colleagues serve on the commission. They are the distinguished senior Senator from Virginia (Mr. BYRD), the distinguished senior Senator from New Hampshire (Mr. COTTON), the distinguished senior Senator from Rhode Island (Mr. PASTORE), and also the junior Senator from Massachusetts. Those are the four Senators who serve on the commission. I do not know the names of the House Members.

It is the responsibility of Congress to oversee, as the Senator has suggested, the work of this commission. To the degree that these very busy Senators and Representatives can, I am sure that they have participated in the deliberations and in the planning stages of the commission's work.

I quite agree that we might expect in the future that the commission will be coming back to Congress for additional authorizations and appropriations as we get closer to the realization of our plans. I think it is good for all Members of Congress to become knowledgeable about what the commission has done, what the commission is doing, and what the commission intends to do in the future.

Mr. MATHIAS. I promised the distinguished Senator that I would not interrupt again, but I should like to add this thought: When I was a Member of the other body, and we wrote this bill, it was enacted into law; and we had an original authorization for $200,000, which under the circumstances was a fairly modest sum of money for the gigantic amount of work that needed to be done.

I regret to say that we were unable to get that money for a long period of time because of resistance in the other body. That resistance was finally overcome, but it is still there, and there is a very real danger that it can become an obstacle to the progress of the work on this commission.

I do not want the distinguished Senator to feel that what I am saying is in any sense a threat—it is not—because this is a project in which I have the most tremendous interest and a sincere desire to see it successful; but these problems exist and they will not go away because we do not look at them.

Mr. BROOKE. I am perfectly pleased that the Senator has pointed this out. He has very well said that it does not constitute a threat, but it is good for the commission itself to understand, and the staff of the commission to understand that Congress will be looking closely at what they are doing, at what they are not doing, and what they intend to do. It will not be easy for those of us in Congress who approve and support a bicentennial commission to make the case for authorization and appropriation unless Congress is convinced that this money will be wisely spent, and that we are going to have a bicentennial which will be truly representative of the Nation, and which will be meaningful. So I can only concur with what my distinguished colleague from Maryland has said and support it. I will certainly personally make it known to the Commission how strongly he feels about it and in speaking, I am sure he speaks for many Members of the Senate, and certainly for many more Members of the House of Representatives.

Again I commend the Senator for his contribution. It is a rich one. It will be helpful to the success of the bicentennial.

Mr. HRUSKA. Mr. President, as the only Member of this body who has participated in this colloquy so far who is not a member of the 13 Original Colonies, I want to say that the interest in the bill and the celebration which is planned for is of great interest in my native State of Nebraska and also in the Midwest. The encouragement of activities in the various State commissions and the regional coordinators, and the coordinating of the program celebration, will make

it flower and come to greater fruition than most of us, perhaps, expect.

The amendment offered by the Senator from Maryland has no objection from this Senator. It will be an addition that will be welcome and therefore no objection is entered against it.

With reference to the 1 year appropriation, that was done with some forethought, because it was felt, with the momentum which will gather with the activities of the commission and the funds authorized by the bill—the appropriation has already been provided for, contingent on the passage of the bill in the other body on the other bill—that we will have no difficulty getting adequate funding in fiscal year 1973 and the 3 years following that.

Mr. BROOKE. In conclusion, Mr. President, I would like to assure my colleague that the present chairman of the commission, David J. Mahoney, is, I think, a very exceptional man. As the distinguished Senator from Nebraska has pointed out, there are also regional directors, which we have not had in the past. They are appointed. There are some exciting plans going ahead and I hope that more of our colleagues will become familiar with those plans. The commission has said and still says that it welcomes suggestion and ideas that can come from Congress. I am sure that my colleagues who serve with me on the commission will be willing and grateful to have all possible ideas so that we can take them back to the commission as your representatives. Again I commend my colleagues for this opportunity.

The PRESIDING OFFICER (Mr. SPONG). All time on the amendment has now expired.

The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

S. 1857

An act to amend the joint resolution establishing the American Revolution Bicentenial Commission, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended, is further amended as follows:

(1) Section 2(b)(3) is amended by adding the words "The Secretary of the Treasury" after the words "The Secretary of State".

(2) Section 2(b)(4) is redesignated as section 2(b)(5) and is amended to read as follows:

"(5) Twenty-five members from private life to be appointed by the President, one of whom shall be designated as the Chairman by the President, who shall be so chosen as to be broadly representative of the Nation's people, with specific recognition of the contributions of its youth as well as its elders, of its racial and ethnic minorities, of its creative arts, its useful crafts and its learned professions."

(3) By adding a new section 2(b)(4) to read as follows:

"(4) Four members of the Federal judiciary to be appointed by the Chief Justice of the United States;".

SEC. 2. Section 6(b) is amended to read as follows:

"SEC. 6. (b)(1) The Chairman, with the advice of the Commission, shall appoint a Director who will be compensated at level IV of the Executive Schedule, and three Deputy Directors who will be compensated at level V of the Executive Schedule. Such officers shall serve at the pleasure of the Chairman.

"(2) The Commission shall have power to appoint and fix the compensation of such additional personnel as it deems advisable and to appoint such advisory committees as it deems necessary.

"(3) The Commission shall delegate such powers and duties to the Director (with power to redelegate) as necessary for the efficient operation and management of the Commission."

SEC. 3. Section 7(a) is amended to read as follows:

"SEC. 7. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act and to remain available until expended $4,300,000 for fiscal year 1972, of which not to exceed $2,400,000 shall be for grants-in-aid."

SEC. 4. Add at the end thereof the following new sections:

"SEC. 8. In carrying out the purposes of this Act, the Commission is further authorized to provide for:

"(1) the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects which will contribute to public information awareness and interest in the bicentennial;

"(2) competitions, commissions, and awards for historical, scholarly, artistic, literary, musical, and other works programs, and projects relating to the bicentennial; and

"(3) a bicentennial calendar or register of programs and projects, and in other ways provide a central clearinghouse for information and coordination regarding dates, events, places, documents, artifacts, and personalities of bicentennial historical and commemorative significance.

"SEC. 9. The Commission is authorized to carry out a program of grants-in-aid in furtherance of the purposes of this Act. The Commission shall, subject to such regulations as it may prescribe:

"(1) Make equal grants in two successive years of not to exceed $45,000 annually to each State, territory, the District of Columbia, and the Commonwealth of Puerto Rico, upon application therefor, to assist in the establishment or implementation of Bicentennial Commissions.

"SEC. 10. Appropriations or other funds available to any Government department or agency (including the Commission) for carrying out purposes related to or in furtherance of the bicentennial commemoration may be transferred between the Commission and any such Federal department or agency as may be mutually agreed between them. Funds so transferred may be used for direct expenditure or as a working fund, and any such expenditures may be made under the authorities governing the activities of any such department or agency or the authorities of this Act, provided the activities come within the purposes of this Act."

SEC. 5. Section 5108(a) of title 5, United States Code, is amended by striking out "2754" and inserting "2764".

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 assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry one of its reading clerks announced that the House had passed the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1483. An act to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes;

H.R. 6283. An act 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;

H.R. 10383. An act to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act; and

H.R. 11489. An act to facilitate the amendment of the governing instruments of certain charitable trusts and corporations subject to the jurisdiction of the District of Columbia, in order to conform to the requirements of section 508 and section 664 of the Internal Revenue Code of 1954, as added by the Tax Reform Act of 1969.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1116) entitled "An act to require the protection, management, and control of wild free-roaming horses and burros on public lands."

HOUSE BILL REFERRED

The bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business with statements limited therein to 3 minutes.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT ON CONTROL OF DRUG AND ALCOHOL DEPENDENCY

A letter from the Secretary of Defense, transmitting, pursuant to law, a report on Department of Defense Control of Drug and Alcohol Dependency (with an accompanying report); to the Committee on Armed Services.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

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

"SENATE JOINT RESOLUTION No. 53

"Relating to Greene-Harmer Motor Vehicle Damage Control Act

"Whereas, The enactment of the Greene-Harmer Motor Vehicle Damage Control Act of the 1971 Session provided high standards for bumpers and property damage resistance on 1974 model and later year motor vehicles; and

"Whereas, Such standards more particularly specified that all such motor vehicles must be able to withstand an impact of five miles per hour or more, front and rear, without damage to the vehicle; and

"Whereas, Such enactment and standards were based upon an extensive and in-depth study conducted by the Legislature, the Governor's Automobile Accident Study Commission and many agencies and organizations interested in the reduction of cost of insurance and auto repairs to the consumer; and

"Whereas, Background information and support for such measure was predicated upon the high cost of repairs and resulting insurance costs incurred in low-speed motor vehicle property damage accidents prevalent on California's congested street and highway systems; and

"Whereas, Such measure also reflected that meaningful reduction in the cost of automobile repairs for California motorists necessitated improvement of the crashability of motor vehicles; and

"Whereas, The final enactment of the Greene-Harmer Motor Vehicle Damage Control Act was without opposition after agreement with representatives of the automobile industry that the standard was attainable; and

"Whereas, The enactment of this law also represented a potential savings of hundreds of millions of dollars to California motorists both in reduced insurance premiums and lower repair costs; and

"Whereas, Major segments of the insurance industry have recognized this cost saving potential by announcements of substantial reductions on physical damage insurance premium on vehicles so equipped; and

"Whereas, S. 976, presently pending in the Congress would render null and void these potential benefits in the standards for bumpers and property damage resistance so established in California law in 1971; now, therefore, be it.

"Resolved, by Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to recognize and give full faith and credit to the motor vehicle property damage standards provided by California law in the Greene-Harmer Motor Vehicle Damage Control Act; and be it further

"Resolved, That the enactment of S. 976, or any other measure pending in Congress on this subject for the benefit of the citizens of the other several states, be amended to fully recognize the standards set forth in California law; and be it further

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Appropriations, with amendments:

H.R. 11955. A bill making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92-549).

By Mr. INOUYE, from the Committee on Appropriations, with amendments:

H.R. 11932. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92-550).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 8381. An act to authorize the sale of certain lands on the Kalispel Indian Reservation, and for other purposes (Rept. No. 92-542).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

S. 952. A bill to declare that certain public lands are held in trust by the United States for the Summit Lake Paiute Tribe, and for other purposes (Rept. No. 92-540);

S. 1115. A bill to declare that certain federally owned lands are held by the United States in trust for the Paiute-Shoshone Tribe of the Fallon Reservation and Fallon Colony, Nevada (Rept. No. 92-541); and

S. 1218. A bill to declare that certain fedally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony, and for other purposes (Rept. No. 92-538).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1475. A bill to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat "Cairo," and for other purposes (Rept. No. 92-533).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 36. A bill to preserve and promote the resources of the Connecticut River Valley, and for other purposes (Rept. No. 92-534).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, without amendment:

S. 345. A bill to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes (Rept. No. 92-539).

By Mr. HARTKE, from the Committee on Veterans' Affairs, without amendment:

H.R. 9096. An act to amend chapter 19 of title 38 of the United States Code to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces (Rept. No. 92-543);

H.R. 9097. An act to define the terms "widow," "widower," "Child," and "Parent" for servicemen's group life insurance purposes (Rept. No. 92-545);

H.R. 11334. An act to amend title 38 of the United States Code to provide that dividends may be used to purchase additional paid-up national service life insurance (Rept. No. 92-544);

H.R. 11220. An act to designate the Veterans' Administration hospital in San Antonio, Tex., as the Audie L. Murphy Memorial Veterans' Hospital, and for other purposes (Rept. No. 92-546); and

H.R. 11335. An act to amend section 704 of title 38, United States Code, to permit the conversion or exchange of national service life insurance policies to insurance on a modified life plan with reduction at age 70 (Rept. No. 92-547).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 5068. An act to authorize grants for the Navajo Community College, and for other purposes (Rept. No. 92-548).

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

H.R. 6893. An act to provide for the reporting of weather modification activities to the Federal Government (Rept. No. 92-537).

REPORT OF SELECT COMMITTEE ON SMALL BUSINESS (S. REPT. 92-535)

Mr. BIBLE. Mr. President, I submit the 21st annual report of the Select Committee on Small Business. I ask unanimous consent that the report be printed, together with illustrations.

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

REPORT ON REVISION AND CODIFICATION—REPORT OF A COMMITTEE (S. REPT. NO. 92-536)

Mr. ERVIN. Mr. President, on behalf of the Committee on the Judiciary, I submit a report by the committee setting forth the activities of its Subcommittee on Revision and Codification during the second session of the 91st Congress.

The PRESIDING OFFICER (Mr. BENTSEN). The report will be received and printed.

EXECUTIVE REPORTS OF COMMITTEES

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

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

Morell E. Sharp, of Washington, to be a U.S. district judge for the western district of Washington;

Charles B. Renfrew, of California, to be a U.S. district judge for the northern district of California;

Anthony A. Alaimo, of Georgia, to be a U.S. district judge for the southern district of Georgia;

Philip W. Tone, of Illinois, to be a U.S. district judge for the northern district of Illinois;

Robert L. Kunzig, of Pennsylvania, to be an associate judge of the U.S. Court of Claims;

Shiro Kashiwa, of Hawaii, to be an associate judge of the U.S. Court of Claims; and

Joseph L. Tauro, of Massachusetts, to be U.S. attorney for the district of Massachusetts.

By Mr. HART, from the Committee on the Judiciary:

Richard W. McLaren, of Illinois, to be a U.S. district judge for the northern district of Illinois.

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. MOSS:

S. 2923. A bill to amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 2924. A bill to amend the Social Security Act to require that intermediate care facilities providing services under State plans approved under titles I, X, XIV, and XVI of such act comply with the provisions of the Life Safety Code which are applicable to nursing homes;

S. 2925. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under any State program approved under such title, to submit to the State agency administering such program an annual report on the costs incurred in the operation of such nursing home;

S. 2926. A bill to amend the Social Security Act to require that intermediate care facilities providing services under State plans approved under titles I, X, XIV, and XVI of such act comply with the disclosure of ownership requirement applicable to skilled nursing homes providing services under medicaid programs;

S. 2927. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under State plans approved under such title, fully to disclose to the State licensing agency the identity of each person who has any ownership interest in such home or is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such home;

S. 2928. A bill to amend title XIX of the Social Security Act to require the Secretary of Health, Education, and Welfare, whenever he determines that there is a failure on the part of any nursing home providing services under a State plan approved under such title to comply with the standards imposed or required to be imposed under such plan, to notify the Governor of the State of such failure on the part of such nursing home;

S. 2929. A bill to amend the Social Security Act to require that information concerning nursing homes providing services under Medicaid programs and intermediate care facilities providing services under certain State welfare programs, which is required to be furnished to certain State agencies, will be made available to the public. Referred to the Committee on Finance.

S. 2930. A bill to amend title VI of the Public Health Service Act to provide for the making of loans for the construction of nursing homes owned and operated by churches;

S. 2931. A bill to amend title VII of the Public Health Services Act to provide for the making of grants to schools of medicine to assist them in the establishment and operation of departments of geriatrics;

S. 2932. A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities;

S. 2933. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to appropriate colleges and universities to assist them in the establishment and operation of programs for the training of physicians' assistants;

S. 2934. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology; and

S. 2935. A bill to authorize the Secretary of Health, Education, and Welfare to encourage and assist in the development on a demonstration basis of several carefully planned projects to meet the special health-care and related needs of elderly persons in a campus-type setting. Referred to the Committee on Labor and Public Welfare.

By Mr. STAFFORD:

S. 2936. A bill to amend chapter 19 of title 38, United States Code, to provide that 5-year level premium term policies of U.S. Government Life Insurance in force on January 1, 1972, shall be paid in full and remain in force for the life of policy holders. Referred to the Committee on Veterans' Affairs.

By Mr. NELSON:

S. 2937. A bill for the relief of Slobodan Babic. Referred to the Committee on the Judiciary.

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

S. 2938. A bill to amend the Rail Passenger Service Act of 1970 to require the National Railroad Passenger Corporation to provide free or reduced-rate transportation for certain railroad employees and their eligible dependents to the same extent such transportation was available to such employees and their dependents on the date of enactment of that act. Referred to the Committee on Commerce.

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

S. 2939. A bill to establish a National Commission on Corrections. Referred to the Committee on the Judiciary.

By Mr. CANNON:

S. 2940. A bill to authorize the Secretary of the Interior to convey certain public lands of the United States in exchange for certain mining lands. Referred to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

S. 2941. A bill for the relief of Jose A. Seradilla. Referred to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. BAYH, Mr. BOGGS, Mr. BUCKLEY, Mr. COOK, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. HARRIS, Mr. HATFIELD, Mr. HUMPHREY, Mr. MCGEE, Mr. MCGOVERN, Mr. MANSFIELD, Mr. STEVENSON, Mr. TAFT, Mr. TOWER, and Mr. WILLIAMS):

S.J. Res. 180. A joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOSS:

S. 2923. A bill to amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 2924. A bill to amend the Social Security Act to require that intermediate care facilities providing services under State plans approved under titles I, X, XIV, and XVI of such act comply with the provisions of the Life Safety Code which are applicable to nursing homes;

S. 2925. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under any State program approved under such title, to submit to the State agency administering such program an annual report on the costs incurred in the operation of such nursing home;

S. 2926. A bill to amend the Social Security Act to require that intermediate care facilities providing services under State plans approved under titles I, X, XIV, and XVI of such act comply with the disclosure of ownership requirement applicable to skilled nursing homes providing services under medicaid programs;

S. 2927. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under State plans approved under such title, fully to disclose to the State licensing agency the identity of each person who has any ownership interest in such home or is the sooner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such home;

S. 2928. A bill to amend title XIX of the Social Security Act to require the Secretary of Health, Education, and Welfare, whenever he determines that there is a failure on the part of any nursing home providing services under a State plan approved under such title to comply with the standards imposed or required to be imposed under such plan, to notify the Governor of the State of such failure on the part of such nursing home;

S. 2929. A bill to amend the Social Security Act to require that information concerning nursing homes providing services under medicaid programs and intermediate care facilities providing services under certain State welfare programs, which is required to be furnished to certain State agencies, will be made available to the public. Referred to the Committee on Finance.

S. 2930. A bill to amend title VI of the Public Health Service Act to provide for the making of loans for the construction of nursing homes owned and operated by churches;

S. 2931. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to schools of medicine to assist them in the establishment and operation of departments of geriatrics;

S. 2932. A bill to amend title VII of the Public Health Service Act to train certain veterans, with appropriate experience as paramedical personnel, to serve as medical assistants in long-term health care facilities;

S. 2933. A bill to amend title VII of the Public Health Service Act to provide for the making of grants to appropriate

colleges and universities to assist them in the establishment and operation of programs for the training of physicians' assistants;

S. 2934. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology; and

S. 2935. A bill to authorize the Secretary of Health, Education, and Welfare to encourage and assist in the development on a demonstration basis of several carefully planned projects to meet the special health care and related needs of elderly persons in a campus-type setting. Referred to the Committee on Labor and Public Welfare.

Mr. MOSS. Mr. President, this is an historic week as the White House Conference on Aging meets in Washington, D.C., to consider the needs of our senior citizens. One of the items on today's agenda is long term care which has been one of my areas of greatest interest.

I am sure that by now most of my colleagues know that I have been the chairman of the Subcommittee on Long-Term Care of the U.S. Senate Special Committee on Aging for the past 7 years. During the years 1963 through 1965 my subcommittee held nursing home hearings throughout the Nation which led to the enactment of the substantial body of Federal regulatory legislation which is the foundation for HEW's present efforts to upgrade the quality of nursing home care. While I greatly regretted the 4-year delay from the time the bills were enacted until this present push for enforcement, I do want to compliment the Department for the forthright manner in which they have now attacked these serious problems.

I hasten to point out that enforcement is but one of what I consider to be the five major root causes of abuses, negligence, and poor nursing home care in general. I enumerated these five root causes in a press release issued this Monday, along with certain preliminary conclusions based on the current series of nursing home hearings which began in July of 1969. This release also contained the broad outlines of a legislative package which I am today introducing. I do so in the hope that these bills will continue to gain the attention of the White House Conference and with a possible thought to patching them into H.R. 1 which will be before the Congress early next year.

The first problem that I identified was: Lack of a clear policy with regard to the infirm elderly.

The fact is that we in this great Nation simply have no policy with regard to the infirm elderly. The rhetoric speaks of care and concern, but the reality is poor care, no care, or just plain neglect. We continue to follow the policy used by other societies for the ill elderly, and that is abandonment. When families are confronted with what to do with a loved one grown old, there are currently no acceptable options available.

As a solution to this problem Mr. President, I propose broadening the scope of medicare coverage to include:

First. Up to 100 days in a nursing home for all Americans over 65. Such care is available at present only to a narrow minority of elderly who have acute post-hospital, post-operative needs.

Second. Establish outreach services, mobile health units, homemaker services, and expanded home health services which would look toward treating the elderly in their own homes.

Third. Senior citizen day care centers so working families could have the security of knowing their senior members had supervision by day.

Fourth. Authorizing on an experimental basis the subsidizing of a family to take care of their elderly in their own homes.

This bill is still in the drafting stage but I intend to introduce it as soon as I have it in hand.

The second major root cause of our nursing home problems is: Lax enforcement by States and the Federal Government.

This point was certainly well made by the May 28, 1971, General Accounting Office audit that spelled out that 50 percent of the nursing homes in three States, Michigan, Oklahoma, and New York do not meet Federal requirements. The recent HEW studies announced yesterday by Secretary Richardson were equally startling. We learned that 38 States were not meeting Federal standards.

I have some new legislation to suggest to close loopholes in this area. For example:

First. A bill to make public nursing home licensure, certification, and inspection records so individuals and families could have reliable indicators as to the kind of nursing home to which they were referring their elderly.

Second. A bill to require the Secretary of HEW to notify the Governor of a State directly whenever he determines there is a failure on the part of the State or certain nursing homes to meet and comply with Federal regulations.

Third. A bill broadening the scope of my 1967 amendment which requires the disclosure of a 10 percent or greater interest in a nursing home so that any interest direct or indirect must be disclosed. In a separate bill I plan to ask the Congress to apply this amendment to intermediate care facilities which are presently exempt.

Fourth. A bill to require that the Life Safety Code of the National Fire Protection Association be applied to intermediate care facilities which we learned to our chagrin in the Salt Lake City Lil Haven nursing home fire, are the only category of nursing homes receiving Federal assistance that are exempt from the Codes' substantial fire protection measures.

Fifth. A bill which requires that nursing homes receiving Federal funds submit to the State agency an annual report of the costs incurred in the operation of such nursing homes.

The third major problem is: The absence of the physician from the nursing home setting.

Almost none of our medical schools emphasize geriatrics as a specialty. Doctors, generally speaking, avoid the nursing home; they find the work unattractive and unrewarding. In nursing homes, the practice of medicine is conducted almost entirely by telephone. Our committee discovered that doctors nationwide do not view bodies of patients who have died in nursing homes before signing death certificates.

As a solution to these problems, I am introducing legislation including:

First. A bill to create a National Institute of Geriatrics within the National Institutes of Health.

Second. A bill to provide for training of veterans as paramedical personnel in nursing homes.

Third. A bill authorizing up to $500,000 each to six medical schools to establish departments of geriatrics.

Fourth. A bill to provide grants to colleges and universities to encourage training programs for health professionals called "physicians assistants" who could work with and at the direction of physicians, and ease the current medical shortage.

The fourth major problem is: The reliance on untrained and inadequate personnel.

There are about 1 million patients in nursing homes and about one-half million employees, or a ratio of 0.5 nurses per patient, compared to average ratios in hospitals of 2.6 nurses per patient. The bulk of nursing home employees are aides and orderlies who are overworked and underpaid. It is little wonder that there is a turnover rate of 75 percent.

As a solution for this problem I have in mind a bill which would authorize expanded inservice training programs with the Federal Government assisting by providing appropriate educational material and instructors who could conduct classes in the nursing homes.

The fifth problem I call: The existence of built-in financial incentives in favor of poor care.

Currently medicaid payments to nursing homes typically provide a flat rate of perhaps $14 a day. This amount is immediately cut back when the patient becomes ambulatory. The incentive is thus to keep the patient in bed. Further, this $14 a day is not enough to provide the kind of care that is needed. Thus we employ a system where 80 percent of the nursing homes are for profit institutions, and tell them that the only way that they can make money is by cutting care and services. Each individual operator can decide for himself how much to allocate to care and how much to profit. There is absolutely no accountability. If you cut back on food and nursing staff, you can make a fortune on $14 a day.

As a solution I suggest either some type of prospective reimbursement or the adoption nationwide of an incentive reimbursement system such as the Connecticut "points" system, where a nursing home, in effect, is graded and placed into classes A, B, C, and so forth. The better the nursing home in the State's estimation, the higher the rate of reimbursement. A class A home, for example, might receive $18 a day, a class B home, $17 a day, and so forth.

In addition to the bills that I have set forth above there are three more that I would like to introduce today. The first bill would amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes. This bill is in realization

of the serious problem that some nursing homes are having in bringing their facilities up to conformance with the Life Safety Code of the National Fire Protection Association. My office is also working out arrangements with the Small Business Association which will help facilitate these loans.

Another bill creates a new program to provide construction loans for nursing homes owned and operated by churches. The loans would be provided directly from the Government at 5 percent interest or the Treasury's borrowing rate whichever is the lower.

The last bill provides for campuses for the elderly. It authorizes the Secretary of HEW to select and fund the three best designs submitted which provide on one site a skilled nursing home to accommodate at least 120 patients, a congregate living facility of 100 dwelling units, a rest home with nursing supervision for at least 100 people, a multifamily residential unit for more than 100 people and a community center providing recreation, vocational counseling and other services.

This latter bill is the result of long discussions with Mr. Paul de Preaux, president of the Connecticut Association of Nonprofit Homes for the Aging. He has suggested the great desirability of having these "villages for the elderly" located near college campuses which he feels would be greatly beneficial to both age groups. For more details on this proposal, I ask unanimous consent to have printed in the RECORD Mr. de Preaux's recent testimony before my Subcommittee on Long-Term Care and my news release dated November 29, 1971.

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

TESTIMONY OF MR. DE PREAUX

The present public housing for the elderly programs fall far short of their announced goals because each plan seems to be based on a separate premise of need. Anyone knowledgeable in the field of the aging realizes that there is a multiplicity of overlapping needs within each program which affect every other program. These needs are individual, personal, and cannot be computed in generalized premises. In fact, one of our greatest problems is the retention of the human element in Federal programs for older persons. Programs initiated because of concern become homogenized and computerized into financial and mathematical equations from which concern has been eliminated. In my opinion, public housing for the elderly is an excellent example of this. I could name others, but I do not wish to digress.

CONSOLIDATION OF AIMS

It is my belief that Government must cease attacking the problems of housing for the elderly on myriad plateaus and consolidate its planning into one effective package to answer this multiplicity of needs. In other words, Government must replace its construction programs with one program of concern.

In caring for the older person, we find four main phases of care are necessary. They are:

1. Independent living: Apartments.

2. Semi-independent living: Communal or congregate living areas.

3. Intermediate care facilities: Rest homes with nursing supervision.

4. Intensive nursing care: Extended care facilities or nursing homes.

An important adjunct to the above is the Senior Citizens' Community Center which is primarily for those persons still residing in their homes in the community.

I know that the Congress and State governments have become involved to some extent with all the above phases of care except one, but, as yet, I have seen no evidence of any attempt to merge or consolidate these areas of care under one master plan.

CAMPUSES FOR OLDER PERSONS

It is my opinion that campuses for older persons is the logical answer and the great need of the future.

Each campus should contain separate facilities for the four main phases of care and a community center. This would give the older person the one item which none of the existent Federal programs do, a permanent home. Under the present system of comprehensive non-planning, the aforementioned facilities are constructed many miles apart and have no connection, one with the other. The ultimate result is the older person being transferred from one to the other, from town to town because of changes in his physical or mental condition. In other words, he becomes a "vagabond of the system." Under the campus plan, he would have a home and, though he might be transferred from one facility to another for reasons of illness or personal desire, he would remain in the same locale with his friends nearby.

I believe that the facilities for the four main phases of care can be constructed in the same area and arranged as a campus with a community center for use by the residents of said facilities and older persons in the community. The latter is most important, for the campus must remain a part of the community and never become an "isolation area" for the older persons.

The community center should consist of a program area (auditorium recreation and occupational therapy area), kitchen, dining room, and office spaces for administration, women's auxiliaries and volunteers. It should also contain an area for staff social workers who would assist both the residents of the campus and the older residents in the immediate adjacent community. In fact, the center should serve as the main artery between the heart of the community and the individual residents of the campus.

I stress involvement with the community because the benefit derived from such an involvement flows both ways.

1. The community would gain a greater understanding of the needs of older persons and really be made cognizant of the usable talents still available in the old people.

2. As an adjunct to this hot meals on wheels could be served to older persons in the community for a nominal fee, and this would insure them some degree of adequate nutritional intake. Too many of our patients are admitted with diagnoses of malnutrition, anemia or nutritional deficiency.

3. Older persons in the community could become acquainted with the benefits and advantages of campus living, thereby easing the psychological shock which usually occurs when they find they must leave their homes for an institution.

4. The residents of the campus could reestablish their individual identities in the community, thereby escaping the generalized classifications usually applied to older persons.

5. Both residents of the campus and members of the community could become involved together in some of the newer innovative programs such as the adopted grandparents plan for retarded children. This is only one, there are many others.

6. Involvement such as I have described would act as a stimulus to the mental and physical well-being of both groups. They would feel that they are still needed and have not been cast aside by society.

I can imagine, in the future, clinics on each campus solely for the care of the older person. I can visualize their utilization as centers for research programs dealing with the programs of older persons on all levels: physical, psychological, medical, mental and social. I can see all of this developing from the campus idea, and I feel that it is time the government realized it must commence a concerted effort to care for the total person. It must research all the above areas of care and have answers before they become unsolvable problems because of lack of time.

There are three available courses of action that can be taken immediately to insure a start of the campus idea.

1. Build public housing adjacent to nonprofit extended care facilities or intermediate care facilities and assign their management to the religious or fraternal order which manages the original facility. Plan to start construction of the other necessary facilities as soon as possible.

2. Build public housing in an area with sufficient acreage available for the construction of the other facilities in the very near future.

3. Combine all the Federal programs applicable and start projects of the campus idea in toto in various parts of the country. Revise present plans and in the future construct only this type of multiple facility. Congress could authorize FHA mortgage insurance available to any group, proprietary or nonprofit, for this specific purpose.

As I have said before, before you, Senator, the older persons I speak of are no ephemeral group, but 20 million of our citizens—10 percent of our population and, I might add, a much higher percentage of our eligible voters. We owe them the concern that we ourselves will be seeking in a few years. We cannot answer their problems with cliches because in their years they have heard them all. It is is our duty to coordinate the multiple programs of the various governmental agencies under one plan which will attempt to answer all their needs.

I also believe—and I think I have many backers in this—that there should be one section in the Department of Health, Education, and Welfare which should administer every program relating to older persons, including housing, Medicare, Medicaid, research programs—everything. I further believe that there should be in this section experts in every field concerned with the care of the older person ranging from architects to registered nurses. It should draw from the vast reservoir of available talent the best minds to deal with this great need. Perhaps, in this way, we could take that first step to replace random construction with specific concern.

Thank you.

Senator Moss. Thank you, Mr. de Preaux, for a stimulating and well thought out bit of testimony. I like the last part especially because one of my pet peeves is this fragmented administration that we get so often, not only with programs for the elderly but other things that the Federal Government becomes involved in. I suppose the disease goes on down to State governments, too.

What you say has occurred of course a great deal within HEW and in HUD dealing with problems that are centered on the aging, and how much better it would be if we could have all of those functions brought together and the administration could then look at the whole picture.

Now your idea of campus living certainly has a great deal to recommend it, it is the best idea I have heard in a long time for trying to pull together some of these problems. It seems obvious to me, that an older person might not have too much trouble in moving to the campus in the first instance and then staying there. But how would older people react to the fact that there would be different kinds of care there and to the fact that he is sort of progressing from one to

the other? Would that have an inhibiting, psychological effect on him?

PSYCHOLOGICAL EFFECT

Mr. DE PREAUX. Psychologically we ran into this at Avery and it is a terrible thing to try to overcome at first because for some reason or other the elderly look upon the hospital as the elephant's graveyard, the last place to go. The basic function that must be performed by a nursing home or ECF, even in the campus, regardless of where it is—and this State I think is an excellent example of it—is the fact that the basic intent must be to rehabilitate.

Therefore, if you can take people from their apartment or cottages or the congregate living area and get them into the hospital section or the nursing wing and transfer them back, then psychologically this becomes their hospital, not the elephant's graveyard. This is something that has to be overcome but it has to be done on an individual basis within the unit because you cannot tell them about Avery or Crestfield or any other place, they have to be there to see it themselves.

Senator Moss. If I understand what you are saying, it is that these people that are living in this campus area observe others of their friends who are able to come out of the hospital and go back to their public housing or whatever they are able to return to and then have a feeling that hospitalization is simply to get over some malady that they have and that they will be coming back and therefore they are not depressed by this idea of going into the hospital.

Mr. DE PREAUX. Yes, sir. We must instill in every patient the minute he is admitted he is not there to stay, he is there to get better. If you cannot instill this incentive to leave, then there is very little you can do for them.

There is a pilot program similar to this campus idea and the only two functions not in it at the moment are the rest home with nursing supervision and the senior citizens community center which we are attempting to, shall I say, garner funds for. There is a problem of getting the funds but there is a pilot program. I think it can work and I think it can work on both levels, proprietary and nonprofit. This covers the whole field. There have to be experts.

In answer to your remark about the fragmentation of the various departments, I was talking the day before yesterday to a gentleman in the department of community affairs who is waiting for a call from a colleague of yours, Senator Ribicoff.

Now I would expect that anyone who would call the Senator had something really important to discuss. He did. He wanted to find out what department in Washington handles specific housing information that he was trying to find. Now this is how fragmented you really are down there.

Senator Moss. We are fragmented. [Laughter.]

Well, I appreciate your testimony because it reinforces the feeling that I have had for such a long time that first of all we had to overcome this idea of people when they go into a nursing home that they are just going to spend the rest of their life there and die there and therefore they are depressed mentally and psychologically. This has its effect, of course, on them physically. The second part is this idea of having your campus or whatever it is closely integrated with the community because I also think it is very depressing to older people to see nothing but older people.

Mr. DE PREAUX. Yes, sir.

Senator Moss. They enjoy having children and seeing them around—they maybe cannot put up with them as long as younger and more vigorous people but this is part of life. After all, you don't just cross a certain age barrier and then withdraw from society and live only with older people from then on. A person ought to have some contact with the whole mainstream of living which includes children and younger folks and all the activities that go on in our communities besides the facility that is adapted to the particular needs of older people. They do have to have more convenient housing, they have to have more access to medical care. They have periods of illness and hospitalization where they have to have added care as they get older but these should just be incidentals, they should still be in this mainstream of living.

Mr. DE PREAUX. Yes, sir.

Senator Moss. Your philosophy is very well expressed here in your testimony.

Thank you very much, Mr. de Preaux.

MOSS CITES NURSING HOME ABUSES, IDENTIFIES ROOT CAUSES AND ANNOUNCES REFORMS

MINNEAPOLIS, MINN.—Senator Frank E. Moss, D-Utah, Chairman of the Subcommittee on Long-Term Care of the U.S. Senate Special Committee on Aging, which oversees the nation's 23,000 nursing homes, today announced some "preliminary conclusions" on the basis of the Subcommittee's two and one-half year study of nursing home problems and announced his legislative package of 12 bills designed to bring about some improvement in the much-maligned system of long-term care.

Senator Moss is in Minneapolis conducting the 19th in the current series of hearings entitled "Trends in Long-Term Care," which began July 30, 1969. The hearing in the Twin Cities area and the Senator's announcement of his legislative plan to solve nursing home ills coincides with the beginning of the White House Conference on Aging today in Washington, D.C., the major focus of which will be nursing home care. The Senator said his plan was announced today so that it could be discussed at the White House Conference.

"There is growing evidence," said Senator Moss, "that 50 percent of the nursing homes in the United States are substandard."

The Senator emphasized the same indicators were used by the General Accounting Office in its May 28 audit to measure whether a nursing home was substandard. The GAO noted that 50 percent of the nursing homes surveyed in three states, Michigan, New York, and Oklahoma, did not meet minimum Federal fire standards; 50 percent did not meet Federal standards which require at least one registered nurse on the 7:00 a.m. to 3:00 p.m. shift and a licensed practical nurse in charge of the other two shifts; 50 percent did not meet the Federal requirement under Medicaid that patients be seen at least once a month by a physician.

In addition to the GAO audit, the Senator cited testimony before his Subcommittee, as well as studies conducted by the Department of Health, Education and Welfare, and by the academic community.

"After two and one-half years of hearings we have confirmed the findings of the Associated Press, which wrote in 1969 that many of 'America's nursing homes are a stark, lonely place to die. Abuses in money and medicine and an air of death and despair shadow the aged through the dusk of their days. Doctors rarely see patients. Nurses use drugs freely to restrain the elderly. Mental patients are dropped into nursing homes by the thousands and fraud feeds on the Federal dollar' ".

The Senator explained the examples of poor care and negligence leading to death and injury were all too common in committee files. He noted that the General Accounting Office at his request had confirmed that tranquilizers are far and away the largest category of drugs paid for by Medicaid going to nursing homes. "The fact that 17 percent of the drugs going to nursing homes are tranquilizers certainly supports the inference that they are given indiscriminately," said Senator Moss.

These and other examples recorded in the press are largely the results of five major root causes which the Senator identified in a recent speech. These causes are listed below, followed by suggested legislative solutions:

Lack of a clear policy with regard to the infirm elderly

"The rhetoric speaks of care and concern, but the reality is poor care, no care, or just plain neglect. We continue to follow the policy used by other societies for the ill elderly, and that is abandonment. When families are confronted with what to do with a loved one grown old, there are currently no acceptable options available."

To deal with these root causes, the Senator plans to introduce legislation providing under Medicare.

1. Up to 100 days in a nursing home for all Americans over 65. (Such care is available at present only to a narrow minority of elderly who have acute post-hospital, post-operative needs.)

2. Establish outreach services, mobile health units, homemaker services and expanded home health services which would look toward treating the elderly in their own homes.

3. Senior citizen day care centers so working families could have the security of knowing their senior citizens had supervision by day.

4. Authorizing on an experimental basis the subsidizing of a family to take care of their elderly in their own homes.

SECOND MAJOR PROBLEM

The absence of the physician from the nursing home setting

"Almost none of our medical schools emphasize geriatrics as a specialty. Doctors, generally speaking, avoid the nursing home; they find the work unattractive and unrewarding. In nursing homes, the practice of medicine is conducted almost entirely by telephone. The Committee discovered the doctors nationwide do not view bodies of patients who have died in nursing homes before signing death certificates."

As a solution to these problems, the Senator is introducing legislation including:

1. A bill to create a National Institute of Geriatrics within the National Institutes of Health.

2. A bill to provide fellowships and categorical grants to medical schools to establish pre and post-doctoral programs in geriatrics.

3. A bill authorizing up to $500,000 to six medical schools to establish departments of geriatrics.

4. A bill to encourage medical schools to train a new category of health professionals called "physicians assistants" who could work with and at the direction of physicians, and ease the current medical shortage.

THIRD MAJOR PROBLEM

The reliance on untrained and inadequate personnel

"There are about one million patients in nursing homes and about one-half million employees, or a ratio of 0.5 nurses per patient, compared to average ratios in hospitals of 2.6 nurses per patient. The bulk of nursing home employees or aides and orderlies are over-worked and underpaid. It is little wonder that there is a turnover rate of 75%."

Legislative solution: A bill authorizing HEW to establish in-service training programs for aides and orderlies and to work out with colleges and professional organizations such as the American Nurses Association, a career ladder whereby aides with experience and educational training could progress from aides to LPN's to finally become registered nurses.

FOURTH MAJOR PROBLEM

Lax enforcement by states and the Federal government

The Senator said that President Nixon's nursing home initiatives fall largely into this category, but added that additional measures were necessary. He suggested:

1. A bill to make public nursing home licensure, certification and inspection records so individuals and families could have reliable indicators as to the kind of nursing home to which they were referring their elderly.

2. That local consumer units be set up to monitor care provided in nursing homes, as well as providing activities for the patients.

FIFTH MAJOR PROBLEM

The existence of built-in financial incentives in favor of poor care

"Currently Medicaid payments to nursing homes typically provide a flat rate of perhaps $14 a day. This amount is immediately cut back when the patient becomes ambulatory. The incentive is thus to keep the patient in bed. Further, this $14 a day is not enough to provide the kind of care that is needed. Thus we employ a system where 80 percent of the nursing homes are for-profit institutions, and tell them that the only way that they can make money is by cutting care and services. Each individual operator can decide for himself how much to allocate to care and how much to profit. There is absolutely no accountability. If you cut back on food and nursing staff, you can make a fortune on $14 a day."

Solution: Encourage states to adopt incentive reimbursement systems such as the Connecticut "points system" where a nursing home, in effect, is graded and placed into classes A, B, C, etc. The better the nursing home in the state's estimation, the higher the rate of reimbursement. A Class A home, for example, might receive $18 a day, a Class B home, $17 a day, etc.

Other bills announced by the Senator include:

1. A bill to provide direct loans at 5% interest to nonprofit sponsors building nursing homes under the Hill-Burton program.

2. A bill to provide government loans to enable nonprofit and proprietary nursing homes to purchase fire safety equipment.

3. A bill to provide for "campuses for the elderly," which would center in one location the broad spectrum of housing for the elderly, from acute hospital services on one end of the spectrum to housing for the ambulatory elderly on the other.

The Senator noted that the Subcommittee's hearings on nursing home problems were not yet complete and that there probably would be some changes and additions to this legislative package. The final recommendations, he noted, will be made in a report issued to the Congress on completion of the current series of hearings early next year.

By Mr. STAFFORD:

S. 2936. A bill to amend chapter 19 of title 38, United States Code, to provide that 5-year-level premium-term policies of U.S. Government life insurance in force on January 1, 1972, shall be paid in full and remain in force for the life of policyholders. Referred to the Committee on Veterans' Affairs.

Mr. STAFFORD. Mr. President, today I introduce a bill to provide some relief to those veterans of World War I who hold U.S. Government life insurance policies.

My bill would amend section 745 title 38 of the United States Code to allow those veterans holding U.S. Government life insurance to have paid-up policies that will remain in force until their death. Under my bill any 5-year-level premium-term plan policy of insurance held by a World War I veteran under USGLI would be considered paid in full and remain in force on a nonparticipating basis during the life of the veteran who is insured without any further payment of premiums after January 1, 1972.

It is the purpose of my bill to provide some relief for the approximately 1,600 World War I veterans who hold U.S. Government life insurance term policies. The veterans holding such policies have reached an average age of 71 years, and most have been living on a fixed or declining income for several years. The average amount per policy held by these World War I veterans is only $4,306, and the cost to the Government would be minimal to pay off the face value of these policies. The cost would be approximately $1.25 million spread out over several years as the policy became payable.

I, for one, do not believe that this is an excessive cost to provide some minimum relief for World War I veterans. My bill also authorizes the payment of those funds necessary to carry out this act from the general revenue fund instead of from the insurance system.

Mr. President, I ask unanimous consent that the text of my bill be printed at the end of my remarks.

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

S. 2936

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

That (a) section 745 of Title 38, United States Code, is amended—

(1) by inserting "(a)" immediately before "At"; and

(2) adding at the end thereof a new subsection as follows:

"(b) On and after January 1, 1972, any five-year level premium term plan policy of insurance in force on such date shall continue in force until the death of the policy holder, and payment of all premiums on such insurance after such date shall be made by the Administrator."

(b) The catch line of section 745 is amended to read as follows:

"Renewal; full payment of five-year level premium term plan policies."

(c) The table of sections at the beginning of chapter 19 of such title is amended by striking out

"745. Renewal."

and inserting in lieu thereof the following:

"745. Renewal; full payment of five-year level premium term plan policies:"

SEC. 2. There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this Act.

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

S. 2938. A bill to amend the Rail Passenger Service Act of 1970 to require the National Railroad Passenger Corporation to provide free or reduced-rate transportation for certain railroad employees and their eligible dependents to the same extent such transportation was available to such employees and their dependents on the date of enactment of that act. Referred to the Committee on Commerce.

FREE OR REDUCED-RATE RAILROAD TRANSPORTATION

Mr. DOLE. Mr. President, today I am introducing legislation which is designed to correct an oversight in the Rail Passenger Service Act of 1970 by providing free or reduced-rate railroad transportation to retired railroad employees and their dependents, on the same basis that such transportation was available to them prior to the existence of Amtrak. In my home State of Kansas, one out of every 10 persons is over 65 years of age, and these senior citizens who must depend on a fixed income find it increasingly difficult to meet the high cost of living. It is an accepted fact that transportation is one of the major problems confronting these senior citizens. Retired railroad employees have made a substantial contribution to building, maintaining and operating our Nation's trains, and this legislation, if enacted, will afford these former railroad employees the opportunity to enjoy their leisure time and rewards of their past efforts and give them the recognition which is due them.

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

S. 2939. A bill to establish a National Commission on Corrections. Referred to the Committee on the Judiciary.

NATIONAL COMMISSION ON CORRECTIONS

Mr. McCLELLAN. Mr. President, every morning the paper relates the more spectacular of the most recent crimes, and meanwhile we repeatedly hear announced statistics describing the rate at which crime continues to increase. These disturbing facts remind us that we must look continuously for new approaches to healing this cancer that is eating away at our society—the crimes that are such an inestimable loss to our people, materially and psychologically.

The most systematic approach to reducing crime, of course, is to recognize each facet of the problem—each potential source of crime—and to deal with each of those aspects one by one. One factor which contributes to the commission of crime is an atmosphere which breeds disrespect for the law, which exposes cynical and embittered lawbreakers to one another in a way that only reinforces their behavior. Perhaps most of the reasons a man develops a criminal mentality are beyond the reach of legislation—for example, parents not teaching their children respect for the law or responsibility for holding a job, or motivation for seeking skill or education that would insure an income without resort to crime. But one phase of the typical criminal's life pattern we do control—his participation in correctional programs and his incarceration in prison.

Mr. President, I am today introducing for myself and the distinguished Senator from Tennessee (Mr. BROCK) a bill meant to consider means by which our corrective programs and prisons can constructively contribute to the reduction of crime. The bill would authorize

the establishment of a Presidential commission to recommend minimum standards for Federal, State, and local correctional programs and institutions and to set minimum standards for the accreditation of State or local correctional institutions for use on a voluntary basis.

Most criminals are not otherwise law-abiding citizens who merely commit a once-in-a-lifetime mistake for which they are convicted; most criminals pursue what could be called a career in crime, and manifest a general refusal or inability to accept the rules of society. This is demonstrated by the statistics on recidivism. According to the FBI's Uniform Crime Reports in 1970, 68 percent of the 37,884 offenders arrested on Federal charges had "previously been arrested on a criminal charge" and this is a conservative estimate because all too often crimes are not reported and all too often no arrest is ever made. Indeed, the statistic of recidivism can be best illustrated by a uniform crime report study over the 5-year period, 1965-69, which shows that of the 16,332 offenders released to the public community in 1965, 63 percent had been rearrested by the end of the fourth calendar year after release—of those released on probation 56 percent repeated; 61 percent of those paroled repeated, and 75 percent of those on mandatory release after serving prison time.

Apparently after a certain point a man becomes a hardened criminal; in other words his only view of how to get by in the world is to break the law. For him perhaps rehabilitation is impossible. But let us see if the juvenile and the first offender can be rehabilitated. It would seem that they could be benefited by programs designed to help them live by the laws of our society and earn a living rather than continue to injure society through a parasitical existence.

Let us now look at the cost of running corrections institutions. In 1965, juvenile corrections institutions alone spent almost $227 million. In the last fiscal year, the total cost of running the Federal prisons was approximately $94 million, and the amount spent on each Federal prisoner was $4,315.15. And $4,315.15 is roughly what a college student spends in a year, and his expenses include not only room and board, but tuition. It seems that all the Government and the prisoner is getting from its money is room and board—could we also manage to get tuition out of that amount of money? We should make every effort to see if it is possible to spend that money more wisely, so that a prisoner learns something more than new ways to break the law.

Mr. President, I am pleased to note that I am introducing this bill at the urging of Sam A. Weems, a young prosecuting attorney in Arkansas. Mr. Weems has had first hand knowledge, as a prosecuting attorney, with the problem of recidivism. He has also seen the work of the Joint Commission of the Accreditation of Hospitals and realized how valuable to our prison systems it would be to have recommendations and guidelines set up by an independent National Commission. I hope this bill will be viewed by all in the spirit which Mr. Weems has demonstrated—while his job is that of prosecuting, that is not where his concern ends. Rather, he is interested enough in the fate of the convicted that he has taken positive steps to see improvements made in the prison system.

The bill would authorize the Commission to consider such aspects of our correction programs and institutions as security, qualifications of personnel, facilities, health, safety, employment training and counseling, living conditions, grievance procedures, recreation, and all other programs designed to prepare inmates for their return to society or to secure the public safety.

Mr. President, lately, the prisons across the land have been attacked from many viewpoints, sometimes largely because of political motivation. In the course of their work, the Commission would allow for varying views to be heard, for specific objections and complaints and ideas to be heard; thus, for once, we could get an overall unbiased view of how our prisons could best serve society. I hope, therefore, that all concerned, individuals and organizations, will cooperate so that we might discern what measures must be taken, then implement necessary changes, so that our correction programs and prisons might function as true systems and institutions of correction.

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

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

S. 2939

A bill to establish a National Commission on Corrections

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Commission on Corrections is hereby established.

STATEMENT OF FINDINGS AND PURPOSE

The Congress finds that the correctional systems in the United States are not organized and do not function in a manner which encourages the rehabilitation of those convicted of criminal offenses or promotes the public safety and that the correctional systems in the United States must be reorganized and to achieve that goal, minimum standards of correction should be written, distributed and implemented throughout the nation.

The purpose of this Act is to assist in remedying the deficiencies of the correctional system through the establishment of a National Commission on Corrections. The purpose of this Commission shall be to determine the problems of the existing correctional systems and recommend measures to correct such problems.

MEMBERSHIP OF COMMISSION

SEC. 2. (a) The Commission shall be composed of eighteen members. It shall include:

(1) two appointed by the President of the Senate from members of the Senate, of whom one shall be a member of the majority party, and one shall be a member of the minority party;

(2) two appointed by the Speaker of the House of Representatives from Members of the House of Representatives, of whom one shall be a member of the majority party, and one shall be a member of the minority party; and

(3) the Attorney General of the United States,

(4) the Director of the United States Bureau of Prisons, and

(5) twelve members appointed by the President of the United States as follows: two from State correctional systems; one from professional medical staffs of United States prisons; two from State law enforcement systems; one from the federal judiciary; one from the state judiciary; three from the public; and two former inmates of United States prisons.

(b) The Attorney General of the United States shall serve as the Chairman of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(c) Nine members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

DUTIES

SEC. 3. (a) It shall be the duty of the Commission to conduct a comprehensive review and study of Federal, State and local correctional systems, including institutions and programs in the United States and existing statutes, policies and practices in relation thereto. In such study and review the Commission shall:

(1) consider such factors as security, qualifications of personnel, facilities, health, safety, employment training and counselling, meals, living conditions, family life, grievance procedures, recreation, cultural or religious activities, and all other aspects of institutions or programs designed to prepare inmates or participants for their return to society or to secure the public safety; and

(2) prepare recommendations for the adoption of Federal minimum standards for United States correctional institutions and programs and minimum standards for the accreditation of State or local correctional institutions and programs for use on a voluntary basis.

(b) The Commission shall make such interim reports as it deems advisable. It shall make a final report of its findings and recommendations to the President of the United States and to the Congress within three years following the establishment of the Commission.

(c) Sixty days after the submission of its final report, the Commission shall cease to exist.

POWERS

SEC. 4. (a) The Commission or any duly authorized subcommittee or member thereof may, for the purpose of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpoena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member. Subpoenas may be issued under the signature of the Chairman or any duly designated member of the Commission, and may be served by any person designated by the Chairman or such member.

(b) In the case of contumacy or refusal to obey a subpoena issued under subsection (a) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, the district court, at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of

any such person to obey any such order of the court may be punished by the court as a contempt thereof.

(c) The Commission shall be "an agency of the United States" under subsection (1), section 6001, title 18, United States Code, for the purpose of granting immunity to witnesses.

(d) Each department, agency, and instrumentality of the executive branch of the Government including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission may deem necessary to carry out its functions under this title. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States to furnish, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title.

COMPENSATION AND EXEMPTION OF MEMBERS

SEC. 5. (a) A member of the Commission who is a Member of Congress or in the Executive or Judicial Branch of the United States Government shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

(b) A Member of the Commission who is not a Member of Congress or in the Executive or Judicial Branch of the United States Government shall receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

STAFF

SEC. 6. Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(a) appoint and fix the compensation of an Executive Director and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title; and

(b) Procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but as rates not to exceed $100 a day for individuals.

EXPENSES

SEC. 7. There are hereby authorized to be appropriated to the Commission such accounts not to exceed $1,500,000 as may be necessary to carry this title into effect. Authority is hereby granted for appropriated money to remain available until expended.

Mr. BROCK. Mr. President, I am pleased to join the distinguished Senator from Arkansas (Mr. MCCLELLAN) in sponsoring legislation to establish a National Commission on Corrections. The purpose of the Commission will be to determine the problems of our existing correctional systems and provide recommendations and guidelines to correct such problems.

Our present prison system is a debacle of anachronistic, irresponsible, detrimental practices which seems to breed the continuance of crime instead of healing, and possibly eradicating the seeds of crime.

Reform of our correctional system remains the most neglected area in our war on crime. This neglect is not for want of knowing the problem. Beginning with the Wickersham Commission report in 1931 there have been voluminous books and reports on the subject overflowing with excellent ideas that have never been implemented nor tested.

Jails and prisons are incredibly overcrowded and the age of some of our most populous institutions is appalling. Sixty-one of the larger prisons were opened before 1900, and 25 of these are more than 100 years old. This seems to promote the practice of placing young prisoners and first offenders with hardened criminals, often to be attacked, molested, and taught more sophisticated methods of crime. Prison staffs are small, poorly paid, and inadequately trained. Guidance and counseling are notably inadequate. Vocational training is either nonexistent or obsolete—training prisoners for jobs no longer needed.

As you can see, the picture is bleak. Instead of rehabilitating criminals, two-thirds of all released prisoners will commit another crime, usually a more serious one.

This important bill which I am privileged to cosponsor, authorizes the establishment of a Presidential Commission to recommend minimum standards for Federal, State, and local correctional programs and institutions for use on a voluntary basis.

The Commission would be authorized to consider such aspects of our correction programs and institutions as qualifications of personnel, health, safety, employment and counseling, general living conditions, recreation, and other such programs designed to prepare inmates to cope with the rules of society, and hopefully, encourage them to be responsible participants.

It is apparent that arresting more and more people will do little good if they are to be jammed into a dismally debasing correctional system and released only more hardened against their fellow man. It is my hope that this vital legislation will promote a total reformation of this inhuman environment—this disgraceful institutionalizing that is beginning to prick the conscience of every concerned American.

By Mr. ROTH (for himself, Mr. BAYH, Mr. BOGGS, Mr. BUCKLEY, Mr. COOK, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. HARRIS, Mr. HATFIELD, Mr. HUMPHREY, Mr. MCGEE, Mr. MCGOVERN, Mr. MANSFIELD, Mr. STEVENSON, Mr. TAFT, Mr. TOWER, and Mr. WILLIAMS):

S.J. Res. 180. A joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

ARTHRITIS: A WIDESPREAD BUT NEGLECTED HUMAN AND ECONOMIC CURSE

Mr. ROTH. Mr. President, the economic problem which societies have always faced is primarily one of maximizing scarce resources. The current difficulties we are experiencing with our economy should remind us that even the United States, wealthy though she is, must grapple with this problem. Governments can maximize resources in a number of ways. Careful choices among potential programs, hardheaded evaluation of the success of these programs, and efficiency in the delivery of services are all ways of "getting the most out of our dollar."

Yet there is another, I think more basic, approach to conserving and expanding the total resources of America—to make sure that we do not waste the human resources that lie at the base of our economic and social life. Some economists have maintained that as much as one-fourth of the American economic growth over the last quarter century has been accounted for by investment in human capital—better education, training on the job, healthier workers, and so forth. It is this sort of investment which helps to provide productive workers and brainpower for our modern economy.

In an economy in which perhaps as much as 20 percent of our total economic growth in recent decades can be credited to technological advance, it is difficult to question the great importance of brainpower. Advances in medicine, atomic power, electronics, and agriculture are a few among the numerous technological improvements which have made us better able to master our physical environment. Such improvements have to a large extent resulted from the application of scientific brainpower.

Since World War II the Federal Government has accepted the responsibility for financing a large portion of research and development in the United States—about two-thirds of it. A great deal of the money made available for these purposes by the National Government has been through defense spending. According to the special analyses of the budget for fiscal year 1972, over $10 billion of the approximately $15 billion expended on research and development in 1970 were allocated to the military functions of the Department of Defense and to the National Aeronautics and Space Administration.

With the increase in pressure to cut back appropriations in these areas and elsewhere, I feel that we must be careful not to short-change the basic and applied research which will provide one of the bases for our future economic growth and ability to compete in the markets of the world. It does not seem to me that concern for adequate financing of research and development should necessarily be affected by one's general feelings about the defense and space appropriations which have so often yielded scientific discoveries in fields other than national defense and space. We must make sure that adequate support for scientific advance is provided for somewhere in the Federal budget.

I am one of those who are attempting to slow down the rate at which Federal spending is growing. However, fiscal responsibility is not attained simply by decrying these budget increases. Real

fiscal responsibility requires that we carefully determine the apportionment of our limited funds among the many competing needs. From my own standpoint, research, and development is too important a factor in determining our future economic and social resources to be inadequately funded.

Research and clinical applications of research in health help to release human resources which would otherwise be lost to our society. I would like to make this point specifically in relation to the explanation and treatment of arthritis and rheumatic diseases. Before going on, let me state that I do not intend to argue that diseases such as arthritis are merely economic detriments. The great suffering which this illness brings to millions of its victims and their families is an even more dramatic cause for concern.

Arthritis and rheumatic diseases fail to receive the public, and consequently governmental, attention given to other serious national health problems partly because it is not a big killer.

Yet, after heart disease, it is the most widespread chronic illness in the United States. The Arthritis Foundation estimates that 50 million Americans have some form of arthritis. Seventeen million of these citizens are afflicted seriously enough to require medical care, with over 3 million of them disabled, or limited in their normal activity, by the disease. As a result of these statistics, it can readily be argued that arthritis is the Nation's No. 1 crippling disease.

What do we mean when we speak of arthritis and rheumatic diseases? This is a group of about 80 diseases which attack the joints and/or connective tissues of the body. The major forms of the illness are osteoarthritis, which is associated with aging and the degeneration of joint tissues; rheumatoid arthritis, a crippling chronic inflammatory disease of the connective tissues; and gout, which affects the joints of the feet.

It is epecially important to stress in relation to the rheumatoid form of arthritis that its victims are primarily under 45 years of age, including about 250,000 children. Like cancer, arthritis is more violent with the young than with the old. Although the majority of children suffering from rheumatoid arthritis usually recover after 3 to 4 years of severe illness and partial disability, the normal growth pattern of many of these young patients has been so seriously disturbed that the child never catches up with his peers. Nearly one-third of the arthritics under medical care suffer from rheumatoid arthritis. This means about 5 million individuals.

With few exceptions, such as in the case of gout, where recent discoveries have led to the use of new drugs capable of alleviating most of the painful inflammation and swelling, the arthritic must accept the fact that, unless much more is known soon about the cause and cure of arthritis, he will probably spend the rest of his life living with his pain. We all know what the pain of an ache is like, but only the arthritic can tell you what it is like to experience the pain of his disease.

It is not only the degree of pain, but its unpredictability which sets the arthritic on edge. For 1 day the painful symptoms of his disease may have inexplicably abated, while the next he is encumbered with such excruciating pain that even the touch of a bedsheet is sheer agony. And while this pain comes and goes like a series of shock waves set off at indeterminate intervals, progressive damage is occurring in the victim's hands, knees, hips, feet, elbows, and any other joint favored by this most unwelcome intruder—arthritis.

While it may be senseless to attempt to quantify the physical and psychological suffering of arthritics and their families, such is not the case with the economic costs imposed on the society by arthritis. The Public Health Service's National Center for Chronic Disease Control and the Arthritis Foundation have conservatively estimated that arthritis and rheumatic diseases cost individuals and the national Government over $3.5 billion dollars annually in lost wages and salaries, medical costs, payments by the Veterans' Administration to over 270,000 veterans, and losses in Federal income and excise taxes. One could fairly add to this list the $400 million which it is estimated that arthritis sufferers spend on "quack" remedies each year. It seems to me that all of this adds up to a tremendous waste of the human and financial resources of our Nation.

Currently the various forms of arthritis are treated with drugs, rest, physical therapy, rehabilitation, specific exercises, and sometimes reconstructive surgery. Better methods of treatment are badly needed. One approach to discovering these improved treatments would be a fuller understanding of the causes of this group of maladies. Current research in rheumatoid arthritis leads many medical scientists to believe that the explanation of the causes of this disease will unlock information useful in the understanding and treatment of many other diseases.

Arthritis researchers have sought to explain arthritic diseases by investigating the role of viruses in the development of rheumatoid arthritis, through a better understanding of the body's system of self-protection or "auto-immunity," and by seeking a clearer picture of the process of inflammation suffered by victims of these diseases. Many of those involved in both basic and clinical research on arthritis feel that they are now at a junction of great progress and promise in identifying the causes of the disease and in finding more adequate treatments for it in better drugs, physical therapy, and surgery.

What is currently being done to meet the health problem posed by the arthritic and rheumatic diseases? Practicing doctors who specialize in rheumatology; university-based units investigating arthritis; clinics supported by the Arthritis Foundation and its chapters, and research carried on in the laboratories of the National Institute for Arthritis and Metabolic Diseases are the basic elements of our national campaign against arthritis. Much of the private money for research and treatment in this field comes from the Arthritis Foundation, which this year is raising some $10 million for its national programs and those of its chapters around the country. The Federal Government in 1971 will provide a little over $12 million for arthritis research through appropriations to the National Institute for Arthritis and Metabolic Diseases. Additionally, the Veterans' Administration expended in 1969, $1.6 billion on research in arthritis. The Rehabilitation Services Administration in HEW also has some involvement in the problems of these diseases.

Those most familiar with the fiscal needs of arthritis research feel that inadequate resources are being made available for this effort. The National Institute for Arthritis and Metabolic Diseases estimates fewer funds will be alloted to arthritis research in fiscal 1972 than in 1971. Over the past 3 years significant cuts have been sustained in NIAMD funds for research training programs, resulting in decreased levels of program activity. The Arthritis Foundation maintains that $4 million over and above the 1972 budget requests of the administration would be needed to sustain arthritis research at its present level. Considering the human and economic benefits of such an expenditure, it seems small in a society which spends much vaster sums on many items of seemingly lower priority. Of course, an all-out crash program to find a cure for these widespread diseases would require a great deal more Federal and State-local money. I may have more to say on this subject at a later date.

It is especially appropriate that we turn our attention to our national effort to combat arthritis and rheumatic diseases at the time when the White House Conference on Aging has been holding its meetings. This body, made up of State delegations of senior citizens and representatives of national organizations concerned with the interests of the elderly, has been seeking to focus the Nation's attention on the problems of this important group of Americans.

I think that we must make a greater effort to understand and deal with the problems of senior citizens in this country, first of all, as a matter of concern for our fellow humans. However, we should also make this effort so that our society can better utilize the contribution which older citizens can make to our social and economic life. Improved treatments for arthritis and related diseases would be an important step in this direction. After all, the most common form of arthritis is closely associated with the process of aging.

If those of all ages who presently suffer from arthritis could avail themselves of more effective treatment, important human resources would be released to our society in terms of greater worker productivity. Further, we would not have to contend with such huge private and public medical costs and disability payments, the costs of arthritis quackery, and taxes lost when employees are limited in their earning ability. When we add to this the psychological toll to arthritics and their families, it is easy to justify greater expenditures on arthritis research and therapeutic techniques.

In order to help call the Nation's attention to the grave human and economic waste resulting from arthritis and to assist the Arthritis Foundation in its

national drive to collect funds, I am introducing a joint resolution authorizing the President to proclaim the month of May "National Arthritis Month." I invite Senators to join me in cosponsoring this resolution.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

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

S.J. RES. 180

Whereas arthritis and rheumatic diseases are the Nation's number one crippling diseases affecting seventeen million Americans of all ages causing limitations in their usual activities and great suffering;

Whereas arthritis and rheumatic diseases are second only to heart disease as the most widespread chronic illness in the United States today;

Whereas the annual cost of arthritis and rheumatic diseases to Americans is estimated to exceed $3,500,000,000 annually in lost wages, medical and disability payments, and taxes lost to the Federal government;

Whereas advances in research and treatment show promise of significant breakthrough leading to a better understanding of and cure for these diseases;

Whereas the month of May is the period during which The Arthritis Foundation conducts its annual fund-raising campaign to support its efforts in arthritis research and treatment; and

Whereas the most common form of arthritis strikes mainly older Americans and the White House Conference on Aging has been meeting during the week of November 29, 1971, to focus attention on the problem of this important group of citizens: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue annually a proclamation (1) designating the month of May in each year as "National Arthritis Month," (2) inviting the Governors of the several States to issue proclamations for like purposes, and (3) urging the people of the United States, and educational, philanthropic, scientific, medical, and health care professions and organizations to provide the necessary assistance and resources to discover the causes and cures of arthritis and rheumatic diseases and to alleviate the suffering of persons struck by these diseases.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1975

Mr. HART. Mr. President, yesterday the Senate passed S. 1975, a bill to lower the minimum age for jurors in the Federal courts to 18 years. At the time this bill was introduced by the junior Senator from California (Mr. TUNNEY), the senior Senator from Maryland (Mr. MATHIAS) and myself, the junior Senator from Missouri (Mr. EAGLETON) requested to be a cosponsor. But he was inadvertently omitted from the list of sponsors when the bill was reprinted. Accordingly, I wish to have the RECORD show that the junior Senator from Missouri was a cosponsor and most effective supporter of this measure from the outset.

S. 2465

At the request of Mr. CHILES, the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 2465, to establish the Everglades-Big Cypress National Recreation Area in the State of Florida.

S. 2729

At the request of Mr. HUMPHREY, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S. 2729, the Strategic Storable Agricultural Food Commodities Act of 1971.

S. 2734

At the request of Mr. SCHWEIKER, the Senator from Kentucky (Mr. COOK), the Senator from Oklahoma (Mr. HARRIS), the Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 2734, a bill to amend the Fair Packaging and Labeling Act to provide for the establishment of national standards for nutritional labeling of food commodities.

S. 2825

At the request of Mr. PEARSON, the Senator from Minnesota (Mr. HUMPHREY), the Senator from Montana (Mr. METCALF), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 2825, a bill establishing a Government-administered life insurance policy to all Vietnam-era veterans.

S. 2898

At the request of Mr. HARTKE, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 2898, a bill to provide college tutors for the homebound handicapped.

SENATE JOINT RESOLUTION 171

At the request of Mr. MATHIAS, the Senator from Rhode Island (Mr. PASTORE), the Senator from New Jersey (Mr. WILLIAMS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from North Dakota (Mr. YOUNG), the Senator from Arizona (Mr. FANNIN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. Moss), the Senator from Illinois (Mr. STEVENSON), the Senator from Ohio (Mr. TAFT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Utah (Mr. BENNETT), the Senator from Georgia (Mr. TALMADGE), the Senator from Rhode Island (Mr. PELL), the Senator from Minnesota (Mr. MONDALE), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of Senate Joint Resolution 171, to designate March 1972, as "Exceptional Children's Month."

SENATE JOINT RESOLUTION 179

At the request of Mr. HUMPHREY, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of Senate Joint Resolution 179, to assure continued eligibility of recipients of food stamps benefits and to maintain present levels of bonuses for these recipients.

SENATE RESOLUTION 205—SUBMISSION OF A RESOLUTION RELATING TO A RUSSIAN JEWISH WOMAN BEING HELD IN SIBERIA

(Referred to the Committee on Foreign Relations.)

CONCERN FOR RUSSIAN JEWISH WOMAN BEING HELD IN SIBERIA

Mr. DOLE. Mr. President, almost 1 year ago today this body expressed itself unanimously in a matter of humanitarian concern to all. It expressed its concern over the systematic injustices perpetrated against the Jewish people in the Soviet Union, it called upon the President to convey the concern of the American people in this matter, to seek the commutation of the death sentences of two alleged criminals, and to urge fair and equitable treatment of Russian Jewish citizens.

Since that time we have seen strange honor done to the Jews of Russia. High Soviet officials have pointed out that to permit the departure of these Russian Jews who wish to go to their homeland would result in a brain drain which the Soviet state could not easily sustain. One can sympathize with this problem. Other nations have it. We can recognize, too, the vital contributions Russian Jewry apparently makes to its home in dispersal, and we must perforce wonder why a people so essential to the well-being of the state are not better served at the hands of the state.

SOVIET CITIZENS OPPRESSED

Since that time a year ago we have been told that in the refusal to permit a massive emigration of Jews, the Soviets are not being discriminatory—that all citizens, regardless of race, religion, or other distinction, are subject to the convenience of the state, and none are readily permitted to leave Russia. In short, all Soviet citizens are equally oppressed. If the allegations of anti-Semitic state actions coming out of the Soviet Union do not support this contention, it is at least reassuring that the Soviet leaders are still sufficiently concerned with free world opinion to attempt to mislead it.

Finally, since that time, we have seen the death sentences in question mercifully commuted in accordance with the spirit of Senate Resolution 501. That act of commutation may have been a consequence of any one or any combination, or the sum of all possible considerations relative to this matter, but generous men might conclude that compassion alone dictated the decision which spared the two human lives then in jeopardy.

NOW, ANOTHER LIFE IN JEOPARDY

Now another life is in jeopardy if we may believe reports from Russia, and there seems little reason to doubt those reports. One of those implicated in the alleged plane hijack attempt last year was sentenced to 10 years in a labor camp. She is dying in that camp. One report says she is dying of acute tuberculosis. She is 27 years old. Surely the mercy, the compassion, and the fundamental regard for human life which saved the lives of two men at the beginning of this year might now save the life of a single young girl at its close.

SILVA ZALMANSON IS DYING

Silva Zalmanson is dying. Her heart, it would seem, is in Israel. Her mother is in America. Her life is in the hands, and on the souls of the Soviet authorities. If it is not possible to permit Silva Zalmanson to emigrate to the land of Israel to live out her days, or to America, then

may we implore the Soviet authorities to at least provide the medical care in Russia which may spare Miss Zalmanson's life—to bring her out of the labor camp of Siberia and into a hospital where she may benefit from Soviet medical science. I know this must involve matters of precedent. But it is not a bad precedent to save a human life.

It is with this in mind and with the urgency of the circumstances in mind, as well, that I now submit the following resolution:

S. RES. 205

Resolved, that the Senate hereby expresses its grave concern for the life of Silva Zalmanson now held in a labor camp of the Soviet Socialist Republic for an allegedly treasonous act.

SEC. 2. The Senate respectfully urges the President (1) convey to the Government of the Union of the Soviet Socialist Republics the grave concern of the people of the United States and the Senate for the life of Silva Zalmanson—a human being (2) urge the Soviet Government to take such immediate action as will most probably protect the life of Silva Zalmanson, and (3) urge that Silva Zalmanson be permitted, in these extenuating circumstances, to emigrate from the Soviet Union to a land of her own choosing.

SENATE RESOLUTION 206—SUBMISSION OF A RESOLUTION CALLING UPON THE PRESIDENT TO ELIMINATE THE PRESENT OIL IMPORT QUOTA SYSTEM

(Referred to the Committee on Finance.)

Mr. HARRIS. Mr. President, today I submit, for myself and Mr. BROOKE, Mr. CASE, Mr. MCINTYRE, Mr. NELSON, Mr. PASTORE and Mr. RIBICOFF, a resolution calling upon the Prseident to eliminate the present oil import quota system. The resolution calls upon him to accept the fundamental recommendations of the Task Force on Oil Import Control, which reported in February 1970 that the quota system should be eliminated. In its place, the President should give serious consideration to implementing a tariff system, set at levels which will assure fairness to consumers while maintaining domestic exploration.

The Department of Interior has made moves toward the leasing of offshore sites for drilling along the Atlantic coast. I feel strongly that a better alternative to any additional leasing of offshore sites would be an abandonment of the quota system. Such a move would both insure greater supplies of fuel and a lower cost for the consumer.

Quotas, according to the Task Force, on Oil Import Control, has caused undue Government intervention in the market and consequent competitive distortions.

Mr. President, I think it is important for us to note that the administration rejected the recommendations of its task force. I now believe that was a mistake, and I have so written the Secretary of Interior and the President.

The President can, by the stroke of his pen, eliminate the oil quota system. I hope Members of the Senate will join with me and will pass this resolution to indicate to him the desire of the Senate that this system of oil import control be stopped. I think the recent and not-so-recent ecological disasters on the Pacific and gulf coasts, along with the high consumer prices for oil products, should be more than enough justification to overturn a system that not only encourages increased threats to the environment and higher consumer prices, but also benefits unduly major U.S. oil companies.

Mr. President, I ask unanimous consent that an editorial from the November 18 Evening Star on east coast offshore drilling and a copy of the resolution be included in the RECORD after my remarks.

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

RESOLUTION

Whereas the Senate Committee on Interior and Insular Affairs and the Joint Economic Committee are shortly to hold hearings on the energy crisis, on the U.S. oil import policy, and on the U.S. oil industry in general; and

Whereas the U.S. Department of the Interior is planning to issue leases for offshore drilling along the Atlantic Coast with resultant pollution dangers; and

Whereas there is a shortage of fuel in the U.S., prticularly in the Northeast and Midwest, with resultant high consumer prices.

Resolved, That it is the sense of the Senate that the President of the United States should accept the fundamental recommendations of the February 1970 Report by the Cabinet Task Force on Oil Import Control to shift from a quota to a tariff system of oil import control; and that the tariffs be set at a level which will assure fairness in consumer prices and continued reserve exploration.

EAST COAST OIL

For the benefit of those who may have forgotten, this seems a good time to recall that a vast amount of untapped oil lies just off those Atlantic beaches upon which so many Easterners broil and cavort in the summertime. The oil companies assuredly have not forgotten; they covet the stuff night and day. And the Interior Department is moving, slowly but methodically, toward a decision on whether to sell the first offshore drilling leases.

There's no need for beachgoers to panic, however. They won't be sighting any oil rigs off the East Coast next year. But there is a good chance of Interior hearings on the proposition next year, and a virtual certainty that the debate on this question will swell into a major environmental conflict. So it isn't too early for citizens of this region to begin informing themselves on the subject, with the view to expression of opinions later. For it is, after all, the nearby ocean off Maryland, Delaware and Virginia that is being eyed for oil-boring.

Possibly some people, fired by visions of industrial affluence, already have a picture of Ocean City, Maryland, as the Galveston of the East, with derricks offshore, tankers plying along the coast and refineries standing tall against the sunset. Somehow it doesn't appeal to us at all. And we can imagine that millions of Easterners who use the beaches and coastal waters for recreation, and others who are concerned about the seafood and tourism industries, soon will be highly disturbed over the whole idea. The massive Santa Barbara oil spill and the messy rupturings of numerous tankers have convinced most Americans and oil and beaches should be kept as far apart as possible.

But this debate, like some others in progress, will illuminate hard questions about the choices that Americans must make. The populace that abhors offshore drilling, here or in California, uses more fossil energy every day. Consequently, the public has some responsibility for deciding what to do about the fuel shortages that are predicted as electric consumption doubles every ten years and cars multiply by the millions. Where will all the fuels come from to sate this appetite for energy, or can the appetite itself be trimmed through some popular discipline?

A part of the answer is apparent: The public should demand crash programs to develop nuclear electrical power generation to the fullest. Perfection of the fast-breeder reactor and fusion power will be major steps on the road to environmental salvation. At best, that will require years.

As of now, oil is by far the greatest energy source, and sometimes enough of it isn't available where it's needed. But there is an enormous, almost unbelievable amount of it left beneath the earth and seas in places far removed from the glutted East Coast. This forthcoming attempt to drill for the Eastern shelf oil will, no doubt, bring on an examination of the country's whole oil policy—of import quotas, unexploited deposits and all the rest.

This will be all to the good. For a burden lies heavily on the federal government to prove beyond any doubt that the Atlantic coastal oil is desperately needed—that the nation absolutely cannot get along without it.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 203

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senator from Oregon (Mr. PACKWOOD) and the Senator from Florida (Mr. GURNEY) be added as cosponsors of Senate Resolution 203, calling for the inclusion of a representative of the commercial fishing industry on the U.S. delegation to the 1973 United Nations Law of the Sea Conference in Geneva.

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

Mr. PACKWOOD. Mr. President, I join my colleagues, the senior Senator from Oregon, the senior Senator from Washington, and the senior Senator from Alaska in cosponsoring a resolution, Senate Resolution 203, calling for the inclusion of a representative of the commercial fishing industry on the U.S. delegation to the 1973 United Nations Law of the Sea Conference in Geneva.

It is with a great deal of distrust and skepticism that the American fishing industry observes the activities of the Federal Government in preparation for this important Conference. The frightened reaction of American fishermen is understandable because it is obvious that the vital interests of the fishing industry are not receiving the high priority that they deserve.

This Conference will deal with many issues of paramount importance to American fishermen. These issues involve questions concerning the regimes of the high seas, the Continental Shelf, the territorial sea and contiguous zone, the harvesting of our valuable marine natural resources, as well as the preservation of the marine environment. Further questions relating to the seabed and ocean floor beyond the limits of national jurisdiction also will be major topics of discussion.

The United Nations Preparatory Committee for the Law of the Sea Conference now has held two meetings to consider in depth the issues which shall be considered at the 1973 Conference The second of these sessions was completed in September.

It is deplorable that not a single representative of the American fishing industry has been invited to sit on the U.S. delegation to these preliminary sessions. Some fishing representatives were present for the sessions in Geneva, but, in the words of one spokesman, "only as tourists."

The State Department, which has coordinated the representation at the Preparatory Committee meetings, argues that vital national and military security interests are involved. So many special interests wish to be represented that to include them all would result in a chaotic situation.

This may be true. I am not advocating that every special interest which desires representation be given that opportunity. What I am advocating is that the public interest of this Nation should be served by allowing the fishermen to be represented.

We talk a great deal in this Senate about environment, the quality of life, and the need to save whatever there is left to be saved in our environment. We must come to the realization that in our oceans we have valuable natural resources which are currently being harvested at an unacceptable rate. Unless that rate is soon checked, there will no longer be any natural resources left to be preserved. The challenge to the participants at the 1973 Law of the Sea Conference is obvious.

American fishermen have long been strong advocates of the preservation of our marine natural resources. Their participation at Geneva would help to achieve a workable solution to this problem.

The 1973 Law of the Sea Conference is particularly important because it provides an opportunity for the development of a more effective approach to fisheries management through international law. It is obvious to a U.S. Senator who represents a coastal State that a more effective approach is essential.

One of my primary concerns is that it seems as if no one is ready to take the initiative to develop a position of strength on the part of the United States prior to the start of the 1973 Conference. In short, the preparations for the 1973 Conference indicate that few efforts are being made to protect many of the vital interests of the American commercial fishing industry. This is indeed unfortunate because thousands of domestic fishermen in this Nation must depend on the coasts as their primary fishing grounds.

During the past year I have periodically been in contact with various officials in the Federal Government about this problem. The response which I have received has been clearly inadequate. Unless the United States assumes its proper leadership role, I intend to make certain that the United States does not ignore its responsibility to protect the domestic fishing industry.

Mr. President, I regularly receive correspondence from commercial fishermen who fear that without representation on the U.S. delegation to that Conference, the results will be disastrous for the American fishing industry. I share their concern. It is my intention that their needs shall not be ignored.

SUPPLEMENTAL APPROPRIATIONS, 1972 — AMENDMENTS — MOTIONS TO SUSPEND THE RULE

AMENDMENT NO. 781

Mr. HUMPHREY submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, the following amendment, namely:

At the end of the bill add the following: Chapter—Amendments to the Food Stamp Act of 1964.

SEC. —. (a) Section 5(b) of the Food Stamp Act of 1964 is amended by inserting after the first sentence thereof, the following: "Notwithstanding the foregoing, the standards of eligibility under any State plan of operation shall not make ineligible any household which would have been eligible under the standards of eligibility provided for by the State plan of operation in effect just prior to enactment of Public Law 91–671 which was approved January 11, 1971."

(b) The first sentence of section 7(b) of the Food Stamp Act of 1964 (which deals with the charge to be made for food stamps) is amended by inserting before the colon preceding the first proviso the following: "or more than would have been charged for a coupon allotment of similar face value prior to the enactment of Public Law 91–671 which was enacted on January 11, 1971."

Mr. HUMPHREY submitted the amendment (No. 781) intended to be proposed by him to the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 782

Mr. PERCY submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 11955) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, the following amendment, namely:

Page 4, after line 8, insert the following:

SMITHSONIAN INSTITUTION

THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for maintaining and operating the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $1,500,000: Provided, That these funds shall be available for obligation only upon enactment into law of S. 2900, Ninety-second Congress, or similar legislation.

Mr. PERCY submitted the amendment (No. 782) intended to be proposed by him to the bill (H.R. 11955), supra.

NATIONAL ENVIRONMENTAL LABORATORY ACT OF 1971—AMENDMENT

AMENDMENT NO. 783

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

Mr. BELLMON submitted an amendment intended to be proposed by him to the bill (S. 1113) to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution, and degradation of the environment, and other related problems.

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 Saturday, December 4, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

J. Blaine Anderson, of Idaho, to be U.S. district judge, district of Idaho, vice Fred M. Taylor, retiring.

Clifford Scott Green, of Pennsylvania, to be U.S. district judge, eastern district of Pennsylvania, vice Harold K. Wood, 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.

ADDITIONAL STATEMENTS

A GUARANTEED INCOME FOR THE ELDERLY

Mr. HARTKE. Mr. President, more than 4.7 million elderly Americans live in poverty. Their lives are filled with frustration and bewilderment. There is not one Member of this body who has not received dozens of letters from elderly constituents struggling to exist. They worry about paying their bills, having enough money for food, maintaining a place to live. They speak of broken dreams and broken promises, not of hope and anticipation.

At a very minimum, we owe these people a decent income. We owe them the security of a guaranteed income which will allow them to live, rather than merely exist. To achieve that objective, I introduced S. 2513, the Older Americans' Rights Act. This legislation is designed to assure that no American covered by the social security system will live out his life in poverty and despair. It would give most senior citizens a minimum monthly benefit of $180—for a single person—and provide the average recipient of cash benefits with a monthly income of approximately $250.

Among its other provisions, S. 2513 allows social security recipients to earn up to $2,400 a year without suffering the loss of a single dollar of benefits. Its additional provision will result in a total benefit to elderly Americans in the next fiscal year of almost $10 billion in new income.

Mr. President, I am haunted by the faces of elderly Americans and by the letters they write to me. They are the faces of our parents and our loved ones; indeed, they are our own faces in the years to come. They ask not rhetoric or empty promises, nor do they ask for charity. Instead, their voices cry out for the establishment of an old age insurance system which will meet their basic needs. In short, they cry out for justice.

VIEWS ON EDUCATION BY MARYLAND STATE DEPARTMENT OF EDUCATION

Mr. MATHIAS. Mr. President, members of the Maryland congressional delegation recently had occasion to confer with top officials of the Maryland State Department of Education. The discussion extended over a wide range of topics and proved very useful. Dr. James A. Sensenbaugh, the State Superintendent of Schools, has kindly sent a follow-up letter in which he recapitulates the meeting. Because the views expressed in his letter are no doubt reflective of State school officials all around the country, I think they will be of interest to Senators. I therefore ask unanimous consent that Dr. Sensenbaugh's letter be printed in the RECORD.

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

MARYLAND STATE
DEPARTMENT OF EDUCATION,
Baltimore, Md., November 18, 1971.

Hon. CHARLES MCC. MATHIAS, Jr.,
240 Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MATHIAS: Please accept our deep appreciation for the courtesy and attention you and your Maryland colleagues provided the State Board of Education and members of the Department of Education staff when you met with us on November 4, 1971, in Washington. I know that the generous amount of time you afforded us was taken from other very pressing duties.

For the record I would like to recapitulate briefly the points we discussed. Please be sure that we will be happy to provide additional data.

1. State plans and reports, and other paper work required by the U.S. Office of Education, are voluminous, repetitive, and prodigal of staff time, and serve very little purpose for us. We seriously question their real value to the U.S. Office. We urge that you use your good offices with the U.S. Commissioner of Education to reduce requirements so that we may be permitted to satisfy them with shorter, more meaningful plans.

2. Our board has identified early childhood education as a high priority educational need in the state. Implementation of early childhood programs is a very expensive matter; one that cannot be undertaken by the state alone. Therefore, we look to the Federal government. We firmly believe too that the needs of the children to be served cannot be met by so-called "baby-sitting" services. To have value, especially for those children who might otherwise be condemned to repeat the poverty cycle of their parents, a strong educational component needs to be included.

It makes sense to us too to assign the school system a role in administration of the program. Here is the expertise and the staff. Here are the facilities. Here is the opportunity to establish learning continuity starting in the pre-school center and extending through the public school experience.

We would oppose approaches to "day care" that exclude an educational component.

3. We are concerned about the increasing trend toward by-passing state departments of education for the administration of Federal programs. In Maryland, as in all states, public education is by law a state responsibility. We offer no objection to Federal determination of allocations to local school systems. That approach (Federal allocation responsibility and State administrative responsibility), exemplified by Title I of the Elementary and Secondary Education Act, is working well. The same legislative enactment also demonstrates the useful leadership role the state agency can play when it is assigned administrative responsibility for Federal programs.

4. Title V of the Elementary and Secondary Education Act, which is designed to strengthen state departments of education, has made possible the addition of critically needed staff people to the Maryland state education agency. This enactment has indeed been the backbone of our program of increased and improved services to local school systems and to the children in the schools.

Since the lion's share of our Title V allocation goes into salaries, a reduction in program allocation would result in staff layoffs and reduced services. We urge you to resist any reduction in funding for the program; we would in fact welcome a considerable increase in Title V allocations.

Indeed, the real possibility that the courts will find the state wholly responsible for school financing raises the prospect of increased responsibility being placed on state agencies. In that eventuality, the State Department of Education will need more, not less, support to do its duty.

5. We support the concept of grant consolidation, not only because it promises greater cordination of related programs, but also because it promises greater local flexibility in adapting programs to priority local needs. We believe that grants should be consolidated around problem areas clearly identified in the statutes. We recognize the educational community is not in agreement as to just what these areas ought to be. We will encourage the national organizations to seek agreement on this.

6. Interest was expressed by Senator Beall and several Representatives in the status of vocational education in Maryland. I believe we can demonstrate by the increases in programs, staffs, and vocational educational facilities, that Federal, state, and local funds are being employed to maximum advantage. Nothing would please us more than the opportunity to show you through one or more of the new vocational-technical school facilities in the vicinity of Washington, D.C., or near your home.

I cannot close without acknowledging a debt of thanks owed you from the entire education community of Maryland, not omitting the children in the classrooms, for two important modifications in appropriations procedure: making it possible to carry over funds beyond the year in which they are appropriated and acting on the education budget early enough in the year to permit sensible planning of programs. Both changes have resulted in wiser use of funds and consequently better programs for children. We would want to see these improvements continue in the future.

Thank you again for your courtesy.

Sincerely yours,
JAMES A. SENSENBAUGH,
State Superintendent of Schools.

PHASE II—COMPLEX, CONFUSED, COMPLICATED, AND A FIELD DAY FOR LAWYERS

Mr. PROXMIRE. Mr. President, the phase II program is without question one of the most confused, complicated, and complex programs that has ever been initiated by the American Government.

What we have is an administered price inflation—an inflation caused by the monopoly or market power of a few big companies and the bargaining power of a few large unions.

We do not face a demand inflation such as we had in World War II, during the Korean war, and in the 1966–68 period during the Vietnam war. In those periods there was a shortage of goods. There was too much money chasing too few goods. That caused inflation and huge price increases. Instead of a shortage of goods and manpower there is a huge surplus of goods and manpower. We have unemployment at 6 percent and 25 percent of our industrial capacity idled.

The way to meet this administered price inflation is to regulate or control those responsible for it. But instead the phase II program is covering everyone from General Motors, who should be covered, to your babysitter, who should be exempt.

In addition it is far too complex. Take just the simple example of what prices can be raised.

The Price Commission has said that prices can be raised to cover costs. But, they say, these increases must be offset by the productivity increases in the firm. Finally, they cannot be raised higher than to provide a profit margin which is no higher than the profit margin average in 2 of the last 3 years.

How is a local businessman supposed to figure that out? Many do not know all of their costs. Even if they do, no small firm has any idea of its productivity. In fact, at least 25 to 50 percent of the largest corporations in the United States do not have good productivity figures.

But if the small businessman has trouble figuring this out, what about the consumer? There is no way the consumer can help enforce the price guidelines because they are too complex and too complicated.

The result will be a field day for the lawyers. An article in the Wall Street Journal for December 2 indicates that lawyers from the largest and most prestigious law firms in the United States complain that even they do not have enough information to advise their clients. Even they find the program too complex and too complicated to understand. And their clients are not the Mom and Pop grocery stores. Their clients are the biggest companies in America.

Added to all of this is the fact that neither the Price Commission nor the Pay Board is required to make public the data and the factual information upon which their decisions are based.

Even under the amendment I got included in the Senate version of the stabilization bill, the Board and Commission will make public only those aspects of their deliberations which they see fit to release.

The rules, regulations, and guidelines are an invitation to confusion, to a smarting sense of injustice on the part of both consumers and honest businessmen, and to a disrespect for both the law and for Government itself.

Mr. President, I ask unanimous consent that the article from the Wall Street Journal entitled "The Finaglers—Lawyers, Consultants Kept Busy by Phase 2, But Can They Help Out" be printed in the RECORD.

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

[From the Wall Street Journal, Dec. 2, 1971]

THE FINAGLERS—LAWYERS, CONSULTANTS KEPT BUSY BY PHASE II, BUT CAN THEY HELP OUT?

(By Norman Pearlstine)

It was 10 p.m. on Aug. 15, only an hour after President Nixon had dropped his economic bombshell, and attorney Lee Monroe was already on the phone. A partner in Sidley and Austin, Chicago's second-biggest law firm, he was calling other partners and associates, trying to set up a committee to handle the deluge he was sure would come the next morning.

It came, and Mr. Monroe was ready. Along with four other members of what Sidley and Austin calls its "wage-price committee," he was at his desk at 7:30 a.m. By 9, he and the others had thrashed out a strategy to deal not only with Phase 1 but the thornier problems of Phase 2. Then came the telephone barrage.

The committee, which includes two of the firm's Washington-based members, gets wage-price information directly from Washington in minutes, thanks to expensive telecopying equipment. It shoots out advisories to other lawyers in the 95-member firm when it gets information from the capital that seems particularly important to a wide range of clients; in turn, when a lawyer in Sidley and Austin has a client with a sticky wage-price problem, he turns it over to the committee for recommendations.

PANTING AND PLOTTING

Mr. Monroe says he and his colleagues are spending more than half their time on Phase 2 work now. So are a lot of other lawyers and management consultants and accountants, all panting and plotting to keep up with the government's moves. President Nixon's economic program has generated a lot more business—and many more headaches—for what one high Washington official has labeled "the finagling industry."

"We're up to our necks," says Milton Rock, managing partner of Edward N. Hay & Associates, a Philadelphia-based management consulting firm that has been laboring to keep about 1,000 corporate clients informed about Phase 2. An official of a large New York management consultant firm adds that "Phase 2 has definitely brought us new clients and increased the amount of work we're doing for our old ones."

There is no indication yet that the added load of Phase 2 work is forcing firms to do some quick additional hiring. But the problems piled up by controls are keeping many barristers and consultants off the golf course and in the office past dinnertime. "Phase 2 has definitely increased our business," says a senior partner in a medium-sized suburban Philadelphia law firm. John O'Meara, a partner in the Detroit firm of Dickinson, Wright, McKean and Cudlip, says he and three or four other attorneys at the 48-lawyer firm now spend most of their time on Phase 2 work. "I'm getting 10 calls a day about Phase 2, and each of them averages three or four different questions," he says.

Even small-town lawyers are feeling the heat. Elvin Souder, a lawyer in a three-man firm in Souderton, Pa., says he is "getting constant questions about wages, prices and rents." The Souderton borough council, for example, wanted to know if it was prohibited from raising taxes. (No, said Mr. Souder.)

EX-HUSBANDS AND TURKEYS

Other attorneys find themselves grappling with Phase 2 exotica they didn't expect. One San Francisco lawyer specializing in domestic relations barely had time to congratulate himself for being out of the controls hassle when a female client frantically called to ask if Phase 2 would block her attempt to get additional child-support payments from an ex-husband. (It didn't.) And an associate at Sullivan and Cromwell, one of New York's biggest and most prestigious firms, tells of one high-powered partner who spent the better part of a week figuring out how to price Thanksgiving turkeys for a supermarket chain he represents.

Many consultants, law firms, and accounting concerns have set up special organizations like Sidley and Austin's to help them cope with Phase 2. But they have learned that organization isn't enough. They also have to find out, as quickly as possible, what the Pay Board and the Price Commission have ruled. Then they have to figure out how those rulings affect clients. The first problem often is difficult to solve. The second sometimes seems impossible.

Some lawyers simply read the papers for tips on what government rulings have been, but most say they are reluctant to advise clients on that basis alone. "Newspapers have space limitations," says Glen E. Clover, a Houston attorney. "They can't always print all the details I need." So Mr. Clover and many other lawyers find themselves waiting for official copies of the regulations, which are printed in the Federal Register and mailed to law libraries and firms.

WAITING FOR THE POSTMAN

But the mail often isn't fast enough. One Los Angeles attorney waited four days for a copy of the Nov. 13 Federal Register, a key number that includes vital rules and regulations for Phase 2. "We called all over the place," he says. "Federal offices, accounting firms, even other law firms. Nobody had a copy. All we could do was tell our clients to wait. They weren't happy."

Big firms now often rely on their Washington partners to scoop up the news when it's hot and relay it. Others without Washington offices have made arrangements with firms in the capital; one of the latter services about 10 out-of-town firms. Still others rely on private services that publish daily, weekly or monthly reports. These include the Bureau of National Affairs' daily labor report, which is mailed special delivery every night, and the legal reporting services of the Commerce Clearing House, which has recently added a special report devoted to news about economic controls.

Lawyers, consultants and accountants, as well as corporations themselves, also snap up extensive commentary on Phase 2 put out by the National Association of Manufacturers (one of whose Washington representatives makes the rounds of the economic-control offices three times a day), state manufacturers' associations and Washington lobbyists who are paid to keep abreast of new government regulations. And they lean on their Congressmen, who say they are being besieged by pleas for information and guidance from lawyers and special-interest groups.

David Hartquist, a special assistant to Sen. Richard Schweiker (R., Pa.), says: "We seem to have developed our own clientele of lawyers and others" who want to know all about Phase 2. Attorneys for school boards and teachers' associations lead the pack, he says. The Senator's office often provides copies of the regulations or refers callers to the appropriate federal agency, but Mr. Hartquist says it is reluctant to "give opinions on what the regulations mean."

That's the real problem, say lawyers and consultants. Organized to the hilt, with mountains of information coming in, they confess they still don't know how to advise their clients in many, many cases. The regulations governing Phase 1 were fairly easy to deal with, sources say. ("The answer to most questions was almost always 'no,'" says one Los Angeles lawyer.) But Phase 2 is a muddle, they say. Many lawyers and consultants feel that members of the Pay Board and Price Commission, pressured to move quickly, did a poor job of drafting the regulations they work under; the lawyers and consultants know the regulations but can't be really sure how they'll be applied, and so they can't counsel their clients with certainty. "One series of rulings or questions and answers may lay to rest a few goblins," says Mr. O'Meara, the Detroit attorney, "but more often than not it raises as many new ones as it disposes of."

For example, lawyers and others complain that the Pay Board has spent so much time trying to resolve problems related to employes covered by union contracts that it hasn't been able to develop adequate guidelines covering executive compensation—especially stock options. Price controls, they add, have been sketched too broadly. "Because of what they've read in the papers, a lot of clients have the impression they can raise prices 2½% and only 2½%," says a Los Angeles accountant. "But it's a lot more complex than that. Among other things, you have to consider profit margins under new prices a year from now, and that is really hard to do."

The Internal Revenue Service, which is supposed to give guidance on the controls through local offices, hasn't been much help, lawyers and consultants say. "It isn't their fault," says a Boston lawyer. "They can answer general questions from the public, but when it comes to the specifics I'm asking they don't know what the hell is going on." As a result, he has one client who has been aching to increase prices for weeks, but who is still unsure whether he can.

Professional organizations and a few law schools have tried to leap into the breach with crash seminars and conferences on the new economic controls. The bar association of the District of Columbia and the Catholic University Law School in Washington, for example, just started a 12-hour program conducted by Richard Murray, deputy general counsel of the Office of Emergency Preparedness and chief of the OEP's interpretation division. Some lawyers find such huddles useful. Others compare them with trying to read the future in the entrails of a sheep.

For some lawyers and consultants, one pipeline directly into the government's controls bureaucracy is worth a thousand seminars. David Caulkins, a management consultant with the New York firm of Coloney, Cannon, Main & Pursell Inc., says many consultants he knows are striving to burrow into the bureaucracy. So, apparently, are attorneys and corporate officers.

Mr. Caulkins says one competitor may have an edge on the rest of his colleagues in the important "grey" area of executive compensation. "He was preparing positions for the Pay Board," says Mr. Caulkins. "He knows their thinking. And on the basis of that, he's been able to advise clients on stock options, merit raises and other complicated areas."

Lawyers and consultants warn, however, that today's well-informed advice may be shot to pieces tomorrow if the decisions of

the control apparatus are successfully challenged in court. So far there hasn't been much litigation over controls, but lawyers expect it to increase.

"Whenever people act without certainty about the rules, litigation is likely to follow," says Los Angeles attorney Lewis Merrifield III. And Mr. Clover, the Houston attorney, predicts that many small firms don't have to report or get prior approval for pay and price rises are going to "ignore the federal regulations and do as they please." If the Pay Board and Price Commission make a more vigorous effort to enforce the rules than they have so far, a logjam of lawsuits could occur, he observes. And that, of course, means still more business for lawyers.

DISTRIBUTION OF FUNDS FOR CLAIMS AWARDED TO THE SAC AND FOX NATION

Mr. DOLE. Mr. President, on November 24 I joined the distinguished senior Senator from Iowa (Mr. MILLER) in introducing a bill to provide for the disposition of funds to pay for a judgment award by the Indian Claims Commission to the Indians of the Sac and Fox Tribe in Oklahoma, the Sac and Fox Tribe of the Mississippi in Iowa, and the Sac and Fox Tribe of the Missouri in Kansas and Nebraska.

The award was entered by the Indian Claims Commission on February 4, 1970, in docket numbered 153 and is for $10,601,282.66. It represents additional payment for 8,592,000 acres of land in Iowa that the Sac and Fox Nation ceded under the treaties of October 21, 1837, and October 11, 1842. Funds to cover this award were appropriated by an act of Congress on July 6, 1970.

Mr. President, the Sac and Fox Tribes composing the Sac and Fox Nation have always been closely affiliated, but they were distinct tribal entities at the time the 1837 and 1842 treaties were made, and they are still separately organized. Today each tribe has an approved constitution and bylaws, and a council as the governing body of the tribe. Also, each has a committee of officers with authority to transact business and otherwise speak and act on behalf of the tribe. As of March 31, 1971, there were 1,956 enrolled in the tribe in Oklahoma, 779 in the tribe in Iowa and 227 in the tribe in Kansas and Nebraska. A sizable number of the members of the tribe in Oklahoma and the tribe in Iowa live on reservations in Oklahoma and Iowa that were set aside for their tribes in the late 1800's. No members of the tribe in Kansas and Nebraska now live on the 7,924 acres provided for the tribe in Brown County, Kans., and Richardson County, Nebr., by a treaty of 1861, but 20 members live in the vicinity and many others live in Kansas and Missouri. Of the land originally contained in the Missouri Reservation only 119 acres remain in Indian ownership.

Mr. President, this bill specifics that 46 percent of the judgment and all future judgments shall go to the tribe of Oklahoma; 39 percent to the tribe in Iowa, and 15 percent to the tribe in Kansas and Nebraska. This division is based upon the relative original land holdings of the tribes. This distribution formula is in accord with the majority decision reached by the tribes at a meeting of July 24 1971, in Kansas City, Mo.

The tribe in Iowa has passed a resolution to distribute 50 percent of its award for programing of tribal activities with the balance being distributed per capita to its tribal members; the tribe in Kansas and Nebraska tentatively plans to distribute the greatest percent of its share per capita with the balance going to programing; and the tribe in Oklahoma has not decided on a distribution formula.

Mr. President, the Sac and Fox Nation has so far received less than 17 cents an acre for their lands ceded to the United States under the treaties of October 21, 1837 and October 11, 1842. The three tribes have requested an additional payment, the Claims Commission has adjudged it, and Congress has appropriated the funds to pay it. It would be a particularly black mark in our Nation's otherwise sorry treatment of our Indian people if we should now fail to authorize the payment of this just and reasonable claim.

BLACK LUNG DISEASE

Mr. HARTKE. Mr. President, today is the second day of hearings before the Committee on Labor and Public Welfare on the black lung disease program. The past 2 years have demonstrated that this worthy program is not benefiting all of the miners whom Congress intended to benefit.

To meet one of the major deficiencies of the program, I introduced S. 2289. This legislation would enable any miner disabled by black lung disease to receive compensation if he was unable to return to work for which he had been trained.

I have also joined with the distinguished Senator from West Virginia (Mr. RANDOLPH) in cosponsoring S. 2675, which has a provision similar to that of S. 2289 and which also corrects many of the other deficiencies of the black lung program.

Mr. President, the House has already passed sweeping black lung reform this year. The Senate owes it to the miners of the country to act without delay. I ask unanimous consent that the text of my statement before the Labor and Public Welfare Committee be printed in the RECORD.

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

STATEMENT OF SENATOR VANCE HARTKE ON DISABILITY PAYMENTS FOR BLACK LUNG VICTIMS

Almost two years ago, Congress established a disability compensation program for miners suffering from pneumoconiosis—or black lung disease. Since that date, more than half of the miners who have applied for black lung benefits have had their claims denied.

The despair and anger which these denials have caused is the direct result of poor administration of the black lung program on the part of the Department of Health, Education, and Welfare and the Social Security Administration. They have required X-rays and medical tests, but have not made provisions for competent medical personnel to conduct these tests. And they have established regulations which make it very difficult for a miner to prove that he is disabled by black lung.

Miners are being told by the Social Security Administration that they are not "totally disabled," but these same miners are not healthy enough to be hired by the mine operators, nor is there any other work available.

In order to correct this inequity, I have introduced S. 2289 which would enable any miner suffering from pneumoconiosis to receive disability compensation if it can be shown by medical or non-medical evidence that he is no longer capable of using his skills as a miner. I estimate that this provision would cost an additional $135 million next year and affect about 50,000 men who have been denied benefits as of September, 1971. What it will mean to these men is that they will no longer be denied black lung benefits because they are theoretically able to perform work for which they are not trained and which is not available. And it will also require the Social Security Administration to rely on non-medical evidence of disability rather than the debatable and often unreliable medical tests on which it now relies.

I have also joined with the distinguished Senator from West Virginia in co-sponsoring S. 2675. This is legislation which will bring about sweeping—but needed—reforms in the black lung program.

Mr. Chairman, we have the opportunity to correct oversights and bureaucratic abuses which arose under title IV of the Federal Coal Mine Health and Safety Act. I urge this committee to act without delay.

TRIBUTE TO HON. J. FIFE SYMINGTON, JR.

Mr. MATHIAS. Mr. President, the Honorable J. Fife Symington, Jr., of Lutherville, Md., returned last month from Port of Spain where he spent 2 very successful years as American Ambassador to Trinidad and Tobago. Recently articles appearing in the Trinidad Guardian and the Trinidad Express give tribute to his skill as a diplomat and indicate the warmth with which he was regarded by the people of Trinidad and Tobago. I commend these articles to the Senate 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 Trinidad Guardian, Nov. 11, 1971]

OUR BEST WISHES

After serving for two years as United States Ambassador, Mr. John Symington leaves Trinidad and Tobago next week to return to his country.

Mr. Symington has our best wishes in whatever his plans may be because we are certain he can look back on his stay here with pleasure and some measure of satisfaction.

Mr. Symington has won many friends in our country and is regarded by many as being the ideal diplomat, having involved himself and his country closely in several directions, while, at the same time, succeeding in not getting involved in embarrassing situations.

We appreciate it is a very difficult task to achieve this, so we admire Mr. Symington for avoiding the various pitfalls sometimes awaiting those engaged in the delicate task of diplomacy.

On the other hand, Mr. Symington must have come to regard his two years in Trinidad as an education in itself, which should stand him in good stead in the years ahead.

We say "Farewell."

HALLMARK OF A GOOD DIPLOMAT

Mr. Donald Granado, the former Trinidad and Tobago High Commissioner in the United

Kingdom, once had the idea of taking the name and image of the country he represented out to the British people.

He would have mounted exhibitions all over the United Kingdom, sent his staff to talk to schools, clubs, organisations, shown Trinidad and Tobago films widely. This grand plan for projection never came to pass because of a lack of money. The Ministry of External Affairs in Port-of-Spain could not see its way to subsidise the High Commissioner's ambitious ideas about communication.

This is a perennial problem facing small countries accredited to large ones. It is not a problem peculiar to Trinidad: it bedevils all small and/or poor countries in the world, all of whom have come to independence within the last 20 years and who now seek to catch up on a backlog of ignorance about themselves in the outside world.

Mr. Granado was rightly appalled by the lack of knowledge about Trinidad and Tobago he found throughout Britain and, being proud of his native land, was anxious to rectify a situation he regarded as unacceptable.

CASE IN POINT

In reverse, the position is rather different. Developed countries accredited to developing ones have no problems about money, or manpower or backing from the sponsoring department of state at home. They can go all out to explain themselves and their policies and philosophies to a public that is already captive to their message, by virtue of the power of propaganda the developed countries held over the developing ones for so many decades.

Mr. Granado would have envied the facility, for example, with which the foreign embassies in Trinidad are able to promote the countries they represent here.

The German Embassy is a case in point. There must hardly be a journalist left in Trinidad these days who has not been the beneficiary of a visit to Germany, arranged and underwritten by the German Government. The objective is to educate those whose business is information-transmittal about the German nation and its economic and ideological ways, so these can be presented effectively to the Trinidad and Tobago public.

DEGREE OF SYMPATHY

Mr. Granado, or any Trinidad ambassador abroad, could not invite a foreign journalist to make a similar journey to this country, for the simple reason that his budget and that of his ministry, would not allow it.

The Americans in Trinidad have been as active as the Germans. Mr. John Fife Symington, who returns to Washington on Sunday after two years as American Ambassador here, has been very active in the business of winning friends and influencing communicators in Trinidad.

He has been able to operate in a way that Trinidad representatives abroad would give their eye teeth to emulate. It so happens that for Mr. Symington it has been more than a case of being able to spend money freely: he has done it with some conviction and with a degree of sympathy for Trinidad and Tobago's own problems.

If genuine involvement in a host country's aspirations and hopes is the hallmark of a good diplomat, then Mr. Symington can consider himself to have been a success in his two years in Trinidad and Tobago.

CONCURRENT JURISDICTION TO TRY PERSONS FOR GENOCIDE

Mr. PROXMIRE. Mr. President, the Foreign Relations Committee has recommended to the Senate an understanding relative to article VI of the Genocide Convention. Article VI is concerned with the trial of persons accused of genocide. The committee's recommended understanding, if accepted, will put the United States on record as intending to exercise the right of concurrent jurisdiction with regard to any of its citizens accused of committing acts of genocide in a foreign country.

The theory of concurrent jurisdiction holds that a nation has the right to try its own citizens for acts that occur in another country. Many nations have asserted this right. If this understanding is adopted by the Senate, then the U.S. Government will have an option available to it. Should a foreign country ask us to extradite one of our citizens and it is determined that the accused will not be accorded a fair trial with all the guarantees of our Constitution, the Government can refuse to grant extradition and instead try the person in the United States.

The double jeopardy clause of the fifth amendment, which is controlling over the Genocide Convention as it is over all treaties, would prevent a person who has been tried in the United States for genocide from being extradited to another country.

The negotiating history of the Genocide Convention shows that the participants, including the United States, did not intend to deny any nation the opportunity to exercise the right of concurrent jurisdiction. This recommended understanding is thus in keeping with the intent of article VI. Its acceptance by the Senate will not distort the convention but rather make clear a point over which there has been some confusion.

Mr. President, I urge the Senate to ratify the Genocide Convention without delay.

ECONOMIC STABILIZATION ACT OF 1971

Mr. BROCK. Mr. President, I have supported the President's economic program because I have felt that it offers the best opportunity for America to achieve reasonable price stability, full employment and a favorable balance of trade. I am pleased the President's program is showing success. The second quarter economic indicators show that the unemployment rate, interest rates, and consumer price income, retail sales and housing starts are up. And the President announced substantial progress in bringing a new fairness to world trade.

To assure continued success of the President's program, I feel that it is essential that Congress enact at an early date S. 2891, to extend and amend the Economic Stabilization Act of 1970. Much of the problem now facing all Americans stems from the uncertainties as to what Congress will do with the President's request for the extension of authority to implement phase II of his economic program. The President has in great detail told the country what is planned in the phase II program and now the big uncertainty pertains to congressional action. Undoubtedly, many business firms are holding back on plans to expand until the air is cleared.

Although I have grave reservations as to the advisability of wage and price controls, I have given my support to the wage-price freeze instituted by the President and the transition program because of the critical international position both of the dollar and our balance of payments, and the persistent inflation in face of unemployment. Since traditional fiscal and monetary policies have failed, I feel that the President had no other alternative than to institute the wage-price freeze.

However, once the inflationary psychology has been destroyed and the international monetary and trade crisis has subsided, I feel that controls should be promptly removed.

The President requested in his legislation submitted to Congress a 1-year extension of the authority contained in the Economic Stabilization Act of 1970 and, in addition, authority to stabilize interest rates and dividends. He requested additional enforcement power, arrangements for administrative and judicial review, and powers relating to personnel and funding. The Senate Banking, Housing and Urban Affairs Committee gave him the requested authority and strengthened the administration's bill by adding authority to roll back windfall profits, an exemption for individuals with substandard earnings, Senate confirmation of board members, treble damage actions for overcharges, and authority to relieve domestic shortages of raw materials.

I have some reservation on the provision in S. 2891 relating to automatic approval to previously negotiated wage agreements which called for substantial wage increases after August 15. To permit automatic effectiveness of such agreements would discriminate against persons not under wage contracts who had reasonable expectations of receiving increases during the freeze.

At the same time, these previously scheduled contractural wage increases were bargained for in good faith, and presumably were based upon concessions made by the employees. In addition, these agreements cover many public employees, particularly school teachers, who have been historically the last to catch up with inflation, and who have never been the subject of inflationary wage increases. No doubt, the equities in each of these situations will vary.

However, the provisions in S. 2891 relating to such wage agreements provide sufficient latitude to allow the President to act in an equitable manner and I have confidence that he will do so. The success of the program depends upon public confidence in its fairness. If any segment is given special treatment at the cost of another segment of the economy, public confidence will be eroded and the success of the program will be jeopardized.

On balance, S. 2891 is a good bill and its early passage is vital to give the President the authority he needs to implement phase II of his economic program and to clear up the uncertainties that now prevail as to Congress' support of this program.

I have one reservation regarding the President's economic program. I am most concerned that we are neglecting the monetary and fiscal side. When there is control of private spending, it is only fair that there also be control of public spending. It was the Government's irresponsible fiscal policies that caused the present predicament. I strongly urge a freeze on Government spending to accompany phase II of the President's economic program.

A TRIBUTE TO MERTHA FULKERSON

Mr. PROXMIRE. Mr. President, on January 25 of this year, Wisconsin lost one of its most distinguished citizens—Mertha Fulkerson. In the years before her death she was the director of The Clearing in Door County. The Clearing is a unique educational experience conducted during the summer months. Students spend a week in the beautiful Wisconsin countryside studying a course selected from a diversity that includes foreign languages, the political philosophy of Lincoln, and community health services. The success of The Clearing has been in large measure due to the fine work of Miss Fulkerson.

During the past summer a memorial service was held in her honor. Dr. Lee Paul de Alvarez of the University of Dallas and Dr. George Anastaplo of the University of Chicago spoke. They talked of the work which Miss Fulkerson did to make The Clearing a viable operation and of the philosophy which guided her. The Door County Advocate, in an article which appeared on July 27, reported the memorial service.

Mr. President, I ask unanimous consent that the Door County Advocate article be printed in the RECORD.

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

FITTING TRIBUTE PAID MERTHA FULKERSON

(By Jane Shea)

ELLISON BAY.—"She came. She saw work to be done. She did it. And then she left."

In this basic way, Dr. George Anastaplo summed up the life of the late Miss Mertha Fulkerson and set the tone for a unique memorial service Saturday night at the Clearing, an institution she managed from 1951 to 1969. Miss Fulkerson died in Green Bay last Jan. 25.

It was appropriate that the tributes were respectful, affectionate, free of excessive sentiment. There was agreement with Dr. Anastaplo, who said "It is difficult to feel the sorrow one would for lesser men or women."

Mertha Fulkerson seldom permitted direct quotations during her lifetime, preferring to perpetuate the philosophies of mentor Jens Jensen in his own remembered words.

But this self effacement was not enough. She was variously described during the evening as high minded, ethereal, a noble woman, innocently shrewd, one capable of a piercing anger for a worthy cause. It was obvious that this diminutive lady had not only succeeded in carrying on founder Jensen's work, but had personally, perhaps unwittingly, emerged to influence the lives of many people.

Dr. Anastaplo, faculty member at the University of Chicago, spoke of his close connections with The Clearing, stating, "One cannot reasonably hope for the immortality of an institution. Its purpose is to provide a model of life for others to follow." He, as well as others, referred to Jensen's concept that The Clearing is not only here, but in men's minds as well.

Referring specifically to Miss Fulkerson, he said, "Mertha wouldn't approve of any personal tributes. She'd probably suggest a work party. There's always a fence to be mended, a wall to be built."

Responding for The Clearing, present manager Claire Johnson said that for Mertha, "the institution was her sole purpose, her self fulfillment."

William KasaKaitas, representing the parent Wisconsin Farm Bureau, announced that this group has established The Clearing Memorial Scholarship Fund. Gifts, in memory of Miss Fulkerson and others, will be used to help young people attend classes here. "Mertha would want it this way," he declared.

KasaKaitas said the Farm Bureau felt deeply indebted to Miss Fulkerson for "the rich heritage with which she endowed us." He described her as a woman comfortably at home with all types of people and especially appreciative of farmers, those close to the soil. He stressed Miss Fulkerson's awareness of nature and its great power.

Dr. Leo Paul deAlvarez, Dallas University, who represented The Clearing faculty, advised guarding its major purpose. "Let us be wary that it does not become an escape," he warned. "It represents reason and nature working together to make something truly human."

Referring to Mertha Fulkerson's talent as a weaver, Mrs. Liese Rickett's message on behalf of the students described the late manager as "a beautiful weaver of human beings and a beautifully woven human."

Miss Virginia Booth showed movies of Miss Fulkerson enjoying this area with relatives and friends.

Vocal selections with dulcimer accompaniment were presented by Mrs. Dolores Reppert and Mrs. June Ohm, Janesville. Night birds provided an outside obligato and through cathedral windows, sunset bowed to darkness.

Services concluded, the group returned through forest paths, where Mertha Fulkerson had walked and talked with students; paths well marked for others to follow.

She wasn't there. Her work was done.

COMMENTS OF MARYLAND HOSPITAL ASSOCIATION ON PROGRAMS

Mr. MATHIAS. Mr. President, recently I had placed in the RECORD some very interesting comments by the Maryland Hospital Association in opposition to S. 232 of H.R. 1, the "reasonable cost" reimbursement provision which pertains to medicaid and the maternal and child health programs.

The Maryland Hospital Association, has since advanced to me what it suggests may well be not only an acceptable but indeed a highly desirable alternative to reasonable cost reimbursement.

I am speaking, Mr. President, of "prospective reimbursement." According to the MHA, prospective reimbursement is—

The only payment method in sight that offers a workable means for long-range containment of hospital costs, predictability of hospital cost trends, avoidance of the unnecessary costs of multiple audits, and positive incentives for in-hospital cost reduction efforts and full accountability before the public of what hospitals spend and why.

Because of recent legislative developments in Maryland, hospitals in my State are well on the way toward a system of prospective reimbursement. The rationale for moving in this direction and the potential for using prospective reimbursement elsewhere, both by other States and by the Federal Government, are well documented by the letter and enclosures I have just received from the Maryland Hospital Association. Because these items may be of interest to Senators and to other readers of the CONGRESSIONAL RECORD, I 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:

THE MARYLAND HOSPITAL ASSOCIATION

Lutherville, Md., November 18, 1971.

Hon. CHARLES MCC. MATHIAS, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: Thank you for your letter of November 12. We are encouraged by the attention you and your staff have given our request to work for the deletion of Section 232 before the Senate Finance Committee disposes of H.R. 1.

I have advised our 55 member-hospitals of your inquiry to Secretary Richardson and all of us are anxious to learn of his reply. Should HEW offer genuine opposition to that provision, we are convinced that the thing will be extracted.

You asked me to comment on Section 222 and related elements of H.R. 1 that deal with prospective reimbursement. I will be brief, even though your invitation to comment on this subject tempts me to Xerox a filing cabinet of documents to demonstrate the Maryland Hospital Association's early and active enthusiasm for the concept of prospective reimbursements to hospitals by *all* health insurers.

Over a year ago, on October 28, 1970, the Board of Presidents of the MHA unanimously endorsed the attached Policy Statement on Prospective Measurement of Financial Requirements. The only change made in the document you see was removal of the word "proposed" in its heading.

Policies are one thing, and actions are another, so let me cite two substantive examples of how the MHA has demonstrated its conviction that prospective reimbursement is the only payment method in sight that offers a workable means for long-range containment of hospital costs, predictability of hospital cost trends, avoidance of the unnecessary costs of multiple audits, positive incentives for in-hospital cost reduction efforts and full accountability before the public of what hospitals spend and why.

During the 1971 session of the Maryland General Assembly, the MHA worked hard for the passage of S.B. 359 (attached). We helped write this bill, in fact, which not only leads to public utility status for Maryland's hospitals by 1974, but also requires hospitals to earn their reimbursements prospectively—through sound budget preparation and advocacy of their own needs before a governmental Commission. We believe that Maryland's S.B. 359 constitutes model regulatory legislation for the hospital field.

If H.R. 1 passes with Section 222(a.1.) intact, we also believe that—with your help—we can successfully convince HEW that it ought to "develop and carry out experiments and demonstration projects designed to determine the relative advantages and

disadvantages of various alternative methods of making payment on a prospective basis to hospitals . . ." in this state. Our new state law makes Maryland an ideal laboratory for such federal experiments and projects.

Beyond S.B. 359, the Maryland Hospital Association is now on the public record as a full supporter of a proposed new reimbursement formula to be employed by Maryland Blue Cross, this state's largest purchaser of health care. The formula, over which hearings were held last summer, calls for prospective reimbursement by Blue Cross. This proposed formula change is now in the hands of the state Insurance Commissioner. Hospitals are hopeful of a favorable decision by the Commissioner very shortly.

You also asked if we perceive prospective reimbursement as a possible means of accomplishing the goals underlying H.R. 1's Section 232. In Maryland, because of S.B. 359, the answer is a positive yes. In states that lack a law such as S.B. 359, we do not see such an alternative available, but perhaps we are not qualified to render such advice.

A final item, the American Hospital Association's Policy Statement on Provision of Health Services, is also enclosed. We believe it supports our position on H.R. 1 and it may also anticipate our eventual position on National Health Insurance.

I hope this response answers your questions of November 12. Again, we appreciate your actions on our earlier request. I thank you too for the personal compliment you paid me with respect to the letter of November 5.

Sincerely,

RICHARD J. DAVIDSON,
Executive Vice President.

THE MARYLAND HOSPITAL ASSOCIATION PROPOSED POLICY STATEMENT ON PROSPECTIVE MEASUREMENT OF FINANCIAL REQUIREMENTS

I. PREFERRED METHOD OF PAYMENT

In considering how major third party contractors should pay for health care institutional services, a method of payment based on prospectively determined rates for each health care institution is preferred. The prospective method implies payment on the basis of predetermined charges rather than the retrospective, cost based method of payment. The prospective method of payment offers the opportunity to obtain payment on the basis of an institution's full financial needs. The prospective method offers incentives to the institution for containing or reducing costs consistent with proper patient care. It can result in a more rational disclosure of operating and financial information to the public. Finally, this method offers the possibility of a significant simplification of the payment process by eliminating multiple and expensive audits and by equating sound management information needs with those of the payment process.

II. PROSPECTIVE RATES

The method of establishing these prospective rates should be through a rate approval process. A representative rate review organization should be established to review the past performance, cost and utilization of each health care institution, review the facility's proposed schedule of expenditures and anticipated revenue and then negotiate and approve payment rates between the institution and participating contracting agencies prior to the enactment of changes in the level of payment. Rate review organizations should be composed of representation from consumers, contracting agencies, and health care institutions.

The system of payment and rate determination must include the following characteristics which would guide the development of any prospectively determined payment method.

III. NECESSARY CHARACTERISTICS

1. The final determination of the level of payment by a rate review organization must be in accordance with health care institutions' full financial requirements.

2. Rate review organizations, constituted on an areawide basis, i.e., state or Blue Cross Plan area or on a sub-regional basis, as a minimum requirement, should be composed of representation from consumers, contracting agencies, and health care institutions.

3. The health care institution should propose prospectively the level and sources of revenue necessary to meet its forecasted financial requirements as delineated in the Maryland Hospital Association's *Statement of Principles of Payment for Providers.* The proposal would be accompanied by operating and capital budgetary forecasts and historical accounting and cost data.

4. Capital expansion and major modernization proposals must be reviewed and recommended for approval by the designated Areawide Health Planning Agency prior to the rate review organization's permanent recognition of these expenditures in a health care institution's prospective level of payment.

5. Since a budget is an estimate of future needs and performance, health care institutions and the rate review organization must be able to request interim changes in levels of payment or adjustments to future levels of payment when major events occur which were unpredictable or uncontrollable by the institution. Such changes would include but not be limited to significant wage changes resulting from labor negotiations, major changes in occupancy, by legislation or inflation.

Such justifiable adjustments must be accomplished in a timely fashion so as to:

a. offset any associated loss

b. meet continuing financial needs, and

c. protect the working capital position of the institution.

6. An appropriate appeal mechanism for all parties should be established so as to conform to the substance of the procedures described in the Maryland Hospital Association *Statement of Principles for Payment to Providers.*

7. In each individual institution, the prospective rates must result in apportionment of financial requirements without discrimination among all purchasers of care with equal charges for comparable services.

8. All participating contracting agencies (third party payors) would be obligated to pay on the basis of the rate review organization's approved level of payment.

9. On the advice of institutions and contracting agencies, the rate review organization must develop a system of incentives which would encourage inter-institution coordination of services and internal cost control. Any system of incentives must be capable of being applied to all health care institutions and services on an equitable basis.

SENATE BILL NO. 359

An act to add new Sections 568H through 568X to Article 43 of the Annotated Code of Maryland (1965 Replacement Volume), to follow immediately after Section 568G thereof, title "Health," to be under the new subtitle "Health Services Cost Review Commission," providing for the establishment within the Health Department of a Commission to be known as the Health Services Cost Review Commission, to be appointed by the Governor, which Commission shall be charged with the duty to assure to all purchasers of health care institutional services that the cost of said institutions are reasonably related to the total services offered by the institutions, and to provide that the rates set by the institutions are in reasonable relationship to their aggregate cost, said rates being set without discrimination; providing for the powers, duties and functions of said Commission, and providing for appointments of staff and executive director, and relating generally to establishment of the Health Services Cost Review Commission in the State of Maryland

SECTION 1. Be it enacted by the General Assembly of Maryland, That new Sections 568H through 568X be and they are hereby added to Article 43 of the Annotated Code of Maryland (1965 Replacement Volume), title "Health," to be under the new subtitle "Health Services Cost Review Commission." and all to read as follows:

HEALTH SERVICES COST REVIEW COMMISSION

568–H

In creating the Health Services Cost Review Commission, the intent of the Maryland General Assembly shall be as follows:

a. The purpose of this act is to create a commission which will beginning July 1, 1971, cause the public disclosure of (1) the financial position of all hospitals and related institutions and (2) the verified total costs actually incurred by each such institution in rendering health services, computed by methods the Commission prescribes; and which after the expiration of three additional years will also review and certify as to the reasonableness of the rates established by these institutions. It will also be the Commission's responsibility to keep itself informed as to whether the financial resources of each institution are sufficient to meet its financial requirements and to concern itself with solutions when resources are inadequate.

b. After July 1, 1974, an additional responsibility of this Commission is to assure all purchasers of health care institutional services that the total costs of the institution are reasonably related to the total services offered by the institution; that the institution's aggregate rates are set in reasonable relationship to the institution's aggregate costs; and that rates are set equitably among all purchasers of services without undue discrimination.

568–I

The Governor of the State of Maryland shall create the Health Services Cost Review Commission, an independent commission functioning within the Department of Health and Mental Hygiene, the jurisdiction and powers of which shall extend to all hospitals, health care and related institutions as defined in Section 556 of this Article, whether they be operated as profit making or non-profit making institutions. This law shall not be construed to include any hospital or related institution operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts.

568–J

The Commission shall consist of seven (7) members, who shall be appointed by the Governor. The appointees shall be persons who are interested in problems of health care, of which four (4) shall be persons who have no connection with the management or policy of any hospitals or related institution. Of the initial appointees, two (2) members shall be appointed for a term of four (4) years; two (2) members shall be appointed for an initial term of three (3) years; two (2) members shall be appointed for an initial term of two (2) years; and one (1) member shall be appointed for an initial term of one (1) year. Thereafter, all appointments shall be for terms of four (4) years each. No member shall be eligible for appointment to more than two consecutive terms.

a. The Governor shall annually select a Chairman who shall select a Vice-Chairman. Meetings of the Commission shall be held

as frequently as its duties require. All meetings of the Commission except executive sessions shall be open to the public. The Commission shall hold no less than six (6) meetings per year. The Commission shall keep minutes of its meetings and adopt rules and regulations governing its meeting, minutes and transactions.

b. Four (4) members constitute a quorum, but a vacancy of the Commission does not impair its power to act. No action of the Commission shall be effective unless at least four (4) of its members concur therein.

c. Members of the Commission shall receive compensation as may be provided for in the budget, and they shall be reimbursed for all necessary and proper expenses that are incurred in the performance of their duties.

568–L

a. The Commission shall appoint, with the approval of the Governor, an executive director, who shall perform any and all duties, functions as prescribed by the Commission. The Commission shall employ such other staff as provided in the budget. In addition, the Commission may contract with third parties for any services that may be necessary to carry out its activities.

b. The executive director shall be the chief administrative officer of the Commission and shall be subject to the direction of the Commission. The executive director, deputy director and the principal section chiefs shall serve at the pleasure of the Commission.

c. To carry out the purposes of this subtitle, the Commission may also create committees from its membership and appoint advisory committees which may include as members individuals and representatives of interested public and private groups and organizations.

d. The Commission may apply for, receive and accept grants, gifts, payments and other funds and advances, appropriations, properties and services from the United States, the State of Maryland or any governmental body, agency or agencies or from any other public or private corporation or person, and enter into agreements with respect thereto, including the undertaking of studies, plans, demonstrations or projects.

568–M

In addition, to the powers granted to the Commission elsewhere in this subtitle, the Commission may:

(1) Adopt, amend and repeal rules and regulations respecting the exercise of the powers conferred by this subtitle, subject to the provisions of Article 41 of this Code applicable to the promulgation of rules and regulations.

(2) Hold public hearings, conduct investigations and require the filing of information relating to any matter affecting the cost of services in all institutions subject to the provisions of this subtitle and to subpoena witnesses, papers, records and documents in connection therewith. The executive director may administer oaths or affirmations in any hearing or investigation.

(3) Exercises, subject to the limitations and restrictions herein imposed, all other powers which are reasonably necessary or essential to carry out the expressed objects and purposes of this subtitle.

568–N

Any persons aggrieved by a final determination of the Commission under the provisions of this subtitle may appeal therefrom as provided by Sections 206A, 206B, 255 and 256 of Article 41.

568–O

a. The Commission shall by rule, after consultation with appropriate advisory committees and public hearings, specify a uniform system of accounting and financial reporting, including such cost allocation methods as it may prescribe, by which hospitals and related institutions shall record their revenues, expenses, other income and other outlays, assets and liabilities, and units of service. All institutions under the Commission's jurisdiction shall adopt the system for their fiscal year period, starting on or after April 1, 1972.

b. The Commission may allow and provide for modifications in the accounting and reporting system in order to correctly reflect differences in the scope or type of services and financial structure between the various categories, sizes or types of institutions subject to this subtitle and in a manner consistent with the purposes of this subtitle.

568–P

a. It shall be the duty of every hospital and related institution which comes under the jurisdiction of this subtitle to file with the Commission the following financial statements or reports in a form and at intervals specified by the Commission but at least annually:

(1) A balance sheet detailing the assets, liabilities and net worth of the institution for its fiscal year;

(2) A statement of income and expenses for the fiscal year; and

(3) Such other reports of the costs incurred in rendering services as the Commission may prescribe.

b. The annual financial statements filed pursuant to this section shall be prepared in accordance with the system of accounting and reporting adopted under Section 568–O. The Commission shall require the certification of specified financial reports by the institution's Certified Public Accountant and may require attests from responsible officials of the institution that such reports have to the best of their knowledge and belief been prepared in accordance with the prescribed system of accounting and reporting.

c. The Commission shall require the filing of all reports by specified dates, and may adopt regulations which assess penalties for failure to file as required.

d. All reports, except privileged medical information, filed under any provision of this subtitle shall be open to public inspection and shall be available for examination at the offices of the Commission during regular business hours.

568–Q

a. Whenever a further investigation is deemed necessary or desirable to verify the accuracy of the information in the reports made by institutions under this subtitle, the Commission shall have the authority to make any necessary further examination of the institution's records and accounts as the Commission may by regulation provide. Such further examinations under this section may include, but are not limited to, requiring a full or partial audit of all such records and accounts.

b. In carrying out the duties prescribed by this subsection, the Commission may utilize its own staff or may contract with any appropriate, independent, qualified third party.

No such contractor shall release or publish or otherwise use any information made available to it under its contractual responsibility unless such permission is specifically granted by the Commission.

568–R

From time to time, the Commission shall engage in or carry out analysis and studies relating to health care costs, the financial status of any institution subject to the provisions of this subtitle, or any other appropriate related matters, and it shall be empowered to publish and disseminate any information relating to the financial aspects of health care as it deems desirable in the public interest, and in accordance with the provisions of this subtitle. It shall further require the filing of information concerning the total financial needs of each institution and the resources available or expected to become available to meet such needs; including, but not limited to, the effect of proposals made by comprehensive areawide and state health planning agencies.

568–S

In addition to its other responsibilities under the provisions of this subtitle, the Commission shall be charged with the duty of preparing and filing such summaries, compilations, or other supplementary reports based on the information filed with the Commission hereunder as will advance the purposes of this subtitle. All such summaries, compilations and reports shall be open to public inspection and shall be made available to requesting agencies and shall be prepared within a reasonable time following the end of each institution's fiscal year or more frequently as specified by the Commission.

568–T

On or before the first day of October, 1972, and every year thereafter, the Commission shall prepare and transmit to the Governor, the Secretary of Health and Mental Hygiene and each member of the General Assembly a report of Commission operations and activities for the preceding fiscal year. This report shall include copies of all summaries, compilations and supplementary reports required by this subtitle together with such facts, suggestions and policy recommendations as the Commission deems necessary.

568–U

From and after July 1, 1974, the Commission shall have the power to initiate such reviews or investigations as may be necessary to assure all purchasers of health care institutional services that the total costs of the institution are reasonably related to the total services offered by the institution, that the institution's aggregate rates are reasonably related to the institution's aggregate costs; and that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.

In order to properly discharge these obligations, the Commission shall have full power to review and approve the reasonableness of rates established or requested by any institution subject to the provisions of this subtitle. No institution shall charge for services at a rate other than those established in accordance with the procedures established hereunder.

In the interest of promoting the most efficient and effective use of health care institutional service, the commission may promote and approve alternative methods of rate determination and payment of an experimental nature that may be in the public interest and consistent with the purposes of this subtitle.

568–V

To properly carry out its authority, the Commission shall:

(1) Immediately upon the effective date of this subtitle begin to compile all relevant financial and accounting data in order to have available the statistical information necessary to properly conduct rate review and approval. Such data shall include necessary operating expenses, appropriate expenses incurred for rendering services to patients who cannot or do not pay, all properly incurred interest charges, and reasonable depreciation expenses based on the expected useful life of the property and equipment involved. The Commission shall define and prescribe by rule the types and classes of charges which cannot be changed except as provided by the following procedure and it shall also obtain from each such institution a current rate schedule as well as any subsequent amendments or modifications of that schedule as it may require.

(2) (A) Permit any nonprofit institution subject to the provisions of this subtitle to charge reasonable rates which will permit the institution to render effective and efficient

service in the public interest on a solvent basis.

(B) Permit any proprietary profit-making institution subject to the provisions of this subtitle to charge reasonable rates which will permit the institution to render effective and efficient service in the public interest and which includes an allowance for a fair return to stockholders based upon actual investment or the fair value of the investment, whichever is less.

(3) In the determination of reasonable rates under this section for each institution, take into account the recommendations of appropriate areawide and State comprehensive health planning agencies to ensure compliance with Maryland comprehensive health planning law as found in Section 59C of Article 41 of the Annotated Code of Maryland.

(4) In considering a request for change in or initiating a review of rate schedules or other charges, permit any institution subject to the provisions of this subtitle to charge rates which will in the aggregate produce sufficient total revenue for the institution to meet all of the reasonable obligations specified herein.

From and after July 1, 1974, no institution subject to the provisions of this subtitle shall change or amend that schedule of rates and charges of the type and class which cannot be changed without prior approval of the Commission, except in accordance with the following procedure:

(1) Any request for a change in rate schedules or other charges must be filed in writing with such supporting data as the institution seeking the change deems appropriate. Unless the Commission orders otherwise as provided for hereunder, no institution shall establish such changes except after 30 days notice to the Commission. Upon receipt of notice, the Commission may suspend the effective date of any proposed change. In any such case a formal written statement of the reasons for the suspension will be promptly submitted to the institution. Unless suspended, any proposed change shall go into effect upon the date specified in the application.

(2) In any case where such action is deemed necessary, the Commission shall promptly institute proceedings as to the reasonableness of the proposal. The suspension may extend for a period of not more than 30 days beyond the date the change would otherwise go into effect; provided, however, that should it be necessary, the Commission may extend the suspension for an additional 30 days. After the expiration of 90 days the new rate will go into effect, if the Commission does not approve, disapprove or modify the request by that time.

(3) In any case where the Commission deems it necessary such proposals shall be considered at a public hearing, the time and place of which shall be determined by the Commission. The hearing shall be conducted by the Commission at which time evidence for and against the requested change may be introduced by any interested party and witnesses may be heard. The hearing may be conducted without compliance with formal rules of evidence.

(4) The Commission may, in its discretion, permit any institution to make a temporary change in rates which shall be effective immediately upon filing and in advance of any review procedure when it deems it in the public interest to do so. Notwithstanding such temporary change in rates, the review procedures set out herein shall be conducted by the Commission as soon thereafter as is practicable.

(5) Every decision and order of the Commission in any contested proceeding shall be in writing and shall state the grounds for the Commission's conclusions. The effects of such orders shall be prospective in nature.

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The Commission shall annually prepare a budget which shall include its estimated income and expenditures for administration and operation.

SECTION 2. And be it further enacted, That if any provision of this Act or the application thereof to any person or circumstances is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Act which can be given effect without the invalid provisions or application and to this end, all the provisions of this Act are hereby declared to be severable.

SECTION 3. And be it further enacted, That this Act shall take effect July 1, 1971.

WHITE HOUSE CONFERENCE ON AGING

Mr. BEALL. Mr. President, there presently is occurring at the White House an event of utmost importance to senior citizens. I am, of course, referring to the White House Conference on Aging. President Nixon has taken a personal interest in this Conference and addressed the delegates today.

As the ranking Republican on the Labor and Public Welfare Subcommittee on Aging, I am very much interested in the Conference. The final test of the conference will be not only in its recommendations, but also the extent to which Congress and the country take action to improve the conditions of senior citizens. These citizens during their working years have made possible the high standard of living which our citizens enjoy today, and we owe them an obligation to make certain that their retirement years will be lived in security, independence, and dignity.

I ask unanimous consent that the text of the President's address be printed in the RECORD. I am particularly pleased that the President will retain Dr. Flemming, not only during a follow-up period after the conference, but also as his personal consultant on aging. I am sure this action will help to make the closing of the conference a "beginning," as the President stated in today's address, and that the "promises made" will be fulfilled.

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

TEXT OF AN ADDRESS BY THE PRESIDENT TO THE WHITE HOUSE CONFERENCE ON AGING, WASHINGTON, D.C.

Many of you have made a very important pledge this morning, a very specific commitment to action in the post-Conference year. I have come here this morning to join you in that pledge.

This means I will give close personal consideration to the recommendations of this Conference. I have asked Dr. Flemming to stay on—not only as Chairman of this Conference in the follow-up period, but also as my special consultant on aging so that I can take up these matters personally with him, as well as with John Martin, my Special Assistant on Aging. I will put your recommendations at the top of the agenda of our Cabinet-level Committee on Aging—which is chaired by Secretary Richardson and on which Dr. Flemming also plays a leading role. And finally, I have asked Dr. Flemming to create a post-Conference board to act as your agent in following up on your proposals.

When matters that affect the interests of older Americans are being discussed, I am determined that the voice of older Americans will be heard.

As we consider your suggestions, we will be guided by this conviction: any action which enhances the dignity of older Americans enhances the dignity of all Americans. For unless the American dream comes true for our older generation, it cannot be complete for any generation.

This is true, first, because we all grow old. The younger generation today will be the older generation tomorrow. But more than that, the entire Nation has a high stake in a better life for its older citizens simply because it needs them. It needs the resources which they alone can offer.

We are speaking, after all, of a proven generation, one that has brought this country through the most turbulent period in human history. Its skills, its wisdom, its values, its faith—these are among the most valuable resources this Nation possesses.

This country will have to be at its best if we are to meet the challenge of competition in the world in the 1970s. And we cannot be at our best if we keep our most experienced players on the bench.

Yet in recent years a gulf has been opening between older Americans and the rest of our people. This gulf is the product, in large measure, of a great social revolution which has weakened the traditional bonds of family, neighborhood and community. For millions of older Americans, the result has been a growing sense of isolation and insecurity.

We must change that. Younger and older Americans need one another. We must find ways to bring the generations together again.

In addressing the challenges before us, let me begin where most of you begin: with the problem of inadequate income. If we move on this front, all the other battles will be easier. If we fail to move here, the other battles will be impossible.

That is why it is so important that the Congress approve one of the most important bills to come before it in many years—the bill which is known as H.R. 1—and approve it without delay. For this legislation would revolutionize our whole approach to income problems among the elderly.

For the first time in our history, it would put a national floor under the annual income of every older American. For the first time in our history, it would make social security benefits inflation-proof.

It would also allow social security recipients to earn more money from their own work. It would raise benefit levels, especially for widows. And I hope the Congress will also include in H.R. 1 my proposal for eliminating the $5.60 monthly fee now charged for Part B of Medicare.

H.R. 1—as it now stands—would provide some 5½ billion dollars in additional Federal benefits to older Americans: 3 billion dollars in increased social security benefits, and—when it is fully effective—another 2.5 billion dollars in new benefits to persons with lower incomes. My proposal to eliminate the monthly Medicare fee would enrich this 5.5 billion dollar package by an additional 1.4 billion dollars—the equivalent of an additional 5 percent increase in social security.

As we work to increase Federal benefits for older Americans, we must also work to reduce the pressure of taxes. We are therefore supporting a series of tax reform proposals which would enable a single person age 65 or older to receive up to $5,100 of tax free income. A married couple, both of whom are 65 or older, could receive over $8,000 in tax-free income if these changes take effect.

However, one of the most onerous of all taxes for older Americans is largely unrelated to income. I refer, of course, to the property tax—which keeps going right on up, even when an older person's income is going down. In fact, property tax collections have increased by some 40 percent in the last five years alone.

Nearly 70 percent of older Americans own their own homes. For many, these homes represent a lifetime of careful saving. And yet, because of property taxes, the same home which has been a symbol of their independence often becomes a cause of their impoverishment.

Even older persons who rent their homes often bear an unfair burden, since property tax increases are often passed along in the form of higher rents. And the inequity of the property tax is often all the greater because it takes money from those who have already educated their own children and uses it largely for the education of others.

I received a letter recently from a woman whose parents brought her and five other children to this country from Switzerland many years ago. They settled in California as homesteaders, full of hope and pride. And over the years that followed they made their dreams come true.

But today—many years later—things have changed, so much so that Mrs. Ewing begins her letter to me by asking, "Was it just an empty dream after all?" Her father—at 73—is too ill and tired to work. His family is grown and scattered. And to meet his real estate taxes he is now being forced to sell the property for which he worked so hard and so long. "If this is really the country I grew up believing it to be," Mrs. Ewing continues, "these inhumane tax laws must be changed. . . ."

I agree. We need a complete overhaul of our property taxes and of our whole system for financing public education. Our revenue sharing program can help relieve the pressure on property taxes and older Americans have a large stake in its enactment. But additional reform is also needed.

I am therefore preparing specific proposals to ease the crushing burden of property taxes for older Americans, and for all Americans.

The President's Commission on School Finance, which I appointed last year, has been carefully studying a range of possible remedies. It is clear that these remedies will involve large sums of money. We are prepared, however, to make the hard decisions we will have to make. The time has come to stop talking about the impact of property taxes on older Americans and to act in their behalf, and in behalf of other citizens in similar circumstances.

A second major problem affecting the income of older persons is the inadequacy of private pension plans.

I will therefore propose to the Congress a new program to reform our private pension system. This program will include measures designed to expand pension coverage and to ensure that pension funds are soundly and honestly managed. I will also recommend new laws to require the vesting of pensions—to ensure that the benefits which accumulate in a person's working years are paid to him when he is older.

Lately, of course, we have been giving high priority to another effort that has special meaning for older Americans: the drive to curb the rise in the cost of living. When wages and prices rise unreasonably for the few, the result is an unreasonable decline in the purchasing power of the many. By holding wage increases to reasonable levels for those who are working, we will help to protect the incomes of those who are retired.

I have appreciated the support that older Americans have given to this effort—and I am determined that as we achieve our new prosperity, it will be a new prosperity without inflation, and therefore without the hidden tax that hits so cruelly at those on fixed incomes.

As the income position of older Americans improves, so will their ability to cope with many of the other problems you have been discussing. But even with higher income, many older person will still face problems beyond their individual control.

Take the one million Americans who live in nursing homes, for example. Many of them—like my 91-year-old aunt in California—receive excellent care in pleasant surroundings. But many do not—and there is little they can do about it. This is why I announced last summer an 8-point program for improving our Nation's nursing homes and for cutting off funds to those which remain substandard.

Our primary objective is the upgrading of nursing homes. But we will not hesitate to cut off funds from homes which are hopelessly substandard. Furthermore, we will take the initiative in making sure that public and private resources are available to provide alternative arrangements for the victims of such homes.

But nursing homes are only one part of the picture. The greatest need is to help more older Americans to go on living in their own homes. Income programs and tax reforms can help us achieve this objective. And so can a number of additional decisions which we already have made.

We want to begin by increasing the present budget of the Administration on Aging nearly five-fold—to the $100 million level. We plan to give special emphasis to services that will help people live decent and dignified lives in their own homes—services such as home-health aides, homemaker and nutrition services, home-delivered meals and transportation assistance. Much of this new money will be used to help marshal existing and expanded resources more effectively at the local level.

Toward this end, I will direct the Social Security Administration to provide an information center in each of its 889 district and branch offices to help explain all Federal programs which aid the elderly.

We have made two additional administrative decisions which will also help older Americans to remain in their own homes. The first will make housing money more readily available to older citizens to purchase homes in a variety of settings, including condominium apartments and retirement communities. The second will require that Federal grants which provide services for older persons also provide for the transportation they need to take advantage of these services.

Some of the best service programs for older Americans are those which give older Americans a chance to serve. Thousands of older Americans have found that their work in hospitals and churches, in parks and in schools gives them a new sense of pride and purpose even as it contributes to the lives of others.

Federal programs to provide such opportunities have proven remarkably successful at the demonstration level. But now we must move beyond this demonstration phase and establish these programs on a broader, national basis. I will therefore request that the Retired Senior Volunteers Program be tripled to $15 million, so that an additional 50,000 volunteers can be involved. I will request that the Foster Grandparents program be doubled to $25 million and will ask that this program be altered so that foster grandparents can work with older persons as well as with children.

I have also ordered that our jobs program for older persons with low incomes be doubled to $26 million. Under this program, projects such as Green Thumb and Senior Aides have demonstrated that older Americans can make valuable contributions in health, education and community service projects even as they earn additional income.

Older persons can be proud of how well they have made all these programs work in recent years. These decisions mean they will now be able to work in more places and for more people.

I have spoken this morning about some of the immediate steps I am taking as a part of my commitment to action. We are proud of these initiatives—but we are not content to rest on them. Instead, we want to build on them. That is why I have outlined a mechanism for following up on this Conference—one which will allow us to take the fullest advantage of the excellent work which you have done.

Any discussion of recommendations for dealing with the problems of the aging would not be complete without recognizing the strong support expressed at this conference for extending medicare coverage to include prescription drugs, and for accelerating the rate at which the income floor comes into effect under H.R. 1.

As you know, these proposals involve very difficult budgetary problems for the Government.

However, because of the interest which conference delegates have expressed in these changes, I have directed the Domestic Council to carefully consider both proposals and to make recommendations to me at an early date.

Your work is not yet over. You have a message to take home with you from this Conference—a message which must now be heard in every community in this land.

The message is simply this: We need a new national attitude toward aging in this country—one which fully recognizes what America must do for its older citizens, and one which fully appreciates what our older citizens can do for America.

Only a new national attitude toward aging can end the "throw away psychology" which, I understand, was so graphically demonstrated in the film you saw last Sunday night. Only a new attitude toward aging can reopen the doors of opportunity which have too often been closing on older men and women. And—to borrow another phrase from your multimedia presentation—only a new attitude toward aging can keep older Americans from "slipping through the cracks."

We are entering a period when people will be retiring even earlier from their regular jobs—and when it will therefore be more important than ever to recognize that retirement from work does not mean retirement from life. This concept must be at the heart of our new national attitude toward aging.

A few months ago I met a remarkable man by the name of George Black. For more than eighty years, Mr. Black has been making bricks by hand in Winston-Salem, North Carolina. George Black is 93 years old—but this does not mean that his productive days are over.

Recently our Government sent George Black to the country of Guyana in South America, so that he could share his skills with people in that land. When he was asked about his trip, Mr. Black made this comment: "I have always asked the Lord," he said, "to let my last days be my best days. I feel like he's answering my prayers."

George Black's prayer is the prayer of millions of Americans—"to let my last days be my best days." And for them—as for him—its answer depends not only on what they are given but on what they continue to give.

Older Americans have much to give to their country. The best thing this country can give to them is the chance to be a part of it—a chance to play a continuing role in the great American adventure.

In a real sense, this Conference is just beginning. For all of us are going home with promises to keep. As we keep those promises—as we fulfill our commitments to action—we will make this Conference the great New Beginning you have talked about this week. And we will help make the last days the best days for all of our countrymen.

IMPROVING THE HANDLING OF CONSTITUENT COMPLAINTS

Mr. HARTKE. Mr. President, on June 23 I introduced S. 2134, an act to establish an Office of Constituent Assistance. At the time, I stated my belief that the ever-increasing volume of constituent requests and complaints required the establishment of a central office which would assist Members of Congress in the processing of this correspondence.

I also noted that an Office of Constituent Assistance would assist Congress in performing its legislative oversight function. Too little attention has been given to this important function. Legislation is passed after extensive deliberation, but there is often not enough time to follow through on the implementation of that legislation. Members of Congress cannot anticipate the problems which arise from the bureaucratic implementation of legislative policies. Yet, our responsibility does not end with the passage of a bill.

The Office of Constituent Assistance will help us to monitor the implementation of important pieces of legislation. When it is established, we will have, for the first time, one central office which will be able to put together the pieces of the puzzle which presently reside in 535 different offices. Under the existing system, we cannot tell whether five letters during the course of 1 month each of which complains about the same alleged bureaucratic abuse represent a significant pattern. But a central office to which have been referred those five letters together with similar letters from other congressional offices could make such a determination with ease. It could also report its findings of bureaucratic abuses and errors to the Congress for legislative action.

The Office of Constituent Assistance that I propose is not a luxury; it is a necessity if we intend to serve our constituents and perform our other responsibilities with the diligence required of our high office. I emphasize now, as I did when I offered the proposal in June, that this office would in no way supersede a Member of Congress. Constituent complaints handled by the Office would be only those referred to it by Senators and Representatives; and the Office's responses to those complaints would be sent to the Member who referred the complaint in the first instance.

Recently, the ombudsman committee of the administrative law section of the American Bar Association revised its position on ombudsman proposals to encourage experiments on the Federal level with the establishment of "an ombudsman or ombudsmen for limited geographical area or areas, for a specific agency or agencies or for a limited phase or limited phases of Federal activity."

In another recent development, Roger C. Cramton, chairman of the Administrative Conference of the United States delivered a paper entitled "A Federal Ombudsman?" Among the subjects discussed was the possibility of using the Administrative Conference to perform ombudsman functions on the Federal level.

Mr. President, while I do not contend that S. 2134 establishes an ombudsman, I believe that these two recent developments highlight the need for a Federal office of this type. I therefore ask unanimous consent that both the ABA statement and the paper delivered by Mr. Cramton of the Administrative Conference be printed in the RECORD.

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

AMERICAN BAR ASSOCIATION, ADMINISTRATIVE LAW SECTION, OMBUDSMAN COMMITTEE—THE OMBUDSMAN

1. DEFINITION

The Ombudsman is an independent governmental official who receives complaints against government agencies and officials from aggrieved persons, who investigates, and who, if the complaints are justified, makes recommendations to remedy the complaints.

2. BASIC CONCEPT

The Ombudsman system is one of the institutions essential to a society under the Rule of Law, a society in which fundamental rights and human dignities are respected. Human rights are not protected simply by constitutions or legislation, by guarantees or speeches, by proclamations or declarations, but primarily by the availability of remedies. The Ombudsman system is one of the remedies which seeks to preserve human rights.

3. REASONS FOR OMBUDSMAN

(a) The post-World War II growth of the welfare state. Government grew in size and extensive powers were given to agencies. Protection is needed against executive and administrative mistake and abuse of power.

(b) The activities of public administration have become so comprehensive and the power of the bureaucracy so great that the legal status of the individual needs additional protection.

(c) Existing mechanism—courts, legislatures, the executive, administrative courts, and administrative agencies—are not sufficient to cope with the grievances of the aggrieved and there is a need for a supplementary institution.

(d) The presence of the Ombudsman has psychological value. His office gives the citizen confidence that there exists a watchdog for the people who will hold government accountable.

(e) The legislature traditionally concerned with the observance of laws and rulings by public officials has at the same time extensively delegated powers to the administrative authorities. The Ombudsman can serve to aid the legislature in its function of supervising the executive and administrator.

(f) The Ombudsman gives the citizen an expert and impartial agent without personal cost to the complainant, without time delay, without the tension of adversary litigation, and without requirement of counsel or the intervention of those highly placed.

4. TYPES OF ACTION OR INACTION WHICH GIVE RISE TO COMPLAINTS

(a) The Ombudsman investigates complaints arising from administrative action or inaction as a result of which any person has been aggrieved. Such types of action or inaction are:

(1) Injustice.
(2) Failure to carry out legislative intent.
(3) Unreasonable delay.
(4) Administrative error.
(5) Abuse of discretion.
(6) Lack of courtesy.
(7) Simple clerical error.
(8) Oppression.
(9) Oversight.
(10) Negligence.
(11) Inadequate investigation.
(12) Unfair policy.
(13) Partiality.
(14) Failure to communicate.
(15) Rudeness.
(16) Maladministration.
(17) Unfairness.
(18) Unreasonableness.
(19) Arbitrariness.
(20) Arrogance.
(21) Inefficiency.
(22) Violation of law or regulations.
(23) Abuse of authority.
(24) Discrimination.
(25) Disability to act.
(26) Errors, mistakes, carelessness.
(27) Disagreement with discretionary decisions.
(28) Inconsistent with general course of an agency's function.
(29) Mistakes in law or arbitrary in ascertainment of facts.
(30) Based on irrelevant consideration.
(31) Unclear or inadequately explained when reason should have been revealed.
(32) Inefficiently performed.
(33) All other acts of injustice that frequently the governors inflict upon the governed, intentionally or unintentionally.

(b) The Ombudsman may also recommend clarification, amendment, or initiation of legislation and administrative rules and regulations.

5. AMERICAN BAR ASSOCIATION RESOLUTION

The following Resolution dealing with the establishment of an Ombudsman was adopted by the American Bar Association at the Midyear Meeting of the House of Delegates in 1969:

Be it Resolved, That the American Bar Association recommends:

1. That state and local governments of the United States should give consideration to the establishment of an ombudsman authorized to inquire into administrative action and to make public criticism.

2. That each statute or ordinance establishing an ombudsman should contain the following twelve essentials: (1) authority of the ombudsman to criticize all agencies, officials, and public employees except courts and their personnel, legislative bodies and their personnel, and the chief executive and his personal staff; (2) independence of the ombudsman from control by any other officer, except for his responsibility to the legislative body; (3) appointment by the legislative body or appointment by the executive with confirmation by a designated proportion of the legislative body, preferably more than a majority, such as two-thirds; (4) independence of the ombudsman through a long term, not less than five years, with freedom from removal except for cause, determined by more than a majority of the legislative body, such as two-thirds; (5) a high salary equivalent to that of a designated top officer; (6) freedom of the ombudsman to employ his own assistants and to delegate to them, without restraints of civil service and classification acts; (7) freedom of the ombudsman to investigate any act or failure to act by any agency, official, or public employee; (8) access of the ombudsman to all public records he finds relevant to an investigation; (9) authority to inquire into fairness, correctness of findings, motivation, adequacy of reasons, efficiency, and precedural propriety of any action or inaction by any agency, official, or public employee; (10) discretionary power to determine what complaints to investigate and to determine what criticisms to make or to publicize; (11) opportunity for any agency, official, or public employee criticized by the ombudsman to have advance notice of the criticism and to publish with the criticism an answering statement; (12) immunity of the ombudsman and his staff

from civil liability on account of official action.

3. That for the purpose of determining the workability of the ombudsman idea within the Federal government, the Federal government should experiment with the establishment of an ombudsman for limited geographical area or areas, for a specific agency or agencies or for a limited phase or limited phases of Federal activity.

4. That establishment of a Federal government-wide ombudsman program should await findings based upon the experimentation recommended.

Be it Further Resolved, That the Section of Administrative Law is authorized to present the views of the Association and to encourage the establishment of ombudsmen in accordance with the provisions of this Resolution, by all necessary and appropriate means.

6. BIBLIOGRAPHY

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4. Gellhorn, Walter, *Ombudsmen and Others: Citizens' Protectors in Nine Countries,* (Cambridge, Harvard University Press, 1966).

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6. Rowat, D. C. (ed), *The Ombudsman: Citizen's Defender,* University of Toronto Press, Second Edition, 1968.

7. "The Ombudsman: A Symposium," *Administrative Law Review, The,* Vol. xix #1, November, 1966, pp. 6–106.

8. Frank, Bernard, "The Ombudsman and Human Rights," *Administrative Law Review, The,* Vol. 22 #3, April, 1970, pp. 467–492.

9. Tibbles, L. and Hollands, John H., "Buffalo Citizens Administrative Service: An Ombudsman Demonstration Project," *Institute of Governmental Studies,* University of California, Berkeley, 1970.

10. 32nd American Assembly Final Report, "The Ombudsman," Columbia University, October 1967. (Available from Chairman on request)

11. The Ombudsman or Citizen's Defender: A Modern Institution, The Annals, Vol. 377, May, 1968.

12. Ombudsmen–1967. A Compilation of State Proposals, United States Senate, Subcommittee on Administrative Practice and Procedure, November, 1967, U.S. Government Printing Office.

Attention is called to the following Bibliographies:

1. Bibliography on the Ombudsman by Randy Hamilton, School of Public Administration, University of Southern California, University Park, Los Angeles, California, 90007.

2. Ombudsman-Citizen Defender, Bibliography prepared by Charles L. Smith for the Friends Committee on Legislation of California, 2160 Lake Street, San Francisco, California.

7. OMBUDSMAN COMMITTEE

American Bar Association, Administrative Law Section, Chairman, Milton M. Carrow, New York, N.Y.

Ombudsman Committee, Chairman, Bernard Frank, 832 Hamilton Street, Allentown, Pennsylvania 18105.

For further information with respect to the Ombudsman, write to Chairman, Bernard Frank.

A FEDERAL OMBUDSMAN?*

(By Roger C. Cramton**)

*Remarks prepared for delivery at the Administrative Law and Procedure Committee of the Federal Bar Association annual meeting in New Orleans, Louisiana, on September 9, 1971.

**Chairman, Administrative Conference of the United States. The views expressed herein are not necessarily the views of the Administrative Conference.

I. NATURE OF THE PROBLEM

Big government in a welfare society has multiplied the relations between governmental agencies and ordinary individuals, while at the same time the increased size and remoteness of agencies has made them much more impersonal. Meanwhile, citizens are no longer willing to accept passively whatever bureaucrats decide or provide. Government agencies that have traditionally operated with largely unencumbered discretion, for example, the decisions of social workers regarding welfare recipients, are being asked to take heed of the views of those affected. A veritable revolution in citizen attitudes toward the exercise of delegated powers is under way, signified by such slogans as "citizen participation" and "civil accountability."

The social demand for improved complaint-handling devices has its roots in relationships between democratic theory and administrative practice. Democratic theory requires the existence of satisfactory institutions for insuring that the exercise of administrative power remains accountable to the people.[1]

Accountability has several facets: First, the elected representatives of the people must retain and exercise responsibility for the delegated authority of appointed officials. Second, administrative agencies must establish effective machinery for insuring justice in individual cases and for handling complaints of injustice. And, finally, an external and impartial complaint-handling mechanism should be available to the citizen who has a grievance against government.[2]

Despite the generally high level of federal administrative performance, mistake and failure is an evitable part of any human institution. Persistent bureaucratic maladies—arrogance, insensitivity, inflexibility, haste or carelessness, and incompetence—assure a steady stream of grievances and irritations that need airing and cleansing.[3]

The direction of social change is expanding the number of these grievances and accentuating the importance of dealing with them. Citizens are more affected by government's expanded activities and thus opportunities for collision are more frequent. Citizen expectations of the levels of service to which they are entitled are constantly rising. And the complexity and impersonality of modern life produce new irritations since the citizen no longer can meaningfully relate to or understand many of the forces which appear to control his destiny.

Better devices for handling citizen complaints provide the possibility of increasing the level of citizen satisfaction with government, raising the average level of governmental performance, and providing a powerful tool for searching out trouble spots and devising solutions before a crisis develops. Responsiveness to citizen complaints may help otherwise alienated individuals feel that they are participating in governmental decision-making, and alleviate the growing frustration of the "you can't fight city hall" syndrome.

Preoccupation with complaint-handling mechanisms, however, should not obscure the fact that those who complain are not a random sample of the whole population. We need to know more about the characteristics of those who complain as against those who don't; the representativeness of the complaints that are filed of the total universe of aggrieved feelings; and the proportion of meritorious complaints in both segments of the population. Just as the consumer movement tends to be dominated by college-educated housewives of above-average income—precisely the group that is best able to cope with market conditions—the population of complainants is likely to be unrepresentative of the larger universe. Thus examination of complaints, while important, is not a substitute for systematic observation of the totality of administrative decisions.

II. CHARACTERISTICS OF AN IDEAL COMPLAINT-HANDLING INSTITUTION

The vast literature on the ombudsman [4] and related problems has reached a point of sophistication that makes it possible to summarize some of the essential characteristics of an ideal complaint-handling institution. The ideal complaint-handling institution would be (1) widely available; (2) highly visible; (3) client centered; (4) independent; (5) expert within its sphere of competence; and (6) capable of developing general recommendations for the improvement of complaint-producing situations.[5]

With the profusion of specialized agencies and services, there is need for an information, referral and complaint service that can provide a citizen with a needed service or refer him without delay to an agency that can handle his problem effectively. Ideally, a local office in each community, easily accessible by mail, telephone or in person, should provide information concerning governmental and other services; refer citizens to appropriate agencies for help and action; assist citizens in formulating complaints against local, state or federal agencies; forward the complaint to an appropriate complaint-handling institution; and monitor the action taken on any referral or complaint.

Existence of a complaint-handling mechanism, of course, will not accomplish much if the citizenry is unaware of its existence. The information problem is a serious one, especially if people of lower income are to be adequately served. The difficulty of educating the public about multiple complaint-handling agencies suggests the desirability of concentrating on one (or a few) agencies that are highly visible, widely available, and well publicized. A single local office, operated jointly by federal and state governments, should be able to link citizen complaints to a variety of complaint-handling agencies.

An ideal complaint-handling device would also be "client centered" in the sense that it would be organized to serve the convenience of the people for whom it is created rather than that of the professionals who staff it.

It should also be independent. Independence has two facets: (1) the person to whom the complaint is made should be external and independent of the government agency against which the complaint is directed; and (2) the complaint-handling institution should be independent of partisan politics.

A good complaint-handling institution must be expert within its sphere of competence. A complaint-handling institution must have personnel with highly specialized skills as well as intelligence and judgment to deal sensitively and prudently with a broad range of complaints against government. But it must also operate within limits set by accepted norms applicable to governmental administration. It must eschew controversial questions of momentous policy. Its function is not that of the policy-maker, innovator or advocate of social change, but that of testing administration by accepted standards.[6]

Finally, an ideal complaint-handling institution must have the capability to develop general recommendations to ameliorate

Footnotes at end of article.

complaint-producing situations. The pursuit of "justice in the individual case" has sometimes blinded us to aggregative phenomena that are of far greater significance than discrete controversies.[7] An ideal complaint-handling institution will utilize the systematic investigation of individual complaints as the basis for developing cumulative information for needed change. Patterns emerge from the analysis of complaints and this information can be used in order to change the system so that future complaints or injustice are less likely to occur. Most complaint-handling institutions fail to make systematic use of complaints to develop recommendations for general change.[8]

III. EXISTING FEDERAL COMPLAINT-HANDLING DEVICES

There are a wide variety of existing federal devices by which dissatisfied persons may seek consideration of complaints of alleged governmental error: intra-agency appeal; judicial review; legislative casework; and external scrutiny by executive and legislative budget and finance officers. The general manner of operation of these remedies is well known; and their application of citizen complaints is usefully surveyed in Walter Gellhorn's excellent book, *When Americans Complain.*[9]

Agency complaint-handling mechanisms, of course, are limited to the sphere of activity of the agency; hence they are bound to be specialized in terms of subject-matter or geographic area or both. In this respect, agency complaint-handling differs from the ombudsman pattern and from congressional casework, which both offer a generalized, more universal remedy.

Even more important, since the agency will be passing on complaints against itself, agency complaint handling lacks the degree of independence that an ombudsman or other outside critic will have. Independence, of course, is a matter of degree; internal separation of functions and a tradition of autonomous, high-level agency review may be more important than the mere appearance of agency domination. Only a small number of federal agencies, however, have created high-level complaint-handling offices that operate with a considerable degree of autonomy and independence. In most agencies complaints are handled by the same persons who were responsible for making the decisions complained of. There is good reason under such circumstances to be suspicious of the objectivity of the agency complaint-handling process.[10]

Further information is also needed concerning the difference in the handling of a complaint depending upon its source. It is generally accepted that complaints forwarded from Congress or the White House receive much more careful and expeditious treatment than complaints sent directly to the agency. If so, the result is a curious one since it discriminates against the person who proceeds through ordinary channels. Other significant differences in agency complaint handling may turn on the nature of the source of a complaint, the official to whom it is addressed (inside or outside the agency), or the form in which the complaint is cast.

Agency complaint-handling is important in itself and in relation to congressional and White House complaint handling since the latter devices largely depend upon referrals to the agencies. Whether or not proposals for an ombudsman at the federal level are accepted, the improvement of agency complaint-handling mechanisms is desirable. Perhaps a general improvement could be accomplished by having certain types of complaints handled or reviewed by a high-level office independent of the bureau complained of. This office might also generate proposals for organizational or procedural change that would reduce complaint-producing incidents.

Aside from judicial review and the oversight provided by fiscal and budget offices (*i.e.*, Office of Management and Budget, General Accounting Office), the only general complaint-handling mechanisms at the federal level are the result of the special treatment given to complaints addressed respectively to the President or to a member of Congress.

The President receives about 40,000 letters a year which seek assistance in matters involving federal activities. These letters are referred to various federal agencies for handling. The subject matter of these letters runs the gamut of federal activities, with the proportion largely dependent upon the number of persons that a program affects: thus social security is at the top of the list, followed by military and draft problems, taxes, veterans' benefits, etc. The subject matter breakdown of the White House letters is highly suggestive of the types of letters that a federal ombudsman would likely receive.[11]

The Civil Service Commission and the General Services Administration have experimented with methods of providing information to citizens about federal programs and activities. A complaint-handling experiment known as "The President's Listening Post" was set up in Philadelphia as a means of facilitating communications from citizens to the President. Letters were referred to federal agencies which had functional responsibilities with respect to the matters dealt with in the letters. The program is being phased out because, even though it was highly publicized in the Philadelphia area, it did not produce many letters.

The "Listening Post" approach has been replaced by what seems like a much better idea: centers located in federal office buildings throughout the country which provide information to citizens and refer them to the proper agency to handle their problem.

Complaint handling by Members of Congress, Walter Gellhorn states, speeds agency action and produces an outcome more favorable to the complainant in about 10 percent of the cases.[12] The favorable results include many cases in which a better (*i.e.*, more correct) result was reached; in these cases, the efforts of congressional staff have "humanized" the administrative process by overcoming the unimaginativeness or inflexibility of bureaucrats. But in other cases, the favorable outcome is merely preferential treatment that citizens not utilizing the congressional approach will not get.

The great deficiency of congressional casework is its preoccupation with the single instance rather than with the general problem. One of the major benefits of a good complaint-handling system—its use to generate changes that will improve the routine performance of the system—is almost entirely lost.

Congressional casework also may undermine administrative responsibility and fairness by giving favored treatment to those who complain through political channels. Finally, the quality of congressional casework is markedly uneven. Some is excellent, but too often it consists only of a perfunctory reference to the agency involved without any specialized competence or independent judgment being brought to bear.

IV. THE CASE FOR AND AGAINST A FEDERAL OMBUDSMAN

Does the United States need a new, all-purpose complaint-handling institution? Should the ombudsman concept be applied to the Federal Government?

An ombudsman is an independent, impartial, and easily accessible expert in government who receives and investigates individual complaints of alleged governmental error. He reports on them, and may publicize his findings, but has no power to change administrative decisions.

The beneficial aspects of the ombudsman in other countries are said to be: *first*, cases of maladministration have been detected and put right; *second*, recommendations arising out of complaint investigation have changed governmental organization, procedure or policy so that error is less likely to occur in the future; and *third*, the possibility of independent scrutiny of governmental actions has resulted in increased citizen confidence in government and has had a "tonic effect on administration."

Actual statistics of ombudsman activity do not overwhelm the objective critic. The number of instances of maladministration that are put right in any given year tends to be quite small—infinitesimal when compared to the total volume of administrative actions. A very high proportion of complaints is rejected on jurisdictional grounds or found to be unjustified after investigation.[13] Only a modest number of general changes in administration can be traced to recommendations of the ombudsman. Thus it is not surprising that enthusiasts of the institution tend to emphasize its "tonic effect on administration"—a somewhat subjective quality that is difficult to assess but nevertheless may be very real.

There is also a tendency in discussions of the ombudsman to omit any consideration of possible negative features of the institution. On the debit side, however, there is something to be said.

The cost of the ombudsman operation, although relatively slight (on the order in Hawaii of $100 for each complaint filed with the ombudsman), must be balanced against the expected benefits. In terms of relative costs, however, an ombudsman may be far cheaper than alternative grievance-handling devices that involve lawyers and formal legal proceedings.

Investigation of complaints imposes extra work on administrative agencies and, more seriously, may dilute their responsibility and result in cautious, insipid administrative action. This problem is accentuated, of course, if the ombudsman undertakes to second-guess administrators on issues of substantive policy or priority for scarce agency resources.[14] Despite these negative features, the general experience in other countries has been thought to be very good indeed.[15]

Proposals to apply the ombudsman concept to the Federal Government have been objected to on several grounds. The statement is frequently made that the Federal Government is too large and complex to support the ombudsman concept. Although the size of our nation does pose practical problems, it is not in the American spirit to give up on a problem because the need is so great.

It is true that an ombudsman at the federal level, if his existence was well-known, would receive a large volume of complaints. This suggests the relevance of the British experience, where the requirement that the ombudsman act only on complaints forwarded by members of Parliament operates to filter out matters less deserving of consideration. Nevertheless, a federal ombudsman would almost certainly require a large and specialized staff to handle with sufficient expertise complaints arising throughout the broad range of governmental activities. Whether such bureaucractization would somehow impair the operation of the institution is an open question. At the least, some compromise with the ideal of the ombudsman as a personalized institution would be required.

It is also true that many complaint-handling institutions already exist in the Federal Government. Formal remedies, however, whether administrative or judicial, are more expensive and time-consuming than the ombudsman; while others, such as congres-

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sional casework and letters to the President rely for the most part on the agencies involved to handle and review the forwarded complaint. Also, these devices have not been effectively used to generate proposals for general improvement of the administrative process.

The principal reasons for the failure to apply the ombudsman concept to the Federal Government, however, are first, the reluctance of Congress to jeopardize an activity—handling requests by constituents—that aids reelection, and second, fear on the part of administrators that an ombudsman would impair their powers. The former concern, whether appropriate or not, must be taken as a political fact of life. It again suggests the desirability of following the British approach.

The second concern raises again the principal defect of the ombudsman concept: that it may detract from the responsibility of agency officials, especially if the ombudsman is not careful to limit his concern to accepted norms of administration or matters of procedure.

Recent proposals for an ombudsman at the federal level have taken two forms: (1) experimentation with the ombudsman concept in particular subject-matter or geographic areas; and (2) creation of a legislative office to handle complaints at the request of members of Congress.

A current bill sponsored by Senator Javits is illustrative of an experimental federal ombudsman of limited nature and duration.[16] The bill provides for an Administrative Ombudsman who is authorized for a three-year period to conduct demonstration projects in three geographic areas in the United States (one of which is to be the District of Columbia). Appointed jointly by the President pro tempore of the Senate and the Speaker of the House, the Administrative Ombudsman would investigate written complaints of any person that any administrative action was improper or erroneous. This broad scope of review would be applied, however, only to actions of four Federal agencies (HEW, HUD, Labor, and OEO) involving health, education, and antipoverty programs, and employment and manpower training programs.[17] The ombudsman is authorized to make recommendations but cannot require agency compliance. The bill also provides for an American Ombudsman Foundation to perform studies and evaluate the ombudsman concept at the Federal, State, and local level.

A second type of proposal would create a congressional ombudsman to help congressmen handle their casework. For a number of years, Representative Reuss was the proponent of a series of bills which were designed to establish a congressional ombudsman. The new official, appointed jointly by the Speaker of the House and the President pro tempore of the Senate "without reference to political affiliations and solely on the basis of his fitness to perform the duties of his office," would "review the case of any person who alleges that . . . he has been subjected to any improper penalty, or that he has been denied any right or benefit to which he is entitled . . . or that the determination or award of any such right or benefit has been . . . unreasonably delayed, as a result of any action or failure to act on the part of any officer or employee of the United States." This review would be undertaken only at the request of a member of Congress; and the findings and recommendations would be reported to the member who referred the matter to the congressional ombudsman.[18]

The major feature of the congressional ombudsman is that, like the British counterpart, complaints must be funneled through a legislator's office. This limitation may be defended on grounds of expediency (Congress may be more willing to create an instrumentality which does not displace its role in handling constituents' complaints) and of practicality (screening by congressional offices may remove any frivolous complaints and limit the total number of matters that must be handled).

Centralizing congressional casework has much to be said in its favor. Wasteful duplication of effort arising from constituent letters to more than one Congressman would be eliminated. A specialized, expert staff would do a more uniform and better job of investigating and handling complaints. Congressional staff, relieved from routine casework (but only at the option of the individual Congressman!), would be able to devote more energy to general legislation. Finally, and most important, the centralization of the casework function in a single office would enable it to recommend the elimination of the conditions and practices that produce meritorious complaints. This feedback and generalization function, which should be a prime objective of any good complaint-handling system, would give rise to general improvement in government organization and procedure.

A further advantage of the congressional ombudsman approach is that it builds on an existing institution—congressional case-handling—which is well established and fairly well known. If wide publicity were to be given to the device, it might receive even greater use. It should not be necessary, for example, for a citizen to know his Congressman's name in order to voice a complaint; arrangements should be made so that letters or telephone calls to "Congress" or "Congressional Ombudsman" or other simple designation would be communicated to the Member of the House in whose district the constituent is situated. Since the device would be available for all complaints against the Federal Government (with very limited exceptions), the educational task of acquainting the citizenry with the availability and potential of the device should be fairly easy. Its availability could also be included in the service provided by information centers in all major federal office buildings, which should in any event provide an adequate information and referral service with respect to all federal agencies and activities.

V. ROLE OF THE ADMINISTRATIVE CONFERENCE

A final issue involves the role that should be played in this area by the Administrative Conference of the United States. The Conference has undertaken studies to provide greater understanding of and improved performance by existing complaint-handling institutions. Should the Conference go further, as some have urged, and constitute itself an ombudsman on an experimental or permanent basis?

The authority of the Conference to undertake a limited ombudsman function can easily be deduced from its general powers. The Conference has broad authority under the Administrative Conference Act to concern itself with the adequacy and fairness of the means used in effectuating federal programs.[19] The Conference may look at "any aspect of agency organization, procedure, or management which may affect the equitable consideration of public and private interests, the fairness of agency decisions, the speed of agency action, and the relationship of operating methods to later review"; but the Conference is not to address itself to the statutory scope of an agency's substantive powers or to policy matters that have been committed to its judgment. Information needed by the Conference in connection with its work "shall be supplied [by federal agencies] to the extent permitted by law." The Chairman is empowered, among other things, to "make inquiries into matters he deems important for Conference consideration, including matters proposed by persons inside or outside the Federal Government." Thus the Administrative Conference, as an independent, impartial and expert critic of administrative procedure, which relies on persuasion and publicity in order to effectuate its recommendations, has many of the attributes of the classic ombudsman.

In other respects, however, it differs from the classic ombudsman in ways that may reflect on its ability to handle citizen complaints: As a new agency, the Administrative Conference is not well known except to administrative lawyers and lacks visibility as a federal complaint-handling device. The Conference's concern with procedural matters means that it probably could not perform the broader ombudsman function of inquiring into the wrongness of administrative decisions, but only the narrower function of inquiring into maladministration. Unlike ombudsmen in other countries, the Conference lacks subpoena powers. And the limited funds available to the Conference under its existing appropriation place severe restraints on the manpower and energy that could be devoted to the handling and investigation of citizens complaints. Indeed, the Conference, in order to undertake a significant ombudsman function, would need to obtain additional appropriations from Congress for that purpose.

If the Administrative Conference were to undertake an ombudsman function, probably it should do so on an experimental basis. Its lack of visibility and its concern only with procedural matters relating to federal functions suggest an experiment in which complaints received by other bodies might be considered by the Conference. This approach would also serve to limit the total volume of complaints and thereby reduce the fiscal commitment. Two methods of doing this are: (a) offer to handle procedural complaints which are received by Members of Congress; and (b) offer to handle procedural complaints relating to federal activities that are received by a well-established state ombudsman, such as the one in Hawaii.

CONCLUSION

The time has come for experimentation with the ombudsman concept at the Federal level. I believe that it would be preferable to build it on the congressional experience along the lines of the Reuss proposal. But however constituted, the creation of such an office must give adequate emphasis to the utilization of complaints as a source of ideas for needed change in administrative organization or procedure. Reconsideration of administrative procedure is an activity in which the Administrative Conference has a unique capability and interest. Accordingly, the Conference should have a close relationship to any new institution so that it can make systematic use of citizen complaints as a source of general studies and recommendations.

FOOTNOTES

[1] For an illuminating general discussion of "accountability," see R. Dahl, *After the Revolution?* (paper ed. 1970), *passim*.

[2] See A. Reiss, "Servers and Served in Service," in J. Crecine, ed., *Financing the Metropolis*, c. 20 (1970).

[3] This statement does not imply that "bureaucratic maladies" are the norm rather than the exception. In extremely large organizations, especially those carrying on a number of functions, instances of mistake, error or failure are bound to occur. This is as true of nongovernmental institutions (universities, corporations, unions, etc.) as it is of governmental institutions. Special concern with governmental functions, however, is justified because of the high expectations that are properly placed on governmental performance and because the citizen, unlike the situation in the competitive market place, is dealing with a monopolist of services or functions when he is dealing with many governmental bodies.

Footnotes at end of article.

[4] *See*, especially, W. Gellhorn, *When Americans Complain: Governmental Grievance Procedure* (1966); *Ombudsman and Others: Citizens' Protectors in Nine Countries* (1966). In addition to the two books by Walter Gellhorn, see: S. Anderson, *Ombudsman for American Government?* (1968); S. Anderson, *Ombudsman Papers: American Experience and Proposals* (1969); and D. Rowat, *The Ombudsman: Citizen's Defender* (1965).

A selective bibliography on the ombudsman concept is included in the more recent book by S. Anderson; it covers more than 25 pages.

[5] A recent article by A. Reiss, "Servers and Served in Service," op. cit. supra n. 2, has been very helpful to me in thinking about the characteristics of an ideal complaint-handling institution.

[6] *See* W. Gellhorn, *When Americans Complain* 47 (1965): "External criticism triumphs most easily when it concentrates on but a few lapses from customarily high standards of fairness and efficiency." See also, *id.*, pp. 224–31.

[7] The argument for greater attention to the aggregative effects of legal rules and procedures is well made by Alfred F. Conard in a recent article, "Macrojustice: A Systematic Approach to Conflict Resolution," 5 Ga. L. Rev. 415 (1971). See also, M. Rosenberg, "Devising Procedures that are Civil to Promotive Justice that is Civilized," 69 Mich. L. Rev. 797 (1971).

[8] This point has been made emphatically by Walter Gellhorn, *When Americans Complain* (1965) 89, 93, 218–23.

[9] *Id.*, at 57–130.

[10] *See* Robert Taylor, "The Culture of Bureaucracy: Chronic Epistilitis," *The Washington Monthly*, vol. 3, no. 7, Sept. 1971.

[11] The material in this paragraph is based on a survey of letters requesting the President's help on a personal problem received by the White House during a 16-day period in 1969. A total of 1,589 letters fell into the "personal problem" category during that short period.

The subject matter of the letters and the agencies to which they were referred for answer are indicated in the following tabulation:

Referral agency and subject	Number	Percentage of total
HEW (social security, welfare, etc.)	540	43
Defense (military transfer, promotion, records, etc.)	355	22
Selective Service (draft deferment)	203	13
Veterans' Administration (VA benefits)	105	7
Treasury (tax refund or problem)	83	5
Justice (pardon, parole, legal aid, citizenship)	72	5
All others	231	14
Total	1,589	100

12. W. Gellhorn, *When Americans Complain* (1965) 79–82.

13. Professor Schwartz reports that during the first three years of experience in Great Britain, the Paliamentary Commissioner handled 2,820 complaints. Only 105, or less than 4 percent, were found to be justified and within his jurisdiction. B. Schwartz, "The Parliamentary Commissioner and His Office: The British Ombudsman in Operation," 45 N.Y.U. L. Rev. 963, 976 (1970). The lowness of the figure is perhaps due in part to the fact that the Parliamentary Commissioner, unlike other ombudsmen, cannot consider the correctness of administrative actions but only whether they resulted from "maladministration."

14. According to Gellhorn, *When Americans Complain* (1965) at p. 54, instances of overreaching on the part of ombudsmen include a request by the New Zealand ombudsman that officials create a civil defense organization although they believed that other tasks were more important; and consideration of personnel security and tax expenditure matters by the Danish ombudsman.

15. This is the conclusion reached by virtually all students of the subject. See the materials cited in n. 4 *supra*.

16. S. 2200, 92d Cong., 1st. Sess. (1971).

17. The limited subject-matter coverage of the experimental approach may be confusing to citizens who may be unable to understand why the ombudsman may handle social security disability matters but not veterans' disability. Some jurisdictional problems are inevitable, but they should be kept to a minimum. A great advantage of the single ombudsman in the Scandinavian and other countries is his simplicity, visibility and broad availability.

One also wonders whether the "experiment," like so many others, is not likely to be permanent whether or not its design is ideal. Since the experimental ombudsman would be working primarily in fields in which poor people are involved, he may tend to view himself as an advocate of a class rather than as an impartial governmental critic. An advocacy role, while it may be useful or desirable, would depart from the ombudsman model.

18. H.R. 8017, 91st Cong., 1st Sess. (1969). A similar proposal is sponsored currently by Senator Hartke. S. 2134, 92d Cong., 1st Sess. (1971).

19. Administrative Conference Act, 5 U.S.C. §§ 571–576 (1970).

AGRICULTURE STILL THE NATION'S MOST ESSENTIAL INDUSTRY

Mr. HOLLINGS. Mr. President, it is the fashion these days in so-called sophisticated circles to talk about the declining importance of agriculture. We are, we are constantly told, an industrial nation, and to judge by most of the news coverage the farmer simply vanished from the scene 20 or 25 years ago. We are where we are today, so the story goes, because of industry and urban technology.

Today of all days, Mr. President, we should look at the facts. And the facts are that the farmer has contributed far more than his share in advancing the wealth of the Nation, and continues to do so. Agriculture is still the Nation's most essential industry. It is also the largest single industry. As Mr. Wes Ritchie has recently pointed out in a fine article, agriculture employs more people than transportation, public utilities, automobile manufacturing, and steel combined.

Each and every one of us benefits from the success of American farming. The consumer last year had to spend just 16½ percent of his income on food. That figure, as Mr. Ritchie points out, compares with 20 percent just 10 years ago and 50 percent in many countries around the world today. The farm processer, the middle man, has also benefited tremendously by the soaring production in food and fiber. So has the retailer.

If there is one person who has not shared adequately in the success of the farmer, it is—the farmer. Today we are exercising our constitutional function by helping determine the future of the Agriculture Department. I believe that the President's nominee has not shown an appreciation of the role of the average farmer in the America of 1971. The farmer is not passe. He is not out of step. And he deserves better than he is getting. If the farmer is denied a friend in the Department of Agriculture, then where, I ask, is he supposed to look?

Mr. President, I ask unanimous consent that Wes Ritchie's informative article entitled "Who's Supporting Who?" be printed in the RECORD.

It is a short article. It will not take anyone longer than 2 minutes to read it. After he has read it, I am sure he will have a better appreciation of the continuing contribution of the average farmer to the well-being of his country.

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

A QUESTION FOR OUR FOOD LOVIN' FRIENDS . . . WHO'S SUPPORTING WHO?

(By Wes Ritchie)

Whether we Americans realize it or not (and most of us don't), we owe a great deal of our luxurious living to the man producing our food.

The farmer and the abundant supply of food he produces is the basis on which we have been able to build the world's highest standard of living.

Stop and think of the progress this country has made in the past 25 years—or even the last 10 years. Fabulous!

Twenty-five years ago we had very few dishwashers or clothes dryers in our homes. Jet airplanes, antibiotics, atomic energy, Salk vaccine, electronic computers and electric can openers were hardly heard of. Two-car families and air conditioned homes (let alone air conditioned cars) were few and far between . . . and the list could go on.

WHO'S MADE IT POSSIBLE?

Ask that question of the average man on the street and you're sure to get a multitude of answers. Our scientists, inventors and industrialists would sure be mentioned, as they rightly should. But the farmer, as an important force behind this country's progress, would most likely be overlooked.

And there's probably a reason for that, too. Farmers have become so efficient at producing great quantities of wholesome food at low cost that most of us take a full stomach for granted.

But even though farmers are taken for granted, their business is still the nation's most basic industry. And food is man's most basic material need.

Agriculture is this nation's biggest single industry, in fact employs more persons than transportation, public utilities, automobile manufacturing, and the steel industry combined. The current investment per farm worker of $50,000 is nearly double the average for nonfarm industries.

Even more significant is the rate of increase in output per farm worker since 1950—almost double that of nonfarm workers. *This is one of the basic reasons for the high and rising American standard of living.*

HOW HAVE FARMERS DONE IT?

Farmers have freed *manpower*. At the time of the American Revolution, this was a nation of farmers. Even 50 years ago, over ¼ of all Americans were farmers. If farmers were no more efficient now than in 1920, this country would need 20 million people in agriculture to meet her current needs. In 50 years, more than 15 million workers have been "freed" to produce other things.

Farmers have freed *income*. Fifty years ago, the average American had to spend about 80% of his income on the basic requirements of life—food, clothing and shelter. Today these essentials take less than 65%. So the average family can spend over

35% of its take home pay instead of 20% for travel, recreation, education, health, and the other luxuries that add to life's quality.

A major part of this gain in extra spendable income has come from a decline in the relative cost of food. Americans last year had to spend only 16½% of their income on food. That compares with over 20% just 10 years ago and over 50% and more in eastern Europe and many developing countries.

Anyway you look at it, Americans are buying food at bargain prices.

Farmers have also freed *time*. The average work week was 51 hours in 1920, compared to 40 now. And paid vacations 50 years ago were few and far between.

Many things have helped, but you can be sure that if food, fiber and shelter were still costing 80% of consumer spending, workers could not have reduced their work week.

Farmers have freed *space*. When we were a nation of 107 million people, 350 million acres were needed to grow our food and fiber. In recent years we have harvested fewer than 300 million acres and our population has nearly doubled.

If farmers hadn't improved their efficiency, we would now need to harvest 500 to 550 million acres—even if we stopped exporting. The acres spared by farm efficiency add greatly to soil and water protection, wildlife, and recreation. And more land is available for towns and open space, too.

These benefits—income, time, space, and better use of manpower—have all been vital to improving the quality of life for every member of our society.

TREMENDOUS FARM PROGRESS

What has happened in the past few years overshadows the progress of many, many previous generations. In Christ's time, it's thought that one fulltime worker was producing enough food and fiber for himself and less than one other person.

By 1850, the food and fiber produced by one American farm worker was enough for 4 persons. Just 50 years later the figure had nearly doubled—it was up to 7.

Between 1900 and 1940, farmers made tremendous progress and the output of food and fiber per farm worker had risen to enough for 11 other people.

By 1960, the production of one farm worker was enough to meet the food and fiber needs of himself, plus 26 other people. Last year, each farmer produced enough to feed nearly 46 people. In 1971, it could equal, or possibly exceed 50!

Farmers have made as much change in their productivity in the past 11 years as was made between Christ's time and 1960.

WHO BENEFITS MOST?

Generally, we in America feel that he who makes progress possible should be rewarded for it. But the farmer, the man who has really made our improved level of living possible, often does not share proportionately in the profits.

The real beneficiary of our great agricultural progress is the American consumer. The average American who feeds himself on only 16½% of his after-tax income could not do it without the farmer's basic support—an abundant supply of food.

EMERGENCY STRIKE LEGISLATION URGENT

Mr. PACKWOOD. Mr. President, we have now reached the two-thirds point in the 80-day Taft-Hartley cooling off period in the current west coast longshore dispute. The cooling off period is scheduled to expire at Christmas, and tragically, there is every reason to believe that the dock strike will resume if not immediately, then within days of its expiration.

I wish I could say I am optimistic that Congress will pull its head out of the sand, open its eyes, and admit that new legislation for dealing with emergency strikes in the transportation industry is needed. However, Congress has to date done nothing to justify such optimism. At best the immediate short-range outlook raises the possibility that the President will call Congress into a special session on or about Christmas Day to deal with the emergency which will once again be posed by a shutdown of the west coast ports. Hopefully Congress will respond with something more than just an ad hoc emergency solution to the longshore dispute.

Mr. President, what must Oregon do to convince this body that a better way must be found to resolve labor disputes in the transportation industry? Oregon has already suffered losses estimated at nearly $200 million as a result of the current longshore dispute. My State is now facing the terrifying threat of a continued dock strike, with the accompanying loss of who knows how many more jobs, dollars and markets.

Continuation of the strike will seriously and adversely affect virtually everyone in my State, and perhaps the entire citizenry of the Northwest. East and gulf coast Americans, I am sure, are equally affected and unsure of their economic futures as a result of similar strikes there.

May I ask, Mr. President, to whom does the Senate of the United States owe its obligation, if not to the American public—the Oregonian, the Washingtonian, the Hawaiian, the New Yorker, and all others so intimately affected by the economic catastrophe wrought by these strikes?

Does not our responsibility lie with the American public, individually and collectively, to protect them from arbitrary and in this case disastrous economic harm? We spend hours and days in this Chamber passing on legislation designed to ease the economic burdens of the American public during these precarious times—legislation most recently which would for example reduce their taxes and provide mechanisms for economic stabilization to guard against continuing inflationary pressures. Do not any of my colleagues sense the hypocrisy of then standing idly by while millions of Americans are driven deeper and deeper into economic chaos and dislocation? I am the first to admit that the job of fashioning legislation to provide effective and equitable permanent mechanisms for the settlement of transportation labor disputes will be an extremely difficult one, and will arouse a great deal of emotional response from various sectors of our society.

But Mr. President, consider the alternative, the alternative which so far the Senate has chosen—transportation crises and economic disasters. Oregon's price for this strike alone, as I have indicated, is approaching $200 million. May I therefore again beseech my distinguished colleagues to think about the choice they have so far made. Think of the price tag which hangs on their inaction, on their inability or unwillingness to risk an unpopular decision. Think of all the fine gestures toward economic security and stability and equity which have been made in recent days. Then think of those of the American public who happen to live in the Northwest, the gulf area, or along the east coast. Think of the hypocrisy of it all.

GREAT LAKES SERIES

Mr. NELSON. Mr. President, a century and a half ago, the sturgeon in Lake Erie were so thick they were considered pests.

Since then, as a recent 12-part series by the Milwaukee Sentinel's Quincy Dadisman so comprehensively describes, the Great Lakes environment has been seriously degraded.

Lake by lake, Dadisman chronicles the incredible devastation that has been wrought by the onrush of the industrial, technological age in this country: The Lake Michigan coho salmon contaminated by DDT; the mammoth, life-killing algae blooms stimulated by phosphorus in Lake Erie; fallout in Lake Superior from the 67,000 tons of taconite tailings dumped into the lake daily by a giant mining company.

And the seige continues, with the threat of drilling for oil and gas; the discovery of mercury in fish and bottom sediments; and possible dangers from other heavy metals that are accumulating from industrial wastes.

However, the pollution control experts believe that even at this late stage, the trend can be reversed, and some beginning steps are being taken. But as Dadisman points out, there are many "Ifs" between here and a clean Great Lakes.

If we had known a hundred years ago the consequences of this reckless abuse of our resources—if we had had the Dadisman series in front of us then, as a picture of things to come—would we have taken the steps necessary to avoid environmental disaster?

That question will always remain unanswered. The issue before us now is whether, confronted with the grim facts, we have the national will to take the necessary steps to restore these lakes.

Mr. President, I ask unanimous consent that this excellent newspaper series on the tragic past and possibly hopeful future of the Great Lakes be printed in the RECORD.

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

SEAWAY ONCE AN IMPOSSIBLE DREAM—I

(By Quincy Dadisman)

SUPERIOR, WIS.—Daniel Greysolon, Sieur du Lhut, threw a party for the Indians here 300 years ago to become, so far as anyone knows, the first big spending foreign trader to visit this area.

But he wasn't the last.

Not too many days ago, four ships were tied up beside a grain elevator here. From their masts floated the flags of Ghana, India, Liberia and Japan. That same day, a ship from Britain followed one from France under the famed lift bridge at the entrance to St. Louis Bay.

Du Lhut probably never imagined a scene like that.

A KNOWLEDGEABLE ROGUE

Rogue, land speculator and trader who cheated the Indians though he was, du Lhut was a dreamer about the future of this part

of the world. But he was, first of all, a realist, knowledgeable about the technology of his day.

He saw—and appreciated—the magnificent harbor carved by the bay, cuddled inside the arms of Minnesota and Wisconsin Points and bulwarked by high shouldered bluffs as protection against the rage of northwest gales. In all, a harbor as entrancing to a mariner's eye as any in the world.

BECAME FUR TRADER

Economic geographers would have pointed out, too, the vast hinterland behind the harbor where crops could be harvested and minerals recovered to supply vessels visiting the bay.

But du Lhut, with a Gallic shrug, would have said, "The water in the harbor is 600 feet above the level of the sea. Commerce from here to the Falls of the St. Marys, yes; from here to Europe and the Orient, never."

So he concentrated on the fur trade.

And, as the years passed, du Lhut's dream of a vast fur trading empire became reality and was superseded by dreams of other sorts.

The early fur traders saw the Great Lakes system as a series of canoe routes joined by portages. The voyageurs traveled from tidewater at Quebec to saltwater on the Arctic shore and down the Mississippi to its mouth, but were always limited to the roughly 200 pound bundle that the sturdiest of their kind could carry over a rough portage.

A few larger boats were built on Lake Erie, made their way upstream to Lakes Huron and Michigan, but the rapids in the St. Marys River kept them 400 miles east of St. Louis Bay, out of Lake Superior. Niagara Falls barred them from Lake Ontario and trans-atlantic trade.

But, by 1812, it was possible to leave here in a canoe, bypass the St. Marys rapids in a sort of wooden chute and travel down Huron and Erie to Buffalo, N.Y.

The old chute was destroyed in 1815. Within a few years, however, the middle lakes were linked to the Atlantic by the Erie Canal through New York and the Ottawa River route through Canada.

CANAL FEVER RAGED

The United States and Canada weren't on very good terms then. Each feared any improvement in lake travel would aid the other. But the canal fever that seized both nations in the 1830s never subsided. Better international trust helped it reach a climax in the 1950s in the St. Lawrence Seaway.

Today, locks at Saulte Ste Marie, the Welland Canal around Niagara and the Seaway link all the world's oceans to the center of the continent—making the Great Lakes a fourth seacoast shared by the two nations.

Which doesn't mean much until the economics of handling heavy goods are considered. It takes less than one-tenth as much energy to move a ton by water as by rail and less than one-twentieth of the energy required on the highway. Boats, even in a stream, move on a near level.

GEOGRAPHY PLAYS ROLE

Geography has a place in the picture, too. A ship sailing into the Atlantic from the Gulf of St. Lawrence is already halfway to Europe in the eyes of a sailor leaving New York Harbor.

It takes a look at a world globe to realize it, but most of Europe is far north of most of the United States. And the shortest route across the Atlantic is a great circle course, far to the north of the straight line that seems so obvious on flat maps.

Ships and shipping are only part of the story of the Great Lakes.

The lakes are the world's biggest available reservoir of fresh water—perhaps half of all man's drinkable supply—and the water is still amazingly clean.

LAKES FACE THREAT

They're a climate moderator that helps make mid-America habitable, tempering, as they pour east the 30-below blizzards that lash North Dakota and the 110 degree heat waves that broil Kansas.

And they're assuming a new importance in everyone's eyes as reservoirs of some of America's finest scenic beauty. But the picture isn't all bright. Lake Erie is near the point of no return in pollution damage and Lakes Michigan and Ontario are seriously threatened; the cool, dark forests along Lake Huron's eastern shore are falling prey to resort developers and even cold, clear Lake Superior isn't as clean as it once was.

LAKE SUPERIOR A WELL NAMED KING—II

(By Quincy Dadisman)

DULUTH, MINN.—Even from the bridge of a a big ore carrier, Lake Superior looks immense.

Because it is.

The dimly seen shore, outlined as the ore ships plod back and forth across the length of the lake, only adds to the feeling of immensity by seeming so far away.

Largest body of fresh water in the world, the greatest of the Great Lakes is 420 miles long and 167 miles wide. Its deepest point, between Isle Royale and the Upper Peninsula mainland, is 1,290 feet below the surface, nearly 700 feet below sea level.

And it's cold water. Except in a few protected bays, where small expanses of shallow water are warmed by the summer sun, Lake Superior seldom tops the 40 degree mark.

But its more than 4,000 cubic miles of water are so huge and have absorbed so much heat that areas in the center never freeze, despite the 30 below zero gales that lash the lake nearly every winter.

A Secchi disc, a standard tool used by scientists for measuring water clarity, can be seen in some parts of the lake 100 or more feet below the surface. In contrast, a disc cannot be seen four feet below the surface of Green Bay, or six inches below the surface of the Milwaukee River in downtown Milwaukee.

From the bridge of an ore carrier, if the surface is still, it is occasionally possible to distinguish the species of fish glistening in sunlight 40 feet deep, as measured by the ship's underwater shadow.

Thirsty voyagers paddling along the shores of the Great Lake 300 years ago would reach over the side of their canoes to dip a handful of water to slake their thirst.

It's still possible. Usually, the water will be more nearly pure—and certainly have much less taste—than that supplied in any city.

In fact, scientists say, the cold, clear water from the center of Lake Superior is almost the purest in the world. It is actually cleaner than the rain that falls into it.

INSHORE POLLUTION SPREADS

That cleanliness isn't all good. The center of Lake Superior is nearly biologically sterile except for an occasional fish crossing the lake.

Inshore, the story is different.

At its very start, Lake Superior is polluted by the waters of the St. Louis River, which drains the Superior-Duluth Twin Ports area.

Puddles of pollution surround every other port around the fringes of the lake and even nature, sending tons of soft sediment into it, seems determined to destroy America's greatest fresh water asset.

Lake Superior is, in the jargon of limnologists, an oligotrophic lake. Oligotrophic, a five syllable Greek word, means underfed.

FISH GROW SLOWLY

Fish in Lake Superior take two or three times as long to grow up as the same species in Lake Michigan.

They have to work so hard for food that they use more energy traveling than their relatives in the lower lake and so have less left to apply to growing.

Lake Superior is oligotrophic because it is still a young lake, a squalling infant of a mere 10,000 years.

Superior was born in the death of the great glaciers that overran North America in the last Ice Age. Three mile high mountains of ice ripped the soil away from bedrock and forced the rock down into the depths of the earth under their weight.

As the glaciers melted, the water flowed off by way of the St. Louis and Bois Brule Rivers, across the low divide in northwestern Wisconsin, to reach the Mississippi by way of the St. Croix.

RED CLAY FLOWS IN

The receding glaciers' burden of soft red clay, picked up in northern Canada, was dropped among the marshes of Wisconsin.

Today, that silt, the famous Clay Banks, is trying to return to the big water. After heavy rain, water near the shore from Superior east to the Bayfield Peninsula is dyed bright red by the tons of silt. Most of it falls to the bottom within 10 miles of shore.

The northern shore, from Duluth all the way to the Soo and the South Shore from the Soo west almost to Bayfield, is high and rocky.

Some of the nation's most spectacular scenery can be found along that rocky coast. Cliffs 500 feet high tower at the shoreline in places and, just inland, the ground is often 1,200 above lake level.

Less is known about what is under the surface of Lake Superior than in the other lakes. In fact, the bottom below 600 feet—much more than half the lake, which averages 900 feet deep—is nearly a complete mystery. Scientists know the basic materials—rock, gravel, sand, or silt—but few details about them.

Its currents, too, are only vaguely known.

LAKE HAS TWO BASINS

There are two basins in the lake, divided by Michigan's Keweenaw Peninsula. The earth's rotation and the prevailing westerly winds keep water in the upper layers of the western basin circulating in an immense counterclockwise eddy, moving west along the north shore and east along the south shore—most of the time. The eastern basin's circulation is similar but much more complex. But almost nothing is known about what happens at lower levels. A water budget has been worked out for Lake Superior. The best guess is that it takes 189 years for every molecule of water in Lake Superior to be replaced by another.

POLLUTANTS DEGRADE SLOWLY

That 189 year figure scares scientists studying the effects of pollution on the lake. It means, they say, that a pollutant carried into the lake in 1971 in quantity probably will still be there in the year 2160. And, they say, the lake is so cold that biological processes move slowly. A biodegradable pollutant takes longer to be degraded in Lake Superior than in the warmer waters of the lower lakes. Non-biodegradable pollutants stay and wreak damage year after year.

"It's a big lake, but a very fragile one," scientists warn.

TACONITE TAILINGS A LAKE DILEMMA—III

(By Quincy Dadisman)

SILVER BAY, MINN.—The electric cord and plug that trail from the grille of nearly every car parked on the streets here testifies: "This is an uninhabitable land."

The wires lead to engine heaters, helpful in starting the car on winter mornings when the temperature often is 25 below.

Silver Bay residents know just how miserable their climate is.

"I was a year in Greenland with the Air Force," said a service station attendant last January, "so I'm used to it now . . . but I'm sorry for some of the people who are spending their first winter here."

Even the skiers complained about the cold but they added, "Go on up to Babbitt. It really gets cold there."

Babbitt, 50 miles northwest and 1,000 feet higher, is on the Continental Divide between the St. Lawrence and Arctic watersheds.

It is also the source of one of Lake Superior's most controversial problems.

Taconite—magnetic iron ore—is mined at Babbitt, loaded into rail cars and sent to Silver Bay for processing.

Reserve Mining Co.—whose paychecks console the complainers about the climate, directly or indirectly—beneficiates the ore in a three mile long mill here.

At the end of the process, every ton of ore produces about 900 pounds of upgraded taconite pellets—essentially a mixture of about 50% iron and 50% clay—and 1,100 pounds of tailings—scientifically mostly cummingtonite—stirred up in thousands of gallons of water.

Cummingtonite is basically sand, a white silicate. The taconite pellets are formed in roasting ovens into balls the size of marbles and loaded on ships for the long trip to the steel mills of Ohio.

The cummingtonite—"tailings" in the language of mining men—is flushed across a wide delta into the lake. Most of the 67,000 tons of tailings falls out of the water as it slows down crossing the delta or follows a high density current, spilling a couple of miles offshore to the bottom of a trench 700 feet deep.

Controversy surrounds the remaining 5% of the tailings, called "fines" by mining engineers. These are carried southwest along the coast by the surface currents.

EFFECTS ARE DISPUTED

Fishermen say the fines have destroyed their livelihood along the North Shore by burying spawning grounds. Spokesmen for Reserve argue that the steep coast was never a spawning ground anyway.

Other critics talk of "green water" near the plant. Company spokesmen counter with a demonstration of how a couple of beach pebbles can be ground into sand by shaking them in a jar of water. That's what happens, they say, every time storm waves pound the pebbly strand along the base of the North Shore cliffs.

The mine has an anticipated life of 40 years. In that time, company officials say, the taconite blanket on the bottom of the trench will be only a couple of feet thick.

FEDERAL AGENCY CONCERNED

Federal Water Quality Administration scientists have found traces of cummingtonite in the silt on the Wisconsin side of the lake. That is interstate pollution, they argue.

The three state Lake Superior Enforcement Conference fought over the issue for more than two years. Then, last May, the federal Environmental Protection Agency issued a 180 day order against Reserve. The order required the company to come up with a way of keeping the tailings out of the lake or face the possibility of a Federal Court injunction closing the plant.

When the 180 days were up in November, Reserve was ordered to dispose of the tailings on land and given three months to send preliminary plans to the agency.

OTHER POLLUTERS WARNED

The tailings dispute is the most spectacular of Lake Superior's problems, but far from its only one.

Practically every municipality on both sides of the lake is under orders to clean up its sewage treatment plant. Many won't meet the December, 1972, deadline set by the conference.

Industrial pollution enters the lake from the Twin Ports area as paper mill waste, spilled oil and grain, metal working plant wastes and, in a few cases, as a result of sheer sloppiness in the operation of factories.

There are other paper mills around the lake as well as ore shipping facilities at Thunder Bay, Ontario, Ashland, Wis., and Marquette, Mich., and grain elevators at Thunder Bay.

SHIPPERS' VIEWS DISPUTED

Operators of the shipping facilities contend that they are clean, but conservationists dispute that.

Several power plants are scattered along the shores, taking advantage of the lake's cool water to condense steam.

Some old mine drainage reaches the lake from several points along both shores, but continued surveillance by water pollution control agencies is reducing that threat.

NAVIGATION TEST FEARED

Reefs of polluted dredgings dumped into deep water as harbors were improved in the past still can be stirred up when something disturbs the silt that now covers them. Polluted dredgings cannot be dumped in open water under present federal regulations.

Some conservationists are fearful of attempts to extend the navigation season on the lakes. Lake Superior shipping could continue all winter in the open lake, but harbor ice stops navigation shortly after Christmas.

Experiments in Duluth harbor last winter showed that compressed air released from perforated pipes on harbor floors would keep ice from forming. Environmentalists point out that the air bubbles stir up polluted silt at the very time when winds and waves are most likely to spread the pollutants.

SHIP SANITATION RAPPED

Commercial shipping is also criticized by environmentalists who say the sanitary equipment on ships isn't adequate. Federal regulations, which govern commercial vessels, permit overboard disposal of sewage.

Lake Superior's fish were decimated by the seal lamprey. An international control program, aimed at destroying the larvae, seems to have the lamprey under control, but biologists say the lamprey could become a serious threat again almost anytime.

Scientists have found DDT and mercury in Lake Superior fish. About 8 percent of the Lake Superior salmonids—trout and salmon—were found with DDT levels higher than the Food and Drug Administration considers safe for human consumption. Mercury is near the danger level, researchers say.

SUMMER BRINGS TOURISTS

Other species aren't seriously affected yet. DDT is now banned and mercury appears rapidly being brought under control around the lake.

That filling station attendant who complained about the cold last January smiled all summer.

Highway 61, which traces the North Shore, carried a steady stream of tourists who bought gas and oil, went fishing on the charter boats and, sometimes, just stopped to enjoy the beauty of what is still the clean, clear, cold, largest body of fresh water in North America.

For the North Shore is extremely habitable in summer. Cool nights and warm sunny days combine in a most pleasant way.

LAMPREY CURBED; NOW IT'S DDT—IV

(By Quincy Dadisman)

KEWAUNEE, WIS.—Lake Michigan—"our lake" to most Wisconsinites—has kept fisheries scientists holding their breath for 20 years.

Potentially, Lake Michigan has a lot going for it. It has broad, shallow areas and many small tributaries where fish can spawn. It reaches far south of Lake Superior's cold climate so life can flourish much more easily. It's deep enough to have a stable temperature and its narrow, curving shape allows the winds to mix thoroughly its upper layers.

A century ago, thousands of fishermen made a living on the lake.

There is a long standing argument about what effect the heavy commercial fishing of those days had on the lake.

LAMPREY CAUSED HAVOC

Lake sturgeon were so numerous 150 years ago they were considered a pest. They had practically disappeared by 1880 and other species were declining by 1920.

Then in the 1930s, the sea lamprey invaded the lake. By 1950, hardly a lake trout could be found and the few that were caught invariably wore scars from lamprey attacks. The other major commercial species, lake whitefish, were hit nearly as hard.

Fishermen by the thousands found other jobs. Today, only a hundred or so still set their nets.

ENTERED VIA CANAL

The building of the Welland Canal, bypassing Niagara Falls, opened the way for the sea lamprey, an ocean dweller, into the upper lakes. They spread slowly across Lake Erie between the first reports of their presence in the 1880s and the first reports from Lake Huron, about 1920. But they moved fast after that.

Lamprey look a little like eels. Lamprey have no lower jaw but their round mouths are fitted with teeth they use to file holes in the sides of bony fish to draw out the fish's vital fluid.

The sea lamprey, the trouble causer, reaches upwards of 30 inches long. Small freshwater lamprey found in the Great Lakes are a nuisance, but seldom cause serious damage to large fish populations.

EXOTIC SPECIES A PROBLEM

Lamprey are an example of a basic rule of ecology—it's exotic, strange species that cause most of the trouble. Fresh water lamprey are kept in check by predators natural to the water in which they live. Sea lamprey cause little trouble in Lake Ontario, where they have been since the Ice Age. But their predators there didn't follow them into the upper lakes.

Following lamprey into the upper lakes were alewives, another saltwater fish—an exotic.

Alewives—small, herring family fish—were happily devoured by lake trout, which kept them a minor part of the lake's fish population—as long as there were plenty of lake trout and whitefish. But when the lamprey killed off the trout and whitefish, alewife populations zoomed.

ALEWIVES MULTIPLY

Alewives took over more and more of the lake until, by 1965, one biologist estimated that 98% of the total weight of bony fish in Lake Michigan was alewives.

And no one eats alewives.

Alewives live 8 to 10 years in the Atlantic. In Lake Michigan, it's a rare alewife that sees its fourth birthday. Biologists have a lot of theories, but can't agree on the reason.

In any event, during the mid-'60s, rafts of dead alewives three of four miles long and a half mile wide were frequently seen on the lake.

Meanwhile, lamprey were being brought under control by selective poisons, electric weirs and other gadgets designed to kill the young in larval stages.

LAKE TROUT NEEDED

The pesky alewives could be controlled, biologists said, if the lake trout could be restored, but restoring the trout would be a hard job. The prized fish takes six or seven years to reach puberty and has—by piscatorial standards—small families.

Something was needed to eat alewives

while the lake trout were being re-established.

Michigan naturalists hit on an idea:

Bring in salmon from the West Coast. They are a desirable fish closely related to trout and, being anadromous, could be controlled, unlike other exotics considered.

MUST SPAWN IN STREAMS

Anadromous fish live in big bodies of water, but must go up tributary streams to spawn. And they have a strong homing instinct that takes them back to the stream where they started life to spawn, then die.

The naturalist reasons:

We can get salmon eggs from the West Coast; hatch them here; keep them in pens in Michigan streams to imprint them with a home stream; release them to the lake to eat alewives and convert inedible alewife protein to salmon protein that is welcome on dinner plates. They won't get out of hand because we can string nets across the release streams, catch the spawning three year olds and keep a naturally reproducing population from developing.

COHO, CHINOOK ADDED

The coho, from Oregon, was the salmon picked. Michigan was soon joined in the program by Wisconsin. Indiana and Illinois also planted a few. Several million coho fry were added to the Lake Michigan population.

Later, another variety, the gigantic chinook salmon, was added.

Coho grew fat on an alewife menu and a new sport fishing craze hit the lake. Since the average angler from downstate Illinois spends $27 a day while in Wisconsin or Michigan seeking a trophy coho, the program has been cheered by resort operators.

But that bright picture was dimmed, almost as soon as it flashed across the pages of the outdoor sports magazines.

DDT SHADOWS BRIGHTNESS

Chemists discovered that about two pounds of DDT is loose in Lake Michigan.

Two pounds of DDT, dissolved evenly in Lake Michigan's 1,100 cubic miles of water, would mean little. But DDT won't dissolve in water. It dissolves easily in oil. The handiest oil in the lake is the fat in the animals of the lake. The fatter the animal, the higher the concentration of DDT.

Lake Michigan's fattest animals are the trout, salmon and chubs that are its most desirable food fish.

WARNING BY DNR

Any salmonid—trout or salmon—more than 21 inches long almost surely has more DDT than the Food and Drug Administration (FDA) considers safe for human consumption.

The FDA has threatened seizure of Wisconsin caught and smoked chubs—principal prey of the commercial fishermen now that the lake trout and whitefish are gone—because the fatty little fish are too high in DDT.

Chubs aren't totally inedible by FDA standards, although the agency won't buy the fishermen's argument that DDT collects in the fat, which in chubs is in a layer just under the skin and smoked fish eaters rip the skin away before they eat the rest of the fish, which is substantially lower in DDT.

PRECAUTIONS SUGGESTED

And, the commercial fishermen point out, few people make smoked fish a staple item in their diets, so they aren't exposed to the poison often.

The department has advice for sports fishermen:

Filet that salmonid to get rid of the fatty layers in the body cavity and then broil it so the fat is rendered out. Don't make it a prime item in your diet.

So Wisconsinites, with one of the world's best producing fishing grounds in their front yard, buy lake trout caught 1,000 miles away from their table.

MAN DESPOILS WHAT NATURE WROUGHT—V

(By Quincy Dadisman)

CHICAGO, ILL.—Under a June sky and an early morning sun, Chicago, from a ship on Lake Michigan, is a scene from the Arabian Nights.

A soft haze muffles the foreshore while tall buildings peer out above it across the bluest of blue water. As the ship closes with the harbor entrance, the haze, burned away by the rising sun, disappears and small boats by the hundreds skitter across the waves.

Closer in, the ship passes a huge pile of limestone blocks, one of the cribs at a Chicago waterworks intake. But there are no sewage outfalls in the lake. Chicago lies on the continental divide. Its sewage is pumped over the divide and is flushed into the Mississippi River Basin.

If it weren't, Lake Michigan would be in much worse shape than it is.

"FLUSHING RATE" VARIES

A water scientist once called Lake Michigan "the appendix attached to the bowel of the Midwest."

It would be easy to quarrel with his views on the proper function of the Great Lakes, but there's a lot of truth in his analogy.

Four of the lakes—Superior, Huron, Erie and Ontario—have a straight through circulation; what goes in one end comes out of the other, after a period of time.

Scientists call the time the "flushing rate."

Lake Superior has a flushing rate of 189 years, a long time. Huron, Erie and Ontario have shorter flushing rates.

But water flows in both directions, at times, in the Straits of Mackinac, Lake Michigan's only natural outlet.

THREE LAKES IN ONE

Lake Michigan really is three lakes with broad areas where they meet.

Green Bay, Bay de Noc and the waters connecting them are separated from Lake Michigan proper by a series of islands. The bay, 100 miles long and 30 wide, has its own current patterns. Scientists studying the lake find it easier to consider the bay a separate lake discharging through Death's Door into the northern basin of Lake Michigan.

Lake Michigan itself is split into northern and southern basins by a high underwater ridge that crosses it from east to west near Manitowoc. The two basins have separate deep water circulation patterns.

The northern basin is deep, plunging 923 feet below the surface. Fed by the waters of Green Bay, into which most of the lake's major tributary streams flow, the northern basin is believed to provide most of the outflow through the straits.

Water in the southern basin circulates in a big eddy, 500 feet deep, held back by the Manitowoc ridge. Most of the time, the eddy turns clockwise, flowing south on the Michigan coast and north on the Wisconsin side. But for long periods it spins the other way.

The complicated bottom topography makes figuring the lake's flushing rate difficult. The northern basin apparently exchanges some water with the southern basin to complicate the figures.

SOUTHERN BASIN SLOWER

Water scientists say the southern basin has a flushing rate of at least 1,000 years, probably longer. The northern basin's flushing rate is much shorter, but probably longer than Lake Superior's 189 years.

The lake watershed is only a little larger than the lake itself. That helps the situation because much of the water input to the lake falls as rain or snow directly on its surface.

But that isn't all good. Studies last year show that cadmium, zinc and other heavy metals are mixed in the sand bottom of the southern basin in a fan shaped area spreading northeast from Chicago.

POLLUTION FROM THE AIR

Meteorologists theorized that Chicago's air pollution is carried out over the lake by the prevailing southwesterly winds. The metals, they think, pour into the air from the smokestacks of the city.

Every large city around it goes to the lake for its drinking water. All but Chicago dump their sewage into the lake.

Illinois officials' favorite whipping boy, as they talk about Lake Michigan's problems, is the city of Milwaukee, largest community using the lake as a sewer.

Milwaukee's sewage treatment plant is one of the most efficient in the world, operating at a 95% plus removal rate. But, as Clarence Klassen, formerly Illinois' chief water pollution fighter, was fond of pointing out, "5% of one million is 50,000. That's a lot of sewage."

Of the other cities around the lake, only Racine, Kenosha and Green Bay would pollute 50,000 persons' worth, Klassen said, if they had no sewage treatment plant at all.

Milwaukee's contribution to the lake is complicated by its antiquated sewage overflows which, to prevent overloads, discharge raw sewage to the rivers flowing into Lake Michigan after heavy rains.

Sewage damages the lake by pouring phosphorus into the water. About two-thirds of the phosphorus originates in laundry detergents.

There's an argument among scientists about how to handle the phosphorus problem. Soap and detergent industry spokesmen point out that phosphorus—in the form used in detergents—stimulates plant growth but isn't poisonous to people or animals. They think it should be removed at sewage treatment plants.

PHOSPHATES BECOME ISSUE

Other scientists think it should be replaced in detergents by other chemicals. Some phosphate free detergents are being sold. Some, once sold, were taken off the market when biologists discovered that the chemical used to replace phosphorus in those particular brands could cause birth defects in animals. Other phosphorus substitutes are capable of causing serious burns if they touch the skin.

About mid-September, the Federal Environmental Protection Agency endorsed the idea of removing phosphorus at sewage treatment plants because its scientists found the substitutes too dangerous.

The four state Lake Michigan Enforcement Conference has ordered the states to reduce their phosphorus loading of Lake Michigan by 80%.

PROBLEM BEING ATTACKED

Wisconsin plans to reach that figure by concentrating on phosphorus removal at the larger plants, where the most consistently high level operation is possible. Milwaukee plans to use a system that takes advantage of an otherwise hard to treat metalworking waste to force phosphorus out of wastewater. Green Bay is building a plant to use paper mill waste for phosphorus removal.

The suggestion is sometimes made that all sewage treatment plant effluent should be diverted out of the Lake Michigan basin to protect the lake.

ONE WILD PROPOSAL

Once, in a brainstorming session, Klassen was asked what he thought of the idea of sending Milwaukee's waste down the Fox and Des Plaines Rivers to join Chicago's on the way to the Mississippi.

"Shh," he replied. "Don't give anyone that idea. We have troubles enough downriver as it is."

Adding to the sewage problem are the boats using the lakes.

Holding tanks for sewage are required on pleasure craft by the states, but the federal government has proposed to allow ships to use overside discharge after treatment.

MANY FOES BESIEGE LAKE'S PURITY—VI

(By Quincy Dadisman)

GREEN BAY, WIS.—Many of Lake Michigan's problems reach deep water here. Soil, sand, salt, bits of wood, chemicals, oil and sewage spew from the mouth of the Fox River into Green Bay.

The 39 miles of the river between here and Neenah are lined with the nation's greatest concentration of paper mills.

All are equipped with highly sophisticated wastewater treatment systems, but the tremendous volumes of water the paper mills discharge still carry tons of wood fiber and sulfites into the river. Most of it reaches Green Bay.

Paper mill waste is a problem in a waterway because it requires oxygen to decay. The decay rate, called "five day biochemical oxygen demand" (BOD) by scientists, is a measure of the level of pollution.

AFFECTS FISH LIFE

A low dissolved oxygen level—the result of high BOD—drives out desirable fish species. If it falls lower, even undesirable species leave. Finally, the kinds of small animals that can't get out die. Last to go are two small worms whose very names are repulsive—sludgeworms and bloodworms.

Parts of the Fox River, at times, have been so dirty that biologists could find neither. Most of the time, a stretch of the river through downtown Green Bay is inhabitated only by sludgeworms.

Silt, laced with wood fibers, piles up on the bottom of the bay extending a little farther out from the mouth of the river every year.

Periodically, the Army engineers, charged with keeping the lakes in shape for shipping, dredge the gunk from the channels. They used to fill swing bottom barges, haul the muck into deep water and drop it. Now they are under orders to dump only clean dredgings in deep water and put polluted material ashore.

Sites for dumping polluted dredging must be provided from local funds. Many communities want their harbors dredged, but object to the cost of providing on-shore dump sites. Green Bay, however, is using spoil, pulled up from the channel by a suction dredge, to build an industrial site north of the river mouth.

WANT MARSHES KEPT

Environmentalists don't like the site chosen for the dump. They say the site should have been left as marsh, explaining that marshes are nature's way of cleaning polluted water.

Silt swirling around in the water, say biologists, adds to the oxygen depletion problem. Silt reduces the transparency of the water, so oxygen producing plants, which need light to grow can't.

Chemicals in the river include wastes from the paper mills and metal working plants, fertilizers from farms, parks and lawns, and pesticides.

Most paper mill chemicals now used are more of a nuisance—they smell bad—than a hazard, as far as is now known. However, only a few years ago mercury compounds were used to keep slimes under control in the papermaking process.

METAL WASTES STUDIES

Slimes interfere with reuse of water, a water saving and pollution control technique.

Lake Michigan is not seriously threatened by mercury pollution, although remnants of the slimicides can be detected in the silt on the bottom of the Fox River.

Metal working wastes are almost a new field for water scientists. They know some of the things they are likely to encounter—cyanide, chromium, zinc, iron, lead, many others—but they don't always know what their effects can be.

Attention recently has turned to polychlorinated biphenyls (PCBs), long, slick molecules that make oil slipperier, paint stickier, rubber more elastic and plastics tougher. The PCBs range from DDE (dichlorodiphenylethane) with two chlorine atoms; through DDT, with three; to compounds with as many as 15 chlorine atoms hanging on them.

PCB USE LIMITED

Like DDT, the other PCBs are subject to biological magnification, collecting in fatty tissues. Their effects are similar to DDT—and they likely pose other hazards, too—and they were widely used in industry until recently.

Today, they are used, almost exclusively, in the electrical industry as a transformer oil because no suitable substitute has been found to match their reluctance to carry electricity or burn.

Fertilizer feeds the plants that naturally grow in the water, just as sewage treatment plant effluent does. Lake Winnebago is overfertilized every summer and tremendous rafts of algae form. They pour over the dam at Neenah and eventually, alive or dead, reach Green Bay and Lake Michigan.

PESTICIDES A FACTOR

Many different kinds of pesticides can be found in trace quantities in Lake Michigan. The orchard country—Door County in Wisconsin and nearly the whole western shore of Michigan—is kept alive economically by heavy transfusions of pesticides.

Half, or more, of Lake Michigan's hazardous DDT content may have drained into the lake from the orchards and vineyards.

Cities around the lake added about as much in their futile attempts to control dutch elm disease.

Dieldrin squirted into the lake in sewage from fabric processors and dry cleaners using it to mothproof woolens and from an overreacting United States Department of Agriculture after a few gypsy moths were found in Lower Michigan.

OIL, SALT FLOW IN

Oil and salt are carried into the lake when storms and melting snows wash the thousands of miles of roads surrounding the lake. Salt is mined in Lower Michigan and some factories there routinely discharged salt into the lake. Water chemists say chlorine levels in the lake—the measure of salt contamination—have risen steadily since 1880, but are nothing to worry about—yet.

Hardest of the lake's problems to evaluate objectively is the heat added by power plants. The immense quantities of clean, cold water are the answer to an engineer's dream. Cold water is needed to absorb heat and condense steam.

ADDED HEAT AN ISSUE

Electric power demand doubles every 10 years. The power companies, rushing to keep up, are building as never before. Many of the new plants, and some of the older ones, are on the lakeshore.

The Lake Michigan Enforcement Conference has adopted a rule that will require many of the plants to switch from putting their waste heat into the air by way of Lake Michigan—evaporation gets rid of the heat—to methods that will keep it out of the lake.

The rationale behind the order: Plants grow best in warm water; Lake Michigan is threatened, in its in-shore areas, by algae; therefore, keep the water as cool as possible.

Power company officials, and many scientists, say it is a mistaken concept and that, so far as anyone can tell, adding heat may help, rather than harm, the lake.

MICHIGAN, HURON MIRROR EACH OTHER—VII

(By Quincy Dadisman)

CHEBOYGAN, MICH.—Linked as they are through the Straits of Mackinac, Lakes Michigan and Huron are in many ways the Siamese twins of the Great Lakes.

They are also, in some ways, distorted mirror images. The west shore of Lake Michigan is broken by the broad, island studded openings of Green Bay. The eastern shore of Lake Huron is broken by the broad, island studded opening of Georgian Bay. Saginaw Bay on Lake Huron's west shore is a twin of Traverse Bay on Lake Michigan's east shore.

But the mirror comparison can float too far. In a much more practical way, Lake Michigan is really an immense bay on the west side of the Great Lakes chain while Lake Huron is an integral part of the chain. The main water movement is from Lake Superior through Lake Huron to the lower lakes.

WATER EXCHANGED

Complicated water studies show that large amounts of water flow over the hard rock sill from Lake Michigan to Lake Huron and that almost as much, at times, flows the other way—from Lake Huron to Lake Michigan.

Huron and Michigan share another characteristic—their longest lengths lie north and south, across the general trend of the lake system and at right angles to the water flow pattern.

This makes them different in several ways.

UNIFORM CLIMATE

The climate is remarkably uniform all the way around Lakes Superior, Ontario, and Erie. Prevailing winds move from west to east, carrying the weather with them.

Winds make waves. There's little to break their pattern in the east-west lakes. They build up into a smooth succession of gentle swells except close to shore where breakers form.

On Lakes Michigan and Huron, the winds cross the lakes' narrower dimension, breaking against the complicated shorelines in patterns that horrify sailors but delight mathematicians, oceanographers and computer experts, who say it may take a century to analyze them completely.

And when the winds blow steadily from the southwest for a couple of days on end, watch out. Lake Michigan's waters are forced into the strait at the north—"a long fetch and a restricted channel," the oceanographers say—and short, high, breaking waves develop. The rocky islands guarding Georgian Bay have a similar effect.

ROUGH SAILING

The men who sail the big lakes say Lake Michigan is the worst. A November blow off Beaver Island is rough in the biggest ships.

Salt water sailors who come into the lakes through the Seaway, and have seen the Bay of Biscay—off France and traditionally one of the world's roughest expanses of ocean—say Lake Michigan is just as bad and the shore is even closer.

Anyone living near either Lake Michigan or Huron knows how rapidly their moods can change, from mirror calm to six foot waves to mirror calm in just a few hours.

The two lakes share other characteristics: Spring comes earlier and autumn stays later—summer is six to ten weeks longer—at their southern ends than at Mackinac.

Their eastern shores, cooled by summer breezes, are much more highly developed by resorters than their warmer western shores, but the larger cities have grown up to the west, windows on the easy travel the lakes offer.

PICTURE REVERSES

The picture reverses in January. While the western shores often see the sun through bitter cold air, much of the time, the eastern shores are tucked under an almost continually increasing blanket of soft, fluffy snow.

Little known, but important for the distant future, is the way the lakes are tilting.

Billions of tons of ice compressed the rocks under the glaciers in the great Ice Age that ended 10,000 years ago. Lake Michigan's outlet then was the Chicago River and Lake Huron's, through a corner of Lake Erie, was the Maumee River. Their waters then went down the Mississippi.

Geologists say that squashed rock is rebounding like a tennis ball hit by a racquet. Since the glaciers' southern edge crossed the two lakes, rocks near Mackinac are rising farther and faster than those in the Chicago and Detroit areas.

It isn't much—a couple of inches a century—but the overall effect is that of tipping a saucer of water. Someday, Chicago will have to retreat behind dikes as did the Dutch when faced with a similar situation.

Lake Huron shares the problems of the other lakes, but they are all eased, to some extent, by all the good cold water that comes from Lake Superior.

It has its share of pesticides, especially DDT and dieldrin, but not nearly so much as Lake Michigan because the Lake Superior water carries them away.

There's industrial pollution, but most of the industry around the lake is at and just below its southern end, the pollutants draining away into Lake Erie.

There are silt and salt, diluted and carried away. There are even lamprey, but they didn't damage the fishing as much as they did in Lake Michigan.

The Georgian Bay area was near wilderness until the last few years, but new expressways make it easily accessible to the people of southern Ontario, New York, Pennsylvania and Ohio. The area is in a summer cottage building boom that has drawn a lot of criticism as unplanned and destructive. However, the problems are minor in comparison with what has happened on the shores of Lake Michigan.

All in all, Lake Huron probably would be the finest large body of fresh water in the world if Lake Superior weren't such a superior kind of lake.

LAKE ERIE NEAR DEATH; SCIENTISTS SEEK CURE—VIII

(By Quincy Dadisman)

CLEVELAND, OHIO.—Ask anyone on the street in Cleveland. He will tell you that "Lake Erie is dead." He has been hearing it from politicians, teachers, his fishing pals for years. And he is convinced that his lake is dead.

Scientists who have studied the lakes say even troubled Lake Michigan is as sterile as a surgeon's gloves measured against Lake Erie's abundant life.

But Lake Erie is being killed—in all the ways that make a lake useful to man.

Residents of the Lake Erie basin—nearly half of all the people who live around the five Great Lakes—have adopted a fatalistic attitude toward their lake.

ANTIPATHY NOTED

"There's no point," said one, "to trying artificial respiration when the body's already cold and the autopsy completed."

But limnologists—the pathologists who diagnose ailments of lakes—say the obituary is premature. Lake Erie can be revived if the public is willing to buy the needed medicine, they say.

And sanitary engineers—who fill the limnologists' prescriptions—say the bill wouldn't be excessive if it were measured against the results the medicine could produce.

Water chemists—the lab technicians in the treatment of ailing lakes—say their prognosis for Lake Erie is bright, if treatment is started soon. It, alone of the Great Lakes, can return to something like the conditions of 100 years ago within our generation.

ALL AGREE

And all three add, "Lake Erie is an example of what could happen to the other lakes, even big, cold Lake Superior, if we don't watch our step."

Lake Erie was born more than 15,000 years ago. Farthest south of the Great Lakes, it is also the oldest. By the time Lake Superior was born, perhaps as late as 4,000 B.C., Lake Erie was already showing a few of the natural signs of aging that all lakes show in time.

The water was a little less clear, a little harder and was occupied by a few more fish. It would still have been a good insurance risk, with a life expectancy that would have it paying premiums in 100,000 A.D., 98,000 years from now.

AGED QUICKLY

But civilization reached the shores of Lake Erie 150 years ago. The lake, then just entering what should have been a long and comfortable prime of life, began to be overfed. It suddenly aged thousands of years until, today, it is at a stage where it should not have been before 95,000 A.D.

A healthy, newborn lake in scientific terms is oligotrophic, "underfed" in Greek; a prime of life lake, mesotrophic, "middle fed," and an aging lake, eutrophic, "overfed."

The other Great Lakes are oligotrophic (Superior and Huron), or on the dividing line between oligo- and mesotrophic (Michigan and Ontario). Lake Erie, generally, is on the dividing line between meso- and eutrophic.

THREE LAKES IN ONE

It isn't quite that simple, of course. Lake Erie is really a combination of three lakes sharing a single surface. Geographers speak of its western, central and eastern basins as, in many ways separate lakes.

The western basin—west of a line from Point Pelee, Ontario, to Cedar Point, Ohio—is in the worst shape. It is clearly eutrophic.

The central basin—east of Point Pelee and west of a line running northwest from Erie, Pa.—is mesotrophic to eutrophic.

The eastern basin—east of Erie—is generally mesotrophic, but has a few oligotrophic characteristics.

One reason for the difference is the depths of the three basins. The western basin averages about 22 feet deep, the central basin nearly 60 feet and the eastern basin more than 75 feet.

It's easier to pollute seriously a small amount of water than a large amount. There's much less water in the shallow western basin than in the other two.

One of the ways sewage treatment plants sort out pollutants of wastewater is by allowing the wastewater to run through settling tanks, where the pollutants fall out of the water.

Lake Erie's three basins serve as successive settling tanks for the pollutants poured into them by the Detroit-Windsor-Toledo industrial area. The western basin catches perhaps 60% of the pollutants, the central basin another 20% and the eastern basin another 10%.

NASA STUDY

Last year, National Aeronautics and Space Administration (NASA) scientists teamed up with water scientists to try to learn just what happens in the lake.

NASA built a special camera for the scientists, Noel M. Burns of the Canada Center for Inland Waters and Curtiss Ross of the Lake Erie office of the United States Environmental Protection Agency.

Burns and Ross left the camera and other instruments on the floor of the central basin, which is just beginning to demonstrate some of the same behavior as the western basin, to record events in July and August, 1970.

They found:

A massive algal bloom in July, 1970, concentrated almost all the phosphorus—an essential element to plant growth, it spews into the lake in sewage and waste fertilizer—in the water. As the algae died, they formed a layer of dead material nearly one-tenth of an inch thick on the lake bottom.

As the algae bloomed, they took up the available oxygen in the lower water levels. By Aug. 12, the water had no oxygen and dead smelt littered the bottom.

When the bottom water went anerobic—lost all its oxygen—the phosphorus in the bottom sediments was released 11 times as fast as it had collected there.

In other words, the lake was polluting itself.

The camera told the story.

When there was plenty of oxygen, a thin film of reddish brown iron oxides (rust) formed on the bottom. Rust, as any housewife who has tried to remove it from a kitchen sink knows, is insoluble in water. The rust kept the soluble phosphorus in the sediment and the water apart.

CHANGED COLOR

But when the lake water went anerobic, the lake bottom turned greenish brown. Under anerobic conditions, the iron oxide gave up its oxygen, broke apart and allowed water and phosphorus to meet.

The conclusion was self-evident:

Lake Erie loses a little of its phosphorus content over Niagara Falls every year. If the phosphorus input could be cut off, the self-pollution cycle could be broken and the lake would eventually clean itself up to the point where fish could again live year around in the western basin.

Ross and Burns reported:

"Phosphorus input to Lake Erie must be reduced immediately. If this is done, a quick improvement in the condition of the lake can be expected; if it is not done, the rate of deterioration of the lake is such that within 10 years, the lake will be of little value to the population along its shores, other than providing the means of cheap transportation of bulk commodities."

MERCURY POISONING KILLS TOWN—IX

(By Quincy Dadisman)

ERIEAU, ONTARIO.—Mercury has destroyed this little community on the north shore of Lake Erie.

Erieau is—or was—a fishing town, making its living by setting and hauling nets in Lake Erie.

Then, in April, 1970, word came that mercury had been found in Lake St. Clair fish. Lake St. Clair is upstream from Lake Erie. Soon mercury contaminated fish were found in Lake Erie and the Canadian and United States governments forbade sale of fish from western Lake Erie.

Erieau residents had lived through contamination "scares" before, so they were not concerned at first. Then they were told:

"The mercury is tied up in the bottom sediments and will take a century, maybe four or five, to disappear."

To men who knew no other way of making a living, that was bitter news.

HUNCH PAID OFF

A Swedish graduate student at the University of Western Ontario in nearby London had the hunch that set off the most intense pollution hunt in recent years.

The student, Norval Fimreite, knew that waste mercury had sickened some Swedes and killed some Japanese living near plants

using the liquid metal for conducting electricity to break common salt down into caustic soda and chlorine.

Some of the mercury, he knew, had escaped from the chloralkali plants, seeped into nearby waters and contaminated fish, poisoning those who ate the fish.

He had heard, too, that mercury used to treat seed against fungus attacks had gotten in game birds in Canada's prairie provinces. He had a hunch that mercury hadn't been found in the Great Lakes only because no one had looked for it.

Fimreite decided to look.

FINDINGS VERIFIED

What he found was even worse than what he had expected. Mercury popped up in every sample of fish he got out of Lake St. Clair. When an independent laboratory confirmed what he suspected, he informed Ontario pollution control authorities.

Canada closed all fishing in Lake St. Clair (Michigan followed a couple of days later) and traced the mercury to chloralkali plants near the St. Clair River, which connects Lake Huron and Lake St. Clair. Two plants, one on each side of the border, were losing up to $1,500 worth of mercury a day.

Mercury is worth about $7 a pound.

It was relatively easy to shut off the mercury flow to the lake.

DAMAGE DONE

A quick shutdown of the plants, backed up by a warning that they would stay closed permanently if they didn't clean up their effluent, brought results. But the damage had been done.

There are tons of mercury in the bottom mud being picked up by plants and animals.

No one knew how to get it out of the mud. The obvious answer—dredging and processing the mud for mercury, which could be profitable—had to be set aside because scientists fear it would release more mercury than it recovered.

Chemists, biologists, physicists and engineers have been puzzling over the problem for months and still haven't any clear idea of a practical and safe way of getting it out.

POTENT POISON

Organic mercury can harm human beings in much smaller concentrations than will kill fish. Scientists used to believe that metallic mercury would fall to the bottom of a body of water and remain there, almost inert, forever.

Fimreite's research, along with the work of Swedish and Japanese scientists, showed that metallic mercury on the bottom acts as a reservoir from which organic mercury is constantly produced.

Mercury was merely the final blow to the Lake Erie fishery which has been declining, in one way or another, practically since the day the first commercial fishermen set their nets off Toledo in 1815.

The figures on commercial fish catches in Lake Erie reflect a picture of the most valuable fishery on the Great Lakes, probably worth as much as the fishing in all the rest of the lakes, slowly and steadily declining to almost nothing.

An average of more than one million pounds a year of sturgeon were taken from the lake between 1879 and 1909. Most of the sturgeon were gone in 1910 and only 4,000 pounds were taken in the last big year, 1964. Overfishing, rather than pollution, probably was to blame.

Northern pike, a relatively tough species, were caught in million pound totals to 1919 and have since declined to about a single ton a year. No one is sure why.

Fishermen netted an average of 27 million pounds of cisco every year between 1910 and 1919 and 14 million pounds the next decade. They suddenly almost disappeared in the 1930s, rebounded to an 8 million pound catch in the late 1940s, now average about 8,000 pounds or less a year.

Blue pike, a fish similar to walleye, once regularly topped the 10 million pounds a year mark, reached a high of 18 million pounds in the late 1930s and have virtually disappeared.

Walleye, once negligible, hit a high point of over 10 million pounds in the late '50s and now are disappearing.

EVEN CARP HURT

Significantly, the carp haul has continuously risen on the lake until recent years. Carp like muddy water, but now even they are declining.

Of the many commercially desirable species, only yellow perch is still important in much of the lake, which traditionally produced over half of all the fish sold from the Great Lakes.

Overfishing seems to have been a factor in Lake Erie's fishery decline. Overfishing, say biologists, wasn't a serious factor in the decline of the other lakes' fishery.

A key to the Lake Erie situation probably is the eutrophy that is overtaking the lake. The expanding plant population uses so much of the available oxygen that desirable fish—and even carp—can't compete.

Changes are taking place. Michigan and Ohio have placed a 14 inch minimum on walleye and Ontario is enforcing a 13 inch limit. Yellow perch from the eastern basin seem to be more than holding their own.

ERIE BLOATED BY CUYAHOGA RIVER SEWAGE—X

(By Quincy Dadisman)

CLEVELAND, OHIO.—Clevelanders used to joke about the Cuyahoga River. "Don't toss a match into the river," they would tell smokers, "it might catch fire."

They still warn smokers, but it's no joke now. The Cuyahoga IS inflammable, at times, toting a scum of industrial waste that makes even Milwaukee and Chicago residents gasp.

The Milwaukee River's goldfish and alewives and the Chicago's lunker carp would smother in the Cuyahoga, a river so dirty even sludgeworms can't live in it.

But things are changing. Pollution experts say Lake Erie could be revived in as little as six years—if the 13 million people living around its shores move fast enough.

DETROIT ACTS

Detroit, principal polluter of the lake, has taken a giant step toward that cleanup with a multimillion dollar sewage treatment plant snatching over 95% of the pollutants that used to go into the lake.

Detroit received massive financial help from the state of Michigan's bonding program when federal aids lagged.

Cleveland, and Ohio's other big pollution source, Toledo, haven't had this help. Cleveland's three sewage treatment plants are about 70% efficient. So is Toledo's.

The Lake Erie Enforcement Conference was slower than its Lake Michigan counterpart in adopting phosphorus removal standards—at 80% reduction of each state's contribution of phosphorus to the lake by both conferences.

GAIN INVISIBLE

The stroller along the beach won't notice it, but Lake Erie will start getting better about the end of 1973 when phosphorus input will be controlled. That is perilously close to the 1975 "point of no return" some scientists see for the lake.

Phosphorus is contributed—about a third each—by farm runoff, domestic sewage and detergents in wastewater. It is the key nutrient in plant growth because human control over nitrogen and carbon, the other major nutrients, is impossible. (Nitrogen and carbon are available from the air.)

The phosphorus budget of Lake Erie is the key to its future.

Phosphorus has been accumulating for decades in the western and central basins of the lake, feeding algal blooms each summer.

The International Joint Commission—an agency of the United States and Canadian governments—figured out that budget last year.

About 4.5 million pounds of phosphorus pour out of Lake Huron every year into the St. Clair River. By the time the water reaches Niagara Falls, where it tumbles into Lake Ontario, 38.2 million pounds have been added by municipal sewers, 4 million pounds by industry and 13.5 million pounds by land runoff, a total of 60 million pounds.

But only 9 million pounds a year goes over the falls; the other 51 million pounds remain in Lake Erie, involved in the plants or hiding in the mud.

ANOTHER PROBLEM

Even as the slow cure for the phosphate problem appears on the horizon, another potentially catastrophic problem has water experts worried.

The two-thirds of Lake Erie east of Cleveland lies over a productive gas and oil field. Ontario has been leasing gas and oil drilling rights in the take for 60 years. Pennsylvania started leasing rights five years ago.

Both have been very restrictive, but Ohio, Michigan and New York have objected. Michigan and Ontario have an informal agreement that bars oil or gas exploration in Lake Huron. Michigan would like to extend the idea to Lake Erie. Ohio and New York would like to keep drilling rigs out until better safety measures are available.

CITE DISASTERS

The objectors point to the disasters that have followed oil well blowouts in the Gulf of Mexico and the Pacific Ocean and the fact that 10 of the 13 million residents of the Lake Erie basin drink its water.

Only gas wells have been drilled in the lake.

Geologists say a gas well blowout in Lake Erie would be a nuisance, not a disaster. But if one of the drillers struck oil and lost control of the well, they say, the spill would spoil Cleveland's water supply in a matter of a couple of days. Cleveland is twice the size of Milwaukee.

Some water pollution experts feel the drilling is a psychological hazard to public acceptance of the costs of pollution cleanup even more perilous than its threat to the environment.

"It's a credibility gap," one said, "to force a sewage cleanup and still take a chance with those wells."

NIAGARA FALLS IS NATURE'S TREATMENT PLANT—XI

(By Quincy Dadisman)

NIAGARA FALLS, N.Y.—In all but the windiest weather, a column of mist towers a couple of hundred feet into the sky directly over Niagara Falls.

That column, visible for miles most of the time, advertises the falls' biggest virtue in the eyes of pollution fighters.

The falls act as an aerator, forcing oxygen into the polluted water leaving Lake Erie. This helps maintain Lake Ontario's relatively good health.

CHIEFLY CANADIAN

Lake Ontario, farthest downstream, smallest in area and, to Midwesterners, least known of the Great Lakes, is as different from the upper lakes as they are from each other.

The other lakes are mostly American, if not in area, then in the development along their shores. Most of the people in the Great Lakes basin live in the United States. But most of the people in the Lake Ontario basin live in Canada.

Toronto, Hamilton, Oshawa and Kingston are big cities on the Ontario side of the lake.

Only Rochester, on the New York side, can claim metropolitan status.

The other lakes, until recent years, were the home of only the best types of freshwater fish.

But ocean fish had little trouble following the St. Lawrence River upstream into Lake Ontario. Alewives, sea lamprey and smelt have been in the lake for centuries. Until less than 100 years ago, their passage into the upper lakes was barred by the falls.

BELOW LAKE ERIE

Lake Ontario is very deep, 804 feet, although its surface, 244 feet above sea level, is below all the water in Lake Erie. The Niagara River, including the falls, drops the water 326 feet from the surface of shallow Lake Erie, 570 feet above the sea.

Lake Ontario's total volume is four or five times that of Lake Erie and is almost as great as Lake Huron's, so its capacity to absorb pollution is much greater—and its capacity for getting rid of pollution is much slower than Lake Erie's.

Lake Erie flushes—empties and refills—in three years. Lake Ontario takes 80 years or so.

Lake Ontario, like Lake Superior, is controlled by a "compensating work," a series of dams and dikes, at its outlet, so its level is more stable than the three middle lakes.

SAME PROBLEMS

Its pollution problems are familiar to anyone aware of the problems of the upper lakes, all of which Lake Ontario inherits as the water moves toward the sea.

All of the familiar pollutants—phosphorus, other sewage chemicals, DDT, mercury, lead, bacteria—are present, but at average levels well below Lake Erie (and well above Lakes Huron and Superior).

The fishery is declining, although some species regularly fished on Lake Ontario have yet to find their way through the Welland Canal, so are unfamiliar to residents of the upper lakes basins.

The International Joint Commission, an American-Canadian antipollution agency, studied Lake Ontario a couple of years ago and concluded:

Any real improvement on Lake Ontario has to start with improving Lake Erie. Similarly, St. Lawrence River water quality can't be much better than the water it receives from Lake Ontario.

Buffalo and Niagara Falls (the city) are heavy polluters of the already polluted water in the Niagara River. Rochester and Toronto need to do a better job of treating the sewage they discharge to the lake.

"Vigorous and effective remedial programs must be carried out promptly and on a continuing basis to reverse the deteriorating condition of the lake."

The commission pointed out that half the population of the entire Great Lakes basin lives around the two lower lakes, jammed much closer together than residents of the upper lakes' basins. Human activities, the commission implied, have a much more immediate effect in the two lower lakes.

Deadlines of 1975 for cleaning up discharges to Lake Ontario and 1978 for cleanups on the tributaries were set by the commission.

PATH TO POLLUTION BEGINS EARLY—XII

(By Quincy Dadisman)

PORTAGE, WIS.—A slim line of intensely green water a mile long here marks one of the problems of the Great Lakes.

It's one of the smaller problems.

The strip of green water is the stagnant remains of the old Fox-Wisconsin Canal that once linked the Great Lakes and Mississippi watersheds. Boats can no longer make the passage, but the green water in the old canal eventually will reach Green Bay, 200 miles, as the muskrat swims.

It will take a couple of weeks for it to reach there; another 6 months to 600 years for it to reach Point Pierre, Quebec, and the Atlantic.

ENDLESS BLENDING

Along the way it will mix with water from 10,000 other streams, the outfall from 10,000 sewage treatment plants, the effluent from 10,000 factories, the oil seepage from 10,000 ships and the dirt and debris from 10,000 other sources.

Stir in the seepage from a million septic tanks, the silt from a million construction jobs, the pesticides running off a million farms and cities and the salt working off a million miles of highway and cleaning up the Great Lakes sounds impossible.

Some pollution experts think that that may be the case.

Most say it can be done—if . . .

If today's piecemeal approach is abandoned and pollution fighters begin to see the Great Lakes basin for what it is, a living, unitary system, interacting all the way.

If priorities are assigned to cleanup needs, so that the most urgent work is done first.

If innovative ideas can be accepted in time.

If the public, and public officials, are willing to pay the price.

The mercury crisis in the spring of 1970 may have been a blessing in disguise in cracking the first big "IF," one water scientist believes.

His reasoning:

One of the dams backing up co-operative efforts to solve the Great Lakes' problems has been the multitude of political agencies having authority in the Great Lakes basin—two countries; eight states and two provinces; uncounted dozens of counties and hundreds of municipalities.

SEEN AS DUMPS

Along the tributaries, each community complained about what everyone upstream didn't do to keep the river clean, but did as little as possible to protect those downstream. Lakefront communities looked on the lake as a huge dump rather than a valuable resource. Much of that kind of thinking still persists on the local level all around the lakes.

But state and provincial authorities have been working for 30 years to force local cleanups, each blaming neighboring states for much of the problem.

The same philosophy permeated relations between the United States and Canada, with only complaints, never suggestions for joint effort, being referred to the International Joint Commission (IJC).

The IJC was formed in 1913 to arbitrate water level and navigation problems on the lakes. Later it was given pollution problems.

DOOR OPENED

The basin enforcement conferences, the scientist believes, pointed the way to cooperation, with the Lake Michigan Conference, concerning an all-United States lake, leading the way for the others.

The Lake Superior and Lake Erie Conferences could bring about improvement on the United States side, but Ontario could send only observers and the conferences had no power north of the border.

The researcher credits the conferences with teaching everyone that what happens in one part of the lakes affects everyone living on their shores.

But problems that crossed the international border still had to be referred to the IJC, a long, slow process of letters going from the local community to the state capital to Washington, to Ottawa, to the provincial capital to the local community.

LONG ROUTE

It often took six months for a complaint to reach its destination—perhaps just across a river—by that route.

Both federal governments are jealous of their national sovereignty and unwilling to see the IJC shortcircuited.

Then mercury was discovered in Lake St. Clair. Ontario health authorities saw it as an immediate threat to human health.

They telephoned Lansing to inform Michigan health officials. Michigan followed Ontario's lead and within days banned fishing on the lake. The IJC had been shortcircuited, informally, but effectively, to meet an emergency.

MEETING CALLED

So, in September, 1970, John Robarts, then premier of Ontario, invited the eight Great Lakes states and Manitoba—which shares some of the problems, although it isn't in the Great Lakes basin—and Quebec to send representatives to Toronto to talk over pollution problems.

The conference didn't accomplish much on the surface, but resulted in a joint statement by the 11 participants promising cooperation in an information exchange.

The Great Lakes Environmental Conference has no legal standing in either country, but at its second session—last August at Mackinac Island, Mich.—it recognized the fact that the Great Lakes are an integrated system by agreeing to a suggestion that it include Lake Michigan in its agenda. The suggestion came from Wisconsin Gov. Patrick J. Lucey.

COOPERATION SEEN

The conference can lead to co-operation across the many boundaries and help set the priorities needed without violating either nations' laws, Robarts believes.

One cooperative idea that seems to have gained a foothold—a joint sewage treatment plant for Duluth, Minn., and Superior, Wis.—focuses attention on priorities. Neither city can take the faster, but much less efficient, route of going it alone if the best system, the joint plant, is built.

In that case, the sensible priority seems to be to delay building separate plants while the joint system is engineered.

The third "IF," innovative ideas, is just beginning to interest pollution fighters.

Examples:

An experimental activated carbon plant to replace or supplement present biological sewage treatment plants now reaching pilot plant stage under the eyes of University of Wisconsin scientists.

A basinwide sewage treatment utility plant proposed for the lower Fox River and being considered for a further studies grant by the Environmental Protection Agency.

COST A PROBLEM

The "mounded septic tank seepage bed" being tried in Door County to outflank shallow bedrock levels.

The fourth "IF"—willingness of the public and their officials to pay for a clean place to live—may be hardest to realize.

For instance, last summer's fight against stricter dump regulations is primarily economic. Cleaning up a minority of sloppy dumps scattered across the state would cost town tax funds. Many communities chose to fight rather than spend the price of a cleaner environment.

On a broader, and much more expensive, scale, the idea of general tax funds paying for water pollution control may be on the way out. Ontario and Ohio are experimenting with waste handling utilities based on the principle that the person or industry generating waste should be charged on the basis of how much he or it generates.

Some, or all, these ideas may again help make the Great Lakes what they were in 1815, when sturgeon were so thick in Lake Erie they were considered pests.

A NATIONAL PROGRAM FOR OLDER AMERICANS

Mr. HUMPHREY. Mr. President, on December 1, 1971, it was my privilege to participate in the special concerns ses-

sion on rural elderly at the White House Conference on Aging.

In my remarks to the delegates at this conference session, I outlined a comprehensive program to meet the needs and establish basic rights for elderly Americans. I proposed the establishment of a Cabinet-level Office on Aging, to assure that this work agenda receives high-priority attention in the Federal Government.

My basic concern is that we move now from studies about the elderly to action programs that will effectively address the critical problems that such studies have already clearly established. I called for specific programs and policies to improve income for the elderly, provide adequate health care and nutrition, to establish the right of older citizens to gainful employment, and to end living conditions of isolation and substandard housing.

I focused my remarks on the problems of the elderly in rural America. They occupy one-fourth of the substandard housing in these areas, and one out of three lives in poverty. Adequate medical care and transportation services are frequently non-existent. These special problems demand immediate attention. But they also reflect the critical need for comprehensive programs of rural development across America.

Mr. President, I ask unanimous consent that the complete 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 AT SPECIAL CONCERNS SESSION ON RURAL ELDERLY, WHITE HOUSE CONFERENCE ON AGING, WASHINGTON, D.C., DECEMBER 1, 1971

My good friend, Chancellor Bishop, Governor Moore, Senator Pearson, Congressmen Quie and Mahon, Commissioner Smoot, Dr. Kreps, Ladies and Gentlemen:

At the outset, I want to take this opportunity to recall the outstanding work that our Chairman, Dr. Bishop, accomplished as Executive Director of the President's National Advisory Commission on Rural Poverty, The Commission produced a landmark study in 1967, entitled "The People Left Behind," And some eight months later the staff published the extensive reports on rural poverty in the United States, that had been heavily utilized by the Commission.

Of all the rural Americans left behind, it is probably the older people who have been most forgotten. One out of every three of them lives in poverty. They occupy one-fourth of the substandard housing in rural America—which, in turn, accounts for two out of every three deteriorated housing units, with broken-down or non-existent facilities, in America. They are isolated from stores and towns, and transportation facilities are generally nowhere to be found. So they usually cannot get to a doctor when they need essential health care. And too often they are fortunate to obtain any medical treatment, because in many rural counties there are no doctors at all. But we know that rural people aged 65 and older have more chronic conditions and more limitations on their activities than the urban aged.

How many times must we repeat such astounding facts that should sear the conscience of America, before we get *action?*

That is what is demanded at the national level in the decade of the 70's. We have put older Americans under the microscope long enough—the analysis has been done; the diagnosis has been made. So we dare not allow this Conference on Aging to result only in the publication of yet another study report to be catalogued and conveniently filed.

Let us resolve that this Conference shall result in the hammering out of firm national policies on older Americans, backed up by bold and comprehensive national programs.

Let us commit ourselves to the establishment of one goal: That a man in his old age should be treated like a man.

Over the past several months I have outlined what the response of the federal government must be to meet the needs and establish the rights of the one-tenth of our population that has been too long ignored—our older citizens.

First, there must be established *now* a cabinet-level Office on Aging. The problems of older Americans must be addressed at the highest level of authority, which has an adequately funded and on-going staff operation, reporting directly to the President, with sufficient power and independence to tell this governmental bureaucracy what must be done, and then to get it done.

We have had enough of rhetoric and promises. What we need now are results. During the previous Administration a number of excellent programs on behalf of older Americans were enacted by Congress. But they remain seriously underfunded and only half-heartedly administered. A cabinet-level Office on Aging is needed—not just another advisory committee holding periodic meetings—to pull these federal programs together, to set schedules for meeting specific goals, to fix the clear responsibility of governmental officials, and to move out in new directions.

And to assure that this office functions with the benefit of the best advice and experience available, we should establish a permanent National Advisory Council on Older Americans.

It should be composed not only of appropriate Federal officials to assure the effective coordination of their agency programs, but also of representatives of the general public whose competence and dedication assures that they will be strong spokesmen for the needs and rights of all older Americans.

It is abundantly clear that the first item on the agenda of the Office on Aging and the National Advisory Council on Older Americans must be the priority concern of our elderly citizens: The right to a liveable income.

There are immediate actions that should be taken in response to this critical and overarching need.

I have introduced legislation to bring minimum Social Security payments up to a more realistic level and to increase benefits by 10 percent, and to lift the earned exemption ceiling to $3,000. Under this bill, federal general revenues would be applied to one-third of the costs and additional financing obtained through an increase in the wage tax base.

I have called for extensive reforms in corporate pension plans, to help protect other forms of retirement income. And I have introduced further legislation to permit over 2.08 million recipients of old-age assistance to, in fact, benefit from any increase in Social Security benefits—rather than face a dollar-for-dollar cutback in public assistance.

But I believe we must go further in also protecting elderly citizens from being, in effect, denied or declared ineligible for other program benefits—such as Medicaid and food stamps—either through recent regulation changes by the Administration, or as a result of an increase in Social Security benefits. Such totally insensitive and economically illogical regulations must be withdrawn or revised without delay.

Health care and adequate nutrition are two critical needs confronted by the elderly. There can be no question that this Congress must enact an effective, comprehensive program of national health insurance. And I have pledged to make every possible effort to see that this is accomplished, along with the establishment of quality health care resources that are immediately accessible to all our people.

But it is essential that we also act now to meet the immediate health care and cost problems confronted by older Americans. That is why I have introduced two bills to amend the present Medicare program. One bill would fill a major gap in Medicare: the coverage of prescription drugs. Prescription drugs represent the largest single personal health expenditure that the elderly must meet almost entirely from their own resources. Not only must this serious need be met without delay, but the costly practice of requiring hospitalization for the reimbursement of prescription drug expenses under Medicare must be ended.

The second bill focuses on the costs of ill health resulting from inadequate nutrition, with which hundreds of thousands of older citizens are afflicted. It would provide for reimbursement under Medicare for home nutrition educational services, supervised by a registered dietician. I see this as a vital companion measure to the Nutrition Program for the Elderly Act, of which I am an original sponsor, and which was passed yesterday by the Senate by a unanimous vote of 89–0.

But in discussing the income protection needs of older Americans, we must remember that for many of them, this is basically a problem of getting or holding a job.

We have all heard the maxim that too often rings true below: "Too young to retire, but too old to hire."

I find it morally unconscionable and economically foolish to deny our older citizens the right to gainful employment. It is an affront to their dignity. It is an act of ignorance in failing to recognize the solid contribution they can make to our economy and the extensive services they can perform in our communities.

And yet there is clear evidence that the Federal government is not very concerned about forced early retirement, about providing extensive job and community service opportunities for older Americans, or about enforcing the law prohibiting discrimination on the basis of age.

It has been estimated, for example, that two-thirds of the Department of Labor's job training programs are operated for persons under 45, and that only 4 percent reach those 55 and over.

I am deeply disturbed that the priorities and biases of the Department of Labor can be a major factor in preventing the development and expansion of vital programs for the older worker. Green Thumb, Green Light, and Senior Aides have given great demonstrations of what can be done in community service and, along with employment assistance programs such as Operation Mainstream, should be operated on a full-scale basis.

I thought we had moved from the notion of what we are going to do *for* those old folks, to a clear recognition that the skills and talents of older people can and must be utilized to help solve community problems, including the problems confronting older people themselves, and to meet the continuing need for skilled and productive employment across America.

But I am forced to conclude that the present administration has not gotten this message. Congress passed a major public service employment program this year, but I doubt if more than a handful of the people obtaining jobs under this program have been older rural people in poverty.

Similarly, the Office of Economic Opportunity has downgraded both the rural and aging programs, disregarding the Congres-

sional mandate for assistant directors for both these program areas.

It remains, then, for this Congress to establish the priorities and enact the programs to enable older Americans to make their own decisions about their lives, to continue to be involved in the mainstream of life, and to be treated with dignity.

We must establish federally assisted programs across the nation to provide older workers with opportunities for job retraining and employment in new careers. And we must provide for multi-purpose centers in our communities with extensive professional social services for and by our older citizens, in addition to greatly expanding existing programs to involve these people in vitally needed community service.

There must also be a major national effort to help older people to escape from the isolation in which they live. Too often, we are in effect locking up older people at night and over the weekends. This is inhumane. And the problem is compounded for the elderly in rural America. I believe this isolation has a lot to do with the overcrowding of our hospitals, nursing homes, and mental health care facilities.

We need imagination and creativity in designing transportation services and adaptations specifically for the elderly and handicapped. No longer dare we deny them the right to obtain essential services, to reach jobs, or to pursue community-service or personal interests.

Nor should they be prohibited from travelling by the cost of airline or interstate transportation fares, and I have introduced legislation to meet this need by authorizing reductions in these fares.

Finally, in recognition of the high proportion of the income of older Americans that is paid for housing that is often substandard and in unsafe neighborhoods, there must be a total redirection in national housing programs to end discrimination based on age and to assure that a fair share of Federal housing assistance is at last allocated to rural America.

It is inexcusable that while an estimated 24 percent of the Nation's population lives in non-metropolitan counties without a town exceeding 25,000 in population, less than 11 percent of the housing units financed or insured by the Department of Housing and Urban Development in the last three years were located in those same counties.

But the inadequacy of housing that includes the opportunity for enriching community life for older Americans is a fact of life across America. To meet this critical need, we should at least undertake the immediate construction of a minimum of 125,000 units of low-cost housing for the elderly each year.

And we must provide effective and reasonable assistance to older people who want to remain in the homes for which they have worked and cared over the years.

At the same time, we dare not continue to condone the inadequate and sometimes inhumane treatment of our elderly that has been reported at a number of nursing homes across America. This must be ended by the enforcement of quality health care standards and by the imaginative employment of incentives and new resources, both to improve institutional care and to broaden the spectrum of health care from preventive medicine to rehabilitation programs.

It remains for us all to address the fundamental need to revitalize rural America. We have yet to establish the programs to carry out a comprehensive national growth policy of balanced rural and urban development. We have yet to recognize the direct connection between advancing rural poverty and the congestion and fiscal crisis confronting our cities.

The development of rural America, as many of you know, has been a top-priority concern in my legislative work agenda over the past months.

I firmly believe we have the resources and the tools to do this job. What we need is the *will*, carried through by strong national leadership. I have introduced a comprehensive legislative program to strengthen our agricultural economy and to promote public and economic development in our rural areas—a legislative program that has strong bipartisan backing; and a legislative program that must be enacted.

With your support, this *can* be accomplished. And with your involvement, it *will* be done. There is a tremendous resource among rural older Americans of talent and ability and commitment to carry through extensive programs of rural improvement and development.

I have seen in Minnesota how older people can get into the efforts to improve our rural communities. In Otter Tail, Wadena, and Todd Counties, the Green Thumb and Green Light workers have literally been the manpower force that has enabled many of our rural development plans to come into being. It is the kind of dedication and hard work that must be duplicated throughout the rural counties of America.

I want to conclude now by expressing a deep, personal concern that this Conference shall produce results. I am looking to you in this session and in this Conference to help us in Congress to decide the priorities—which programs should be moved onto a full-scale basis; and what new directions must be taken.

Let us resolve to get on with the job of creating a new era for and by older people which will bring their talents and abilities to bear, and which will assure them a lifetime of dignity, security, and opportunity.

NOMINATIONS TO THE SUPREME COURT

Mr. ALLOTT. Mr. President, I intend to vote to confirm the nominations of Lewis Powell and William Rehnquist for the positions of Justices of the U.S. Supreme Court. My votes will represent my conviction that both men will serve with distinction.

There is no reason why this matter should detain us any longer than it takes for each of us to express our confidence in these two outstanding men. The Judiciary Committee has done its job. It has examined the records compiled by these men in their many years of public service. It is a measure of our happy position here today that not a shred of damaging evidence was produced concerning either of these men.

This is not to say that there has not been criticism. Indeed there has. Mr. Rehnquist particularly has been subjected to a most obnoxious and unconvincing attack. But, Mr. President, his enemies, in their frenzy, have tarred themselves with their own brushes. They have revealed themselves as unlaundered McCarthyites. Suffice it to say that my admiration for Mr. Rehnquist is only heightened when I see the enemies he has made.

Reduced to simplest terms—and it has never risen far above the simplest terms—the opposition to Mr. Rehnquist boils down to this assertion: Conservatism is unconstitutional. This is not just twaddle, it is pernicious twaddle. I do not intend to dignify that assertion or demean the Senate by discussing that assertion.

I would only point out that Mr. Rehnquist has already served us well by provoking a revealing display from those elements who seek to impose their orthodoxy upon all America. As a result of their tiresome performance, these elements, whose impudence is exceeded only by their imprudence, will not again enjoy a serious audience on Capitol Hill for a long, long time.

There can be no doubt that both Mr. Powell and Mr. Rehnquist have developed judicial philosophies. In fact it is perfectly obvious that we would all be alarmed and perplexed if these intelligent, learned and public-spirited men had never bothered to reflect in a systematic way about the profound philosophic foundations of our Constitution and of ordered liberty in general.

In addition, Mr. President, there can be no doubt that the only issue involved in the minor oppositions to both of these men is their judicial philosophies.

What, then, is the criticism of them all about?

In my judgment, Mr. President, those who oppose one or both of these nominations are saying that the Founding Fathers were mistaken; and that the mainstream of American judicial thinking over the years has been mistaken.

That is, they are saying that the most extreme actions of the Supreme Court in recent years—actions which no one seriously argues reflects the intentions of the framers—represent the only permissible judicial philosophy.

Do any of the critics of Mr. Powell and Mr. Rehnquist seriously maintain that, say, John Marshall would have voted with the majority on the so-called Warren Court? Do any of these critics really believe that, say, Mr. Justice Taft or Mr. Justice Cardozo or Chief Justice Hughes would have participated in the torturing of the 14th amendment which recently became the iron orthodoxy of one militant school of constitutional jurisprudence?

I think it is fair to say that both of these men incline toward the view that in recent years the Supreme Court has been excessively assertive in attempting to take the lead in tackling social problems. It seems likely that both of these men, like many reflective Americans, are inclined to believe the Court has taken on a role it cannot fulfill; it has attempted to push law beyond the prudent limits set by society's slowly evolving consensus.

Mr. President, I say that these men are "inclined" to believe this, and I select that word with care. These are not blind dogmatists. If they were, they would not enjoy the widespread approbation which they have earned from their colleagues in America's temperate legal profession. But the inclination is real enough and, in my judgment, it is sound.

I do not find it at all puzzling that reflective men should feel this way. But I do find it very puzzling indeed that Senators should find this view repugnant. After all, this inclination to curtail the Court's assertiveness is, by another name, an inclination to acknowledge the legislative as the first branch of Government. I believe that the primacy of the legislature is, in theory and in historical

experience, the foundation of free government.

I note with interest the fact that many Senators are greatly exercised about what they consider an excessive assertiveness on the part of the executive branch in the shaping and administering of foreign policy. I think these Senators are mistaken on two counts. They say that this assertiveness is relatively recent, and it is not: its first practitioner was George Washington, and it has been the practice of every President since the United States became a world power under Theodore Roosevelt. And these Senators are mistaken in saying that the Executive predominance in the field of foreign policy is without constitutional warrant: in fact, every precedent speaks the primacy of the Executive in that field.

What interests me about these Senators is that their passion for legislative primacy is so selective, and is so finely focused on an area of thorny constitutional questions.

I suggest, Mr. President, that these Senators are half right. They are right that there has been an erosion of the legislatures standing in this Government. But they are wrong in thinking that this erosion has been in the area of foreign policy. In fact, the real erosion has come in the field of domestic policy.

It is well to remember that the two most significant decisions affecting domestic policy in the United States in the more than a quarter century since the end of the Second World War were made by the Supreme Court. The first was the desegregation decision, the ramifications of which are still being worked out—and worked out by the courts. The second crucial decision concerned reapportionment.

Senators who are really concerned about the stature of the legislative branch, and who want to do something about it, might well cease their attempts to usurp the President's constitutionally well-founded powers in foreign policy, and might concentrate instead on making the legislative branch the decisive force it once was in determining domestic policy.

It is ironic that the President himself is taking steps which are necessary, if not sufficient, for a restoration of legislative primacy in domestic policy. The President is appointing to the Supreme Court men steeped in a prudent philosophic tradition. This tradition will lead the Court back to its proper and traditional balance in the constitutional system without in any way diminishing the Court's "great and stately jurisdiction."

That is the real significance and drama of the nominations of these two fine men, Mr. Powell and Mr. Rehnquist. And that is why it ill behooves Senators to oppose these men in the name of Senate prerogatives.

Just as it is ironic that Senators should clamor for a larger role for the Senate in foreign policy just as they are clamoring for a smaller role for the United States in the world, so too, is it ironic that Senators should urge the Senate to flex its muscles by opposing the confirmation of men whose judicial philosophy will encourage a wide range of responsibile Senate exertions in setting policy for this Nation.

Mr. President, we are in a very happy position. When we confirm the nominations of these two gentlemen we shall be strengthening the Supreme Court and, simultaneously, enhancing the role of the Senate.

In short, there is not the slightest particle of a reason for voting against either of these nominations, and there are abundant reasons for all of us to be grateful for the opportunity to vote for them. The President is to be applauded for his wisdom in making these selections which we are privileged to support.

ARTHUR B. SPINGARN

Mr. HUMPHREY. Mr. President, the Nation suffered a deep loss yesterday with the death of Arthur B. Spingarn, president of the National Association for the Advancement of Colored People from 1940 until his retirement in 1966.

Mr. Spingarn brought to this vital organization, from the outset of its legal defense efforts in the early 1900's, an outstanding example of constructive militancy on behalf of equal rights and justice for the black people of America.

He knew the lonely, hard struggle to overcome racial discrimination long before the cause of civil rights became popular, winning court cases against enforced segregation when the Ku Klux Klan could still march in a grand parade down Pennsylvania Avenue in Washington.

Dedicated to the objectives of the NAACP to achieve solid accomplishment and provide concrete help in establishing equality in education and voting rights and ending officially sanctioned segregation, he was also at the forefront of its determined efforts to end discrimination in housing and employment.

The black people and all Americans owe Arthur Spingarn a profound debt of gratitude, for he embodied the spirit of human dignity and brotherhood and he ennobled the law in its quest for justice.

Mr. President, I ask unanimous consent that an article about Arthur B. Spingarn, published in the New York Times of December 2, 1971, be printed in the RECORD.

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

ARTHUR SPINGARN OF NAACP IS DEAD

(By Farnsworth Fowle)

Arthur B. Spingarn, a Manhattan lawyer who was a leader in the struggle for equal rights for American Negroes from the foundation of the National Association for the Advancement of Colored People in 1909 to his retirement as its president in 1966, died yesterday at the age of 93 in his home, 60 Gramercy Park.

Mr. Spingarn became head of the organization's national legal committee and a vice president in 1911, and president succeeding his brother, Joel E. Spingarn, a poet and professor of comparative literature, in 1940.

In that year the organization split off the legal functions into a separately-financed Legal Defense and Educational Fund. The team of black lawyers who grew up in the N.A.A.C.P., led by Thurgood Marshall, now an Associate Justice of the United States Supreme Court, won the landmark unanimous Supreme Court decision in 1954 outlawing segregated public education.

The immediate reaction of Mr. Spingarn and his associates was to announce new goals—eliminating residential and job discrimination throughout the nation.

In recent years, for many black militants the goal of integration has become less attractive than the assertion of a separate black identity, and the N.A.A.C.P., with its partially white leadership, has been looked upon as old-fashioned as its name. Long forgotten was the almost scandalous militancy of the N.A.A.C.P.'s origins.

Mr. Spingarn, a white man, was attracted to the cause by his experience in trying a civil rights case in the Manhattan courts, from which he concluded that a concerted effort would be needed to secure equal justice.

ALUMNUS OF COLUMBIA

He had been admitted to the bar in 1900, after receiving a bachelor's degree from Columbia in 1897 and his law degree two years later.

His parents, Elias Spingarn and the former Sarah Barnett, were respected members of the New York Jewish community; his father, born in Austria, was a well-to-do tobacco merchant.

The N.A.A.C.P.'s initial impulse came from two white New York social workers, Mary White Ovington and Dr. Henry Moskowitz, who reacted to an article by a wealthy Southerner, William English Walling, denouncing a race riot he saw in Springfield, Ill., in 1908 and calling for a revival of the abolitionist spirit.

The three met with Oswald Garrison Villard, publisher of The New York Evening Post, and decided to support the militant wing of what was then called the "colored" leadership (the word "Negro" was deemed offensive), represented by Dr. W. E. B. DuBois. Dr. DuBois contended that the Negro must win his fundamental human rights before self-improvement, a policy advocated by Booker T. Washington, founder of the Tuskeegee Institute.

The two Spingarns became involved. Those who knew Arthur in later years as a smiling grandfatherly figure in gold-rimmed spectacles when they were out of fashion might have been surprised to see him in action six decades ago.

One practice in New York in those days was to discourage Negro patronage at bars by charging them outrageous prices. Mr. Spingarn recalled that when he and black friends went to such bars, they would smash the glasses on the floor in an effort to discourage this practice.

But the main fights were in the courts, and one of his first significant victories for the N.A.A.C.P. was when the Supreme Court in 1927 upheld its challenge to an explicitly all-white Democratic primary election in Texas. This was in line with the organization's major goals, which included abolition of forced segregation, equality in education and voting rights.

The membership of the N.A.A.C.P. was 85,000 when Mr. Spingarn became president in 1940. In the 1950's it quadrupled, much of its growth being in the South.

In the 1960's, with newer civil rights organizations capturing the imagination of black communities, there was criticism of the N.A.A.C.P. for having a white president and other whites on the board. In 1963 Representative Adam Clayton Powell, Jr., a Negro of Harlem, raised this objection and called its approach through the courts "nit-picking."

Roy Wilkens, then and now the executive director of the N.A.A.C.P. dinner here on Jan. views "vicious" and praised Mr. Spingarn for more than half a century of service to

"the organized fight against racial discrimination."

Mr. Spingarn announced his resignation at an annual N.A.A.C.P. dinner at an annual N.A.A.C.P. dinner here on Jan. 2, 1966, explaining that at 88 he was "getting a little old," but concealing the fact that with his customary vigor he had walked two miles from his home to the dinner.

He was subsequently elected honorary president for life. In 1967, when a "young Turk" nominating committee dropped his name and several other "traditionalists" from their list of candidates for membership on the board of directors, the national membership overruled them by re-electing five of the six, including Mr. Spingarn.

A niece recalled yesterday, "He understood the change in feelings among the younger, more militant people." But he stuck to his criticism of the Black Muslims, for example—not for their militancy, which "I believe in," he said in 1963, not for their view of the problems, but for their solution.

I have no sympathy," Mr. Spingarn said, with the Muslims' advocacy of "a separate state of their own away from whites." And he recalled that he had been picketing in the South as early as 1914 when a Negro group was kept off a civic program in Memphis.

PROVIDED LEGAL AID

Mr. Spingarn and his "traditionalist" colleagues noted wryly during the mass marches and bus rides in the South in the 1960's that when the demonstrators who regarded them as out-of-date landed in Southern jails, the N.A.A.C.P. was the organization ready to come to their aid.

He was with the late Rev. Dr. Martin Luther King Jr. when he was stabbed by an apparently deranged woman in a Harlem store in 1958.

In a statement yesterday, Roy Wilkins spoke of Mr. Spingarn's role as the N.A.A.C.P.'s unpaid counsel "challenging in the courts of the land the sanctioned institutions of Jim Crow."

His "epochal victories in the newly emerging civil rights legal field", he said, "helped turn the tide slowly, but definitely for his clients—the millions of black Americans who had no legal standing in the courts."

To the cause of freedom, Mr. Wilkins said, "he gave freely of his resources, his great legal talent, his wise counsel, his dedication."

A. Philip Randolph, the pioneer Negro labor leader, said: "I consider the death of Arthur Spingarn a great loss to Negroes in particular and the liberal social movement in general."

Mr. Spingarn sometimes mused that if he had not become a lawyer involved in civil rights, he might have led a serene existence as a bibliophile. A collector of rare books, he prided himself on having picked up prints of Henri Matisse in Paris in the days when they sold for $5 or $10.

Characteristically, he combined his literary collector's enthusiasm with his interest in the Negro cause. In 1948, he presented to Howard University his Spingarn Collection of books, newspapers, manuscripts and other relics of the Negro story that he had accumulated over a 35-year period.

Until about five years ago, Mr. Spingarn visited Europe annually and would spend several weeks in London hobnobbing with fellow collectors. Most of his treasures were sold at auction at Parke-Bernet—his books, including first editions of Ralph Waldo Emerson and Mr. Spingarn's friend the poet Edward Arlington Robinson, in 1965, and in 1966 his graphic arts, in which the leading French impressionists and German expressionists were represented.

His law practice had suffered in his early years from his public involvement in the cause of equal rights, but later he felt it brought other clients to him for the same reason. He continued in practice here until two years ago.

Mr. Spingarn was the author of "Laws Relating to Sex Morality in New York City," first published in 1915 and in a revised edition in 1926, and was co-author of "Legal and Protective Measures" (1950). He was an Army captain in the Sanitary Corps in World War I.

In 1918, he married Marion Mayer, a social worker who shared his interests. She died in 1958. The only immediate survivor is a brother, Sigmund, of New York City.

A memorial service will be held at Frank E. Campbell's, Madison Avenue and 81st Street, on Sunday at 1 P.M. The eulogists will be Justice Marshall and Mr. Wilkins.

U.S. MOVE IN ROME PROMISES SOLUTION OF MONETARY AND TRADE ISSUES AND SUGGESTS OPPORTUNITY FOR NEW TRADE LEGISLATION

Mr. PERCY. Mr. President, I am very much pleased by the news this morning from the Rome meeting of the group of 10 major monetary powers that the U.S. representatives, Secretary of the Treasury John Connally and Under Secretary Paul Volcker, have indicated a new U.S. flexibility on the key issue, the dollar price of gold. As Bernard Nossiter, reporting from Rome for the Washington Post, said in this morning's edition, the American offer "reflected an economic fact of life, that the price of gold does not matter—what does is the opening up of foreign markets that will be brought about by making their currencies more expensive in terms of dollars."

Though a solution to the monetary and trade crisis that has been building since mid-August was not reached at Rome, it is now very clear that the momentum toward agreement has begun and that the major monetary powers can now move much more quickly to agreement. Quite properly, Secretary Connally has indicated that the possibilities discussed at the Rome meeting are not fixed and could change. Also, he has quite properly, in my view, indicated that the 10-percent surcharge, perhaps the major U.S. bargaining tool, will not be lifted until essential agreement on currency values and trade issues is reached.

Though experts consider that at least an interim change in the dollar price of gold could be arranged by declaring that the dollar will trade at an "official rate," real dollar devaluation must be accomplished by amending the Bretton Woods Act of 1944, or the Gold Reserve Act of 1934.

Assuming that the gold price is changed and that legislation is proposed to effectuate the change, we will be given a new opportunity to legislate as well in the field of foreign trade. The monetary legislation is in the jurisdiction of the House Committee on Banking and Currency, and the Senate Committee on Banking, Housing, and Urban Affairs, while the trade legislation falls in the purview of the House Ways and Means and Senate Finance Committees. But a trade bill constructed to give the President new authority to bargain on reciprocal reductions of tariff rates, to give new flexibility in the administration of trade adjustment assistance, to remove the American selling price system, and to include other matters could be submitted to be considered in tandem with monetary legislation. New trade legislation is badly needed. There has been no general trade negotiating authority in effect since the authority in the 1962 Trade Expansion Act expired on June 30, 1971. The law badly needs revision and updating, and Congress should address itself to this task.

The eventual settlement on exchange rates seems likely to include some agreements, even if only of a general kind, on trade matters. Linking monetary and trade problems is appropriate and could well be reflected in a new administration legislative package to encompass objectives in both fields.

THE TWENTIETH CENTURY FUND REPORT ON THE GOVERNMENT AND THE PRESS

Mr. ERVIN. Mr. President, during the course of hearings on freedom of the press conducted by the Senate Subcommittee on Constitutional Rights, many different viewpoints were expressed on the present relationship between government and the press. A review of this testimony makes one thing quite clear—there is widespread concern in this country about the threat of Government interference with and intimidation of the press.

Two witnesses at our hearings presented the findings of an in-depth study of several problems which have emerged in the relationship between the press and government. Judge Robert Williamson, of Maine, and Mr. Fred Graham, of The New York Times, set forth for the subcommittee preliminary results of The Twentieth Century Fund's study of government and the press. Their testimony underlined many of the problems already suggested to the subcommittee and pointed out other problems not previously discussed.

On November 17, 1971, the Twentieth Century Fund formally released a full report of its study. Entitled "Press Freedoms Under Pressure," the report was developed by an 11-member task force of authorities in law and journalism. It makes recommendations in five areas where the press and government have been increasingly in conflict—press subpenas, official harassment of the underground press, government investigation of broadcasting, attempted prior restraint of publication, and police posing as reporters.

In my judgment, this report constitutes a significant contribution to the study of press-government relations. Because of its length, I shall only request that the task force's recommendations be reprinted in the CONGRESSIONAL RECORD. The full text of the report will be included in the subcommittee's printed hearing record.

Mr. President, I ask unanimous consent that the recommendations of The Twentieth Century Fund's Task Force on Government and the press and the prepared statements of Judge Williamson and Fred Graham, based upon this study, be printed in the RECORD.

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

RECOMMENDATIONS OF THE TWENTIETH CENTURY FUND'S TASK FORCE

The members of the task force represent different disciplines and views. We did not reach unanimous agreement on all of the many complicated issues before us. (Dissents are listed in the text.) But we shared in common a concern about governmental infringements, actual or potential, on the nation's press, and held in common a faith in the value of free press as a disseminator of information to the public. Because we believe that a free and responsible press is, as William Ernest Hocking put it, "inseparable from the general meaning of freedom in a modern state," and because we are convinced with Learned Hand that "right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative solution," the independent Task Force on Governmental Power and Press Freedom makes the following recommendations:

PRESS SUBPOENAS

An adequate newsmen's privilege should be incorporated into the law to protect the flow of information through the press to the public.

Confidences and press photographs

The privilege should apply to personal testimony and records of journalists and to records of news organizations that might lead to the disclosure of confidential sources or of other confidential information.

The privilege should be available to all journalists including personnel of the "underground," collegiate and minority press.

The privilege should extend to testimony before grand juries, preliminary hearings, trials, administrative hearings, legislative investigations and other bodies having the power of contempt.

The privilege should authorize journalists to withhold the identities of confidential sources, as well as information given in confidence, and notes, tapes and other records of confidential communications.

If the privilege is to be qualified, the qualifications should be as narrow and specific as possible. This could be done by specifying that if newsmen possess information about particular violent crimes, such as murder or kidnapping, they may be compelled to testify.

In civil trials the privilege should be limited so that journalists cannot invoke it in order to avoid being held accountable for defamatory publications.

The privilege should shield news organizations from being compelled to furnish unpublished photographs or unused television films of events, including rallies, demonstrations and disturbances.

Secret testimony

The privilege should shield journalists from having to appear for questioning before grand juries or other secret investigative agencies to the following extent: that when a subpoenaed newsman can make a showing that his news-gathering capacity would be seriously damaged merely by his entry into the secrecy of the interrogation room, then the official who subpoenaed him should be required to demonstrate a compelling need for his testimony before the journalist could be required to appear.

INVESTIGATIONS OF THE BROADCAST MEDIA

The public's need—and the value to democracy—of the fullest possible information can be threatened by Congressional investigations of editorial judgments, as well as by the Federal Communications Commission's questioning of editorial content.

Because of the threat to press freedom posed by such governmental investigative efforts as the attempt by the House Committee on Interstate and Foreign Commerce to subpoena unpublished material from the CBS documentary film, "The Selling of the Pentagon," no arm of the government should attempt to use the subpoena power to obtain the unpublished material of newsmen—whether in the regulated broadcast media or not.

Because similar threats to the rights of a full-informed public can be posed by the Federal Communications Commission's questioning of editorial content in determining whether to grant or revoke licenses, a group of experts in the law and in broadcast journalism should undertake a careful study of how best to reconcile the competing values of journalistic freedom and governmental regulation.

POLICE POSING AS JOURNALISTS

The chief officers of all law enforcement and other public agencies that seek intelligence about domestic groups—and particularly those agencies that have permitted their agents to pose as journalists—should publicly disapprove of these masquerades and should take steps to insure that they do not happen in the future.

Law enforcement agencies should abandon the practice of employing journalists as informants. As citizens, journalists may choose to volunteer information to the police and for the police to accept it, but the payment of any money by the police to a journalist—either for "expenses" or for services rendered—in connection with the disclosure of information is tantamount to infiltration of journalism by the police and should be stopped.

THE UNDERGROUND PRESS

The underground press should be considered entitled to all legal and constitutional rights applicable to other elements of the press, and all actions by public officials that discriminate against the underground press by subjecting it to arrests, searches, seizures or other official acts of harassment or intimidation should be vigorously opposed by the "establishment" press.

The professional associations of journalism should form legal defense funds to aid underground publications when they are subjected to unlawful pressures from government officials.

STATEMENT OF ROBERT B. WILLIAMSON

Mr. Chairman and Members of the Committee:

My name is Robert B. Williamson. I reside in Augusta, Maine. I welcome the opportunity of appearing before you as the chairman and the representative of a Task Force on Government Power and Press Freedom organized by the Twentieth Century Fund of New York City.

With me is Mr. Fred P. Graham, rapporteur of the Task Force, who is chiefly responsible for our Report, except upon the Pentagon Papers.

The Task Force selected by the Fund is drawn eight from Journalism and three from the Law. The members, you will note from the list herewith, cover in particular a wide range of activity in journalism and related fields.

The Honorable Shirley Hufstedler, Judge of the Court of Appeals (9th Circuit), a most valuable member, felt it necessary to resign in August because of the likelihood of issues in this area arising in the 9th Circuit.

We stand absolutely independent of the Fund. We were requested to study the problem, and to report thereon with recommendations. Our discussions in nine meetings since January last, have been free, frank, instructive and often spirited and long. Difficulties at the outset in communication between newsman and lawyer dissolved in large measure as we came to understand the problems before us.

We hope to complete and publish our report by mid-November. There remains, even now, the possibility of changes in our draft, but none, I think of major consequence.

The Pentagon Papers issue arose as we were in our June meeting. To complete the report for publication in September then became impossible.

We have considered five areas in the relationship between Government and the Press—and by Press we include Broadcasting and Television:

(1) The Newsmen's Privilege (subject of S 1311);

(2) Investigation of editorial judgment in the regulated broadcast media;

(3) Police posing as journalists;

(4) The underground Press; and

(5) The Pentagon Papers. (Mr. Graham took no part in drafting the report in this area.)

We were not concerned with Fair Trial—Free Press.

I shall confine my remarks chiefly to the newsmen's privilege and the Pentagon Papers, in accordance with your invitation. I shall attempt to give the views of the Task Force in these areas, and beyond this, my personal views.

There is a wide difference between the newsmen's privilege and the privilege, for example, of attorney-client. It is the client's privilege; he alone may waive it. In the newsmen's privilege, it is the privilege of the newsman and not of the source. The newsman may choose whether or not to exercise his privilege. No waiver from the source is required to permit the newsman to give his testimony. The option to testify lies with the newsman.

All agreed on the fundamental propositions. Freedom of the Press under the Constitution is designed to protect and advance the freedom of the people. The public need for information is obtained only through a free press. Freedom of the Press is a means to reach the objective, and is not an end in itself.

From the evidence before us. a majority of the Task Force are satisfied that a newmen's privilege, so-called, under a shield law is desirable.

There are those who reject the concept of a "shield" and who believe a shield tampers with the administration of Justice or may lead to restrictions upon the press.

Without a shield, the newsmen in general vigorously assert that news sources will "dry up", and their confidential lines of communication will be broken, with consequent damage to the public's information.

Obviously a privilege against giving testimony suppresses evidence—and truth. The privilege of newsmen (as indeed the privilege of attorney and client) must be weighed against the public's right to everyman's testimony.

We favor a limited or qualified privilege, covering news media, such as newspapers, periodicals, radio and television, news letters and news services.

The common law recognizes no privilege for the newsgatherer. Any privilege, therefore, must be based on the First Amendment or on shield statutes. We express no view on the constitutional issues now before the Court in the Caldwell, Pappas, and Branzburg cases. Whatever the decision on constitutional issues, statute law will very likely be necessary to implement the shield.

What should the privilege cover? To what extent should a privilege broadly stated be qualified?

In our view—the majority view—a newsman's privilege should prevent the compelled disclosure of confidences that might reduce the flow of information through the press to the public. It should protect against disclosure of confidential sources and of information given in confidence, including notes, tape recordings, and other records of confi-

dential communications and newsmen's records leading to such disclosures.

Further, we would extend the privilege beyond the bounds of confidence to protect news organizations from compulsory production of unpublished photographs or unused television films of public events. Such protection is not presently given in any shield law.

Such a privilege (qualified or limited as later discussed) is designed to protect and to preserve the contacts of the newsman, with persons or groups, who would otherwise cease in significant degree, to be a source of news. We recognize, of course, that such sources desire that the news be published. It is the protection of confidentiality which is necessary to the full functioning of the Press.

The privilege also prevents use of the newsman in the role of an unwilling investigative arm of the State.

Our suggested privilege goes beyond protection not merely against disclosure of the confidential source, but against disclosure also of confidential information including records that would lead to violation of the desired protected confidences.

This protection is included in S. 1311 and, for example, in the New York statute.

We believe that legal controls over press subpoenas would discourage their use. We note that since the Attorney General issued guide lines governing such subpoenas by his Department, there has been a marked decline in subpoenas over the previous year. The example of the Attorney General, important and constructive as it is, does not solve the problem in its entire breadth.

What is the Press to which we would grant the newsmen's privilege for the benefit of the public? The Task Force has attempted no narrow definition. We make no distinction, for example, between the newspaper, the underground press, or the collegiate press. Radio and Television as well are the press.

In recommending the extension of the shield to cover against the compelled production of unpublished photographs and unused film of public events, we go beyond any statute called to our attention. It is to be noted that such a privilege cannot rest upon information given in confidence. The reason for our suggestion has a quite different base, but is nonetheless of value in the carrying out of the usual duties of the man with the camera.

The newsman should not be compelled to be a ready source of evidence for the benefit of either the State or the accused, and thus to destroy his standing as a "neutral observer." He should not be sitting duck for a subpoena.

We are advised that one or more news organizations do now destroy routinely such material, and that others are considering adopting a like policy. The published photograph and film should be sufficient. The "neutral observer" status deserves protection.

We do not include writers of books within the newsmen's privilege. Authorship of a book is not part of the continuing news process.

The values in a shield for the reporter are here outweighted by the values of full disclosures of relevant evidence in proper proceedings.

Limitations or qualifications upon the privilege, while necessary, should be as sharply marked as possible. Certainty in the relationship between the newsman and his sources in this respect is plainly an important factor in continuance of the confidence. The source will wish to know the protection available. He must be satisfied that the reporter may lawfully not disclose the confidences.

In some states, a qualification is expressed in terms of public interest or equivalent language, and in others there is no limitation. In S. 1311 the privilege is divested "if the Court . . . determines that there is substantial evidence that disclosure of the information is required to prevent a threat to human life, espionage or foreign aggression". In the *Caldwell* case, a protective order was worded, "compelling and overriding national interest that cannot be served by any alternative means." The New York Times in an editorial on September 26th says, "Only proof of the most overriding and pressing public necessity could justify subpoena of information gathered by newsmen in the performance of their duties."

There are several approaches that may be taken in determining the scope of a privilege and qualifications. They are:

First: A privilege without qualification;

Second: A privilege with a "public necessity" qualification;

Third: A privilege qualified by exclusion of certain offenses, as in S 1311.

Perhaps a fourth approach should be added, that is, a privilege with both the exclusion of certain offenses and a "public necessity" clause.

We considered the qualification problem from every angle. We are unable to come up with a recommendation specifically setting forth a line that should be drawn, between privilege and no privilege.

Appealing to some, was a qualification eliminating from the privilege evidence involving past or present crimes of violence. Several of the majority favoring a "shield", support a privilege without qualification. Any line short of total privilege raises important issues of policy as well as of certainty in application.

In my view—shared, I believe, by only one other—a privilege however broad or qualified, should include a "safety valve" against the operation of the privilege when the Court or other body finds a compelling or overriding national interest or public necessity that cannot be served or met by alternative means.

In short, in my view, there comes a time when the needs of Justice outweigh the needs of the privileged newsman.

The "safety valve" is not a definite clear-cut rule. The source may balk at the possibility of compelled disclosure. The Courts may err. But on balance it seems to me, that the privilege, insofar as it may not be found to rest on the Constitution, should cease when the line stated is reached.

The privilege should extend, in the view of the Task Force, to grand jury proceedings, preliminary hearings, trials, administrative hearings, legislative hearings and investigations. It should extend wherever evidence may be compelled under sanction of contempt by the Government or any agency and at every level.

In civil matters, the privilege should be limited to prevent its use by the newsman to avoid liability for defamatory publications. The shield is designed to protect the newsman for the benefit of the public, and not for his own good.

The Task Force is further satisfied that under some circumstances the entry of a newsman into a grand jury room or other secret hearing may, quite apart from his testimony, seriously affect his news gathering capacity. We believe he should be protected against such injury on a showing of such harm, in the absence of a "compelling need" that his evidence, otherwise compellable, be taken in the grand jury or other secret hearing. Thus we would meet the double threat to the newsman—confidential source relationship from the giving of any testimony in secret until the need therefor should be established under the shield law.

S. 1311 reaches the heart of the matter in the sections on non-disclosure of confidential information and non-disclosure of sources. The definitions seem adequate.

Under S 1311, as I read it, the newsmen's privilege is unqualified except in relation to details of grand jury or other proceedings required to be kept secret under law, or unless divested by Court Order, when the information is required to prevent a threat to human life, espionage or foreign aggresssion.

For my part, I wish to see in a shield law a "public necessity" safety valve, carefully drawn and limited, but present. Such a provision I prefer to the limited language of S 1311.

In summary, a majority of the Task Force recommend shield laws for newsmen to meet the needs of the public in the full flow of information.

I turn to the Pentagon Papers and the issues arising therefrom on which you invited comment.

The Pentagon Papers were not within the scope of the studies of the Task Force until June. Our obligation and duty to consider the issues were at once apparent. This we have done.

Our report (in which Mr. Graham took no part) will include a study, carefully drawn, of the issues in controversy. The position of the majority is persuasively set forth in the report. We do not undertake, however, to make recommendations.

The journalists in general—and the majority of the Task Force—stand for the absolute right of the press to publish with no prior restraints whatsoever. The lawyers do not accept the "absolute" approach, without, however, agreeing upon a particular rule.

The arguments are well-known if not thoroughly understood. Discussions of the rights and obligations of the Press and Government altered, as I recall it, no opinions. Division in thinking between the journalist and the lawyer was apparent from the start.

I am unable to agree with the position taken by the majority of the Task Force. I am not an "absolutist". Within the Constitution there is room, I believe to establish protection against disclosure of top secret, classified papers, or state secrets, if you will.

I assume there is no question of the right to declare unlawful the publication of such material with suitable penalties.

My concern is with the right to create and the desirability of creating prior publication restraints. I speak as an individual, and in this I do not represent the Task Force, or any members, whether in the majority or in the minority.

Clearly an injunction to prevent publication will rarely be a useful tool. Papers will be published before the Courts will be approached or action taken. In the Pentagon Papers, publication over several days gave the opportunity to seek an injunction looking to tomorrow's newspaper.

The judgment of the Supreme Court does no more, I suggest, than determine that an injunction did not lie on the facts. A majority of the Justices, as I read the opinions, did not say that the First Amendment absolutely prohibits prior restraint on publication.

If I am correct in this view, the constitutional issue remains open.

The classification system has broken down. Congress or the Executive, or both, should repair it promptly to provide effective and meaningful procedures for classification and for early declassification.

From the news and general reading—I have not read far beyond the introduction of the New York Times paperback—I gain the impression that a substantial portion of the Pentagon Papers should not have been classified, or if so, only for a period some years ended. This impression is strengthened by the recent publication by the Government of portions of the Pentagon Papers.

It is good news that declassification is underway.

In the dissenting opinion of Justice Harlan in which the Chief Justice and Justice Black-

mun joined, I find the reasoning which appeals to me. I pass the decision of no injunction on the Pentagon Papers, for that is in the past. It is the present and future which interest me.

In the end, it comes, as I see it, to a question of trust. Granted that top secrets ought not to be published to protect vital national interests, and granted that officers of Government must be the ones to stamp "top secret", who is to be the judge of publication? Is the judge to be the Press or the Government? Whichever way we turn, men and women it may be, equal in ability, and alike in devotion to a free press under the Constitution, and in awareness of the necessity of security, must make for us the decision—perhaps fateful.

With deep belief in the freedom of the Press, with full recognition of its value in a free society, with the First Amendment before me, I am unable to place my ultimate trust in the editor, not directly responsible to, and not selected by, the people. I choose, rather, to trust the officers of Government charged with the responsibility, not unlike that of the President, if you will, for the security of the nation.

TESTIMONY OF FRED P. GRAHAM

(Rapporteur for the Twentieth Century Fund's Task Force on Governmental Power and Press Freedom)

Mr. Chairman: It is a pleasure to accept the Subcommittee's invitation to testify about several particularly interesting developments that came to the notice of the Task Force on Governmental Power and Press Freedom. The Task Force's Chairman, Judge Williamson, has summarized for you the group's conclusions about press subpoenas and the Pentagon Papers litigation. My testimony concerns two less obvious areas of friction between the Government and the press: a subtle and apparently growing form of governmental penetration of the news media, in which police either pose as newsmen or employ them as paid informers; and a constitutional double standard applied by some officials to the underground press, granting it a watered-down version of First Amendment protection or none at all.

POLICE POSING AS JOURNALISTS

In recent months a series of unrelated and apparently uncoordinated instances have come to light in which personnel of government intelligence and law enforcement agencies have posed as news reporters or photographers. In a variation of this, law enforcement agencies have paid reporters and press photographers to collect information for them, thus using Journalism as a guise to obtain material for governmental use. These incidents appear to be remarkably widespread, both geographically and organizationally. They have occured from Washington to Saigon and within the Army, Federal Bureau of Investigation and local police.

Whether such incidents were common in the past and were not discovered, is not known. What does seem significant is that a rash of these occurrences has come to light within the past two years—almost in rhythm with the rising tempo of dissent, violence and official concern about dissent and violence. In fact, most of the instances that have been discovered involved police investigations of political dissenters—groups about which the public should be as fully informed as possible. However, the frequency with which police have been found to be posing as newsmen in recent months has tended to raise barriers of suspicion that have made it more difficult for the press to cover many events.

No one knows, of course, how often this has actually happened. But the Task Force was able to verify at least a dozen instances within the past two years in which either sworn testimony or a responsible police official conceded that it did:

In Saigon, two U.S. agents were found to have infiltrated the press corps.

The Army Security Agency painted a van with the name of a nonexistent television company and filmed demonstrators at the Democratic National Convention in 1968.

Army Intelligence agents also posed as T.V. cameramen during the Presidential Inauguration activities in Washington in January 1969.

A female intelligence agent for the District of Columbia police department posed as a reporter to gain access to a welfare rights group's meeting.

Army Intelligence agents obtained press credentials from the New York City Police Department to cover actions of H. Rap Brown and Stokely Carmichael in New York during the summer riots of 1967.

In Wichita, Kansas, press credentials were given to local policemen during a visit by Vice President Agnew.

A member of the Chicago Police Department's Intelligence Division was discovered posing as a newsman to gain information from black students at a protest rally.

Two plainclothes officers of the Nassau County, N.Y. police force posed as photographers for a weekly newspaper in order to photograph the audience at a veterans' anti-war rally.

An Army agent masqueraded as a reporter for the *Richmond Times Disptach* to obtain information on the Southern Christian Leadership Conference.

A Detroit policeman posed as a news photographer to observe a General Motors Stockholders' meeting.

In Albuquerque a city policeman posed as an Associated Press photographer at the University of New Mexico campus during demonstrations protesting the invasion of Cambodia in the Spring of 1970.

Complaints by newsmen covering July 4 ceremonies in San Juan Puerto Rico that police were posing as reporters led to an admission by the Commonwealth Secretary that his department had been issuing press credentials to police for about eight years.

Police officials in New York City, Chicago, Detroit and the District of Columbia have issued orders condemning the practice of police agents posing as newsmen. The Defense Department has issued an order that "there shall be no covert or otherwise deceptive surveillance or penetration of civilian organization unless specifically authorized by the Secretary of Defense or his designee." This order is regarded by Pentagon officials as prohibiting agents from posing as journalists.

All but one of the instances listed above involve police or intelligence agents masquerading as newsmen to gather information about dissident groups or to investigate other "political" matters. The reason seems obvious: Law enforcement agencies tend to be ill-informed about political dissenters who do not fit the traditional "criminal" mold, and newsmen often have easy access to them. However, when policemen masquerade as newsmen, the same kind of forces come into play that arise when journalists are subpoenaed, except that the effect is more direct. As in the subpoena situation, the target groups are usually highly suspicious of officialdom and "establishment" institutions, and are likely to freeze the press out at any indication that the media is serving law enforcement. This is compounded when the dissenters have good reason to believe that the "journalist" or "news cameraman" that take such interest in their activities may very well be reporting to City Hall rather than to the city desk.

The Task Force has listed a series of instances of hostility and distrust demonstrated by some radical groups toward the press which appears to be due in part, at least, to these actions by the police. Newsmen have been assaulted by militants and excluded from their meetings. However, the most serious threat posed by this tactic is to the public. Its First Amendment right to be fully informed of developments within all elements of our society is threatened by this law enforcement tactic. The principal reason why it should be stopped is not that it makes the reporters' job more difficult, but that it may on occasion make that job impossible, the availability of information will be impaired.

Furthermore, it seems likely that the increased use of this tactic will rapidly dissipate its usefulness to the police. As such incidents come to public notice, people will become reluctant to give important information to "reporters" not known to them. As newsmen are increasingly frozen out of dissenters' meetings, so will the masquerading police agents. In the end law enforcement as well as the public will be shorter on information than before.

The F.B.I. presents a special variation of this phenomenon. Its director, J. Edgar Hoover, stated in a letter to this Task Force that "F.B.I. agents are not permitted to pose as reporters or press photographers in the course of their investigations." While there is no evidence that F.B.I. agents actually flash press cards or use bogus television organizations as "fronts" there have been indications that F.B.I. men do occasionally gain access to information by allowing others to think that they are journalists.

At a draft-card burning demonstration outside the Supreme Court in June of 1968, reporters for the Washington *Post* and *Boston Globe* spotted men whom they recognized as F.B.I. agents using shiny new television cameras and tape recorders to interview the demonstrators along with the familiar faces of the Washington press. More recently, a man recognized by reporters as an F.B.I. agent was seen taking notes with reporters at a meeting convened by Rep. William Anderson of Tennessee of Congressmen who were being briefed about the celebrated Berrigan conspiracy prosecution.

The agent ran away when he was asked by a Congressional aide to identify himself and drove away in a car that was traced through its license number to the F.B.I. But such tactics, which the F.B.I. seems to disavow, are not as damaging to press independence as the Bureau's policy of infiltrating the press by employing journalists as paid informers.

During the riot-conspiracy trial of the "Chicago Seven" two journalists—Louis Salzberg and Carl Gilman, testified for the prosecution and said that they had been paid F.B.I. informants for years. When this Task Force enquired about this to the Justice Department, John W. Hushen, Director of Public Information, sent the following reply which he said was "prepared by Director Hoover":

"The FBI accepts from any person information which may be of value in the course of an FBI investigation. The FBI does not now, and never has actively recruited journalists as informers. However, there is no policy against accepting information from a journalist or any news media representative if it is volunteered, which was the case with Mr. Louis Salzberg and Mr. Carl Gilman. Both of these individuals furnished information to the FBI on a voluntary basis. They were paid for their services and expenses."

It is difficult to accept the characterization of these journalists' relationship with the F.B.I. as merely suppliers of "volunteered" information. Mr. Salzberg's F.B.I. salary—$600 per month—was his principal source of income for at least one year. Mr. Gilman was on the F.B.I. payroll for two years, receiving about $10,000 in pay and expenses. Their information may have been "volunteered" in the sense that they initially broached the idea of becoming paid inform-

ants to an F.B.I. agent—rather than the other way around—but as a practical matter their work as regular paid informants meant that the F.B.I. had infiltrated the press.

It seems logical that the same considerations that prompted Mr. Hoover to forbid his agents to pose as journalists should preclude the F.B.I. agents from accepting journalists as paid informants. Obviously, if journalists or any other citizens volunteer information as acts of citizenship, any law enforcement agency should gratefully accept it. But an infallible test exists for determining whether information is actually being "volunteered" as an act of citizenship, or whether the informant has become an undercover arm of the Government—that is whether he gets paid for his information. Thus it seems that when the F.B.I. pays journalists for their "services" as informants, then the journalists' profession has been infiltrated by the F.B.I. The Task Force concluded that the present F.B.I. policy is wrong, and that journalists should not be employed as paid informants.

The Task Force also felt, Mr. Chairman, that the practice of news reporters accepting employment as informers is unethical and contrary to the trust required of professional journalists. The members expressed the hope in their report that the profession would condemn and discourage this practice.

THE UNDERGROUND PRESS

Mr. Chairman, I understand that you have heard the testimony from a person who has made an extensive study of the underground press, so I will refer to it briefly, from the standpoint of the Task Force's examination of the matter.

If there is an inherent tension between the press and the government, the friction is multiplied with regard to the underground press. It seems to have a special genius for antagonizing officialdom, yet it has little or none of the establishment press' protective political power. As the frictions between militants of the political left and the Government have increased in the past few years, so have the occasions upon which local law enforcement officials have become aggrieved by statements in the underground press:

The Los Angeles Free Press was fined $10,000 for having published a purloined list of state narcotics agents.

Dallas police raided an underground newspaper and hauled away two tons of material from an underground newspaper in an "obscenity" raid—yet failed to obtain an obscenity conviction that would stand up in Federal Court.

The Police Department of Buffalo, New York, drove the Black Panther newspaper from the streets by announcing its intention to arrest any vendors selling the publication.

Officials in Los Angeles, Philadelphia, Providence and Richmond denied press credentials to the reporters of the local underground newspapers.

The San Diego *Street Journal's* office was searched by police without a warrant and its street vendors handcuffed, searched and jailed for loitering and obstructing the sidewalk.

There have been numerous other allegations by the underground press of heavy-handed treatment by law enforcement officials. In *Orpheus*, a bimonthly publication of articles drawn from various underground newspapers, the underground press has described its situation as follows:

"Although these papers have been evicted from their offices and homes, harassed by the police, had their street sellers arrested en masse, had their benefit parties raided, been bombed, burned, beaten, gypped, framed and lost printer after printer, the underground press continues to increase in size and number."

The list above included only those incidents that have been verified in sworn court testimony or reported in the "straight" press, but that is evidence enough that some law enforcement officials have used their official authority against the underground press in a way in which it would never have been invoked against the establishment press.

These actions seem to have been based upon an erroneous assumption that underground publications forfeit some degree of their protection under the First Amendment when they violate standards of taste, preach a tolerance of drugs and fornication and criticize the police. The result has been a double standard of treatment between the underground and the establishment press—a double standard that is inconsistent with the First Amendment's guarantee of freedom of the press.

A notable lack of attention has been given to this by the "straight" press. Of the numerous instances that were brought to the Task Force's attention in which elements of the underground press protested that they had been abused by the police, a majority were not mentioned in either the news or editorial columns of the establishment press.

In those incidents that have developed into court cases, the underground press has been left largely to its own fragile devices by the more affluent elements of the news media. Others in the journalistic profession stood by and gave no aid in three legal actions involving the underground press that produced legal precedents damaging to all newsmen—the prosecution of the *Los Angeles Free Press* for theft, the subpoenaing of the editor of the *Madison Kaleidoscope* after the bombing at the University of Wisconsin in 1970, and the denial of press credentials to the *Los Angeles Free Press'* reporters.

It might be asked, Mr. Chairman, why this has been brought to the attention of a Congressional subcommittee, since the underground press' difficulties have usually been with local officials. The reason, of course, is that it is the First Amendment to the United States Constitution that is being violated. It is intolerable that any element of the press should be denied its protection—but if that is not enough reason to oppose this double standard, another reason is that legal precedents are being set that can come back to haunt the entire Fourth Estate.

Last spring, the Supreme Court refused, with three Justices dissenting, to review a California decision upholding the denial of press cards to underground press personnel. The lower Court's decision rejected out of hand the idea that the First Amendment gives newsmen a right of access to the scene of public disorders and upheavals.

As Justice William O. Douglas noted when the Court refused to intervene in the Dallas case mentioned above: "If this search and destroy technique (by the police) can be done against this Dallas newspaper, then it can be done to the New York Times (or) the Washington Post."

TASK FORCE ON GOVERNMENTAL POWER AND PRESS FREEDOM

Robert Williamson (Chairman), Former Chief Justice of Maine.

Tom Forcade, Coordinator, Underground Press Syndicate.

Jack Bass, Charlotte Observer.

L. F. Palmer, Jr., Columnist, Chicago Daily News.

George E. Reedy, Writer.

Roger Rook, Dist. Attorney, Clackamas County Courthouse.

Bert H. Early, Exec. Dir., American Bar Association.

Mike Wallace, CBS News.

Howard B. Woods, St. Louis Sentinel.

Ralph de Toledano, Columnist.

Norman Isaacs, Editor in Residence, (Vice Chairman), Graduate School of Journalism, Columbia University.

Fred P. Graham, Supreme Court Correspondent, New York Times (rapporteur).

TO ASSURE THAT RIGHTS AND LIBERTIES ARE MEANINGFUL

Mr. HANSEN. Mr. President, I have spoken on previous occasions in support of the nominations of both William Rehnquist and Lewis Powell to the Supreme Court.

Both men have outstanding credentials, both within the legal profession and as U.S. citizens, and each is eminently qualified for the confirmation of his nomination to the Court.

This morning, the Washington Post published an excellent letter from the distinguished Senator from Arizona (Mr. FANNIN), who took issue with the allegation in a previous Post editorial that Mr. Rehnquist "subordinates individual rights to governmental powers."

The Senator from Arizona most persuasively substantiates his contention, and mine, that Mr. Rehnquist "both understands and believes in the rights and liberties guaranteed to individuals by our Constitution, and that he will devote his very considerable talents to assuring that those rights and liberties are meaningful."

Mr. President, I ask unanimous consent that the entire letter from Senator FANNIN be printed in the RECORD.

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

SENATOR FANNIN REBUTS AN EDITORIAL ON MR. REHNQUIST'S NOMINATION

I find myself in disagreement with the conclusion of The Washington Post's thoughtful editorial on the President's Supreme Court nominees in that Mr. Rehnquist is committed to a philosophy that consistently subordinates individual rights to governmental powers. My own review of Mr. Rehnquist's record convinces me that he both understands and believes in the rights and liberties guaranteed to individuals by our Constitution, and that he will devote his very considerable talents to assuring that those rights and liberties are meaningful—that the Constitution continues to be, as he said at the hearings, a living document.

The best way to support my conclusions is to let the nominee speak for himself. I have assembled some of the passages from Mr. Rehnquist's testimony and earlier statements that make me confident of his devotion to civil liberties as embodied in our Constitution.

It has been said that Mr. Rehnquist does not understand the Bill of Rights and would like to do away with it. At the hearings, Mr. Rehnquist said it was certainly the purpose of the Bill of Rights to put restraints on government:

"I think specifically the Bill of Rights was designed to prevent . . . a majority, perhaps an ephemeral majority, from restricting or unduly impinging on the rights of unpopular minorities."

In a speech given in December of 1970 entitled "Official Detention, Bail, and the Constitution," Mr. Rehnquist said:

"Our most basic freedoms, those found in the Bill of Rights, are determined from events and conflicts arising out of the familiar contacts between individuals and the public authorities.

"We assume that under our philosophy of government the individual is guaranteed the freedom or sanctity of his person—in short, the 'right to be let alone . . .'

"Freedom of the person does not appear as a single constitutional right, but is embodied in the ideas of the Fourth, Fifth, and Eighth Amendments . . .

"These provisions, taken together, clearly express a constitutional right to be let alone, and as we all know this right has been vigorously protected by the Supreme Court."

On the subject of freedom of the press, Mr. Rehnquist stated at the hearings:

"Well, I think it would be inconceivable for a democracy to function effectively without a free press, because I think that the democracy depends in an extraordinarily large degree on an informed public opinion. And that the only chance that the 'outs,' or those who do not presently control the government, have to prevail at the next election is to make their views known and that the press is one of the principal, probably the principal, media in the country through which that can be accomplished.

"I believe it is a fundamental underpinning of a democratic society."

It has been suggested that Mr. Rehnquist has taken the position that the only restraint on executive branch wiretapping and surveillance should be self restraint. A brief review of his testimony and earlier statements show this to be utterly unfounded. Speaking of the executive power to maintain surveillance, Mr. Rehnquist testified:

"Well, I certainly perceive limits in the First Amendment, in the Fourth Amendment, and without reading a catalog, I suspect there are other limits."

And further:

"the only legitimate use of surveillance is either in the effort to apprehend or solve a crime or prevent the commission of a crime . . . surveillance has no proper role whatsoever in the area where it is simply dissent rather than an effort to apprehend a criminal."

Although he stated that under present law observation of persons in public places is not per se unconstitutional, he indicated that any element of harassment or chilling effect on free expression presents a question of fact to be considered in the context of individual cases.

At hearings before Senator Ervin's Subcommittee on Surveillance, Mr. Rehnquist said:

"I do not conceive it to be any part of the function of the Department of Justice or of any other governmental agencies to surveil or otherwise observe people who are simply exercising their First Amendment rights."

When asked how he would balance the interest of the individual in privacy against society's interest in law enforcement in the area of wiretapping, Mr. Rehnquist replied:

"I think a good example of a line that has been drawn by Congress is the Act of 1968 which outlawed all private wiretapping and which required, except in a national security situation, prior authorization from a court before wires could be tapped."

And later in the hearings, he said:

"I doubt that you can find any statemnet, Senator, in which I have suggested that the government should be given carte blanche authority to bug or wiretap. I recently made a statement at a forum in the New York School for Social Research in New York, attended by Mr. Meier of the Civil Liberties Union and Mr. Katzenbach, that I thought the government had every reason to be satisfied with the limitations in the Omnibus Crime Act of 1968."

And further:

"certainly, the government cannot simply go out on a fishing expedition, promiscuously bugging people's phones."

Later he noted that:

"Congress has it within its powers anytime it chooses to regulate the use of investigatory personnel on the part of the Executive Branch. It has the power as it did in the Omnibus Crime Act of 1968 of saying that federal personnel shall wiretap only under certain rather strictly defined standards."

Finally, Mr. Renquist has been said to be insensitive to the rights of the accused. Yet a reading of the many statements he has made on this subject shows that he has been consistently aware of the considerations on both sides of these very difficult issues.

It is significant that Mr. Rehnquist was instrumental in formulating the department's position favoring the Speedy Trial Act of 1971. "The goal of the system," said Mr. Rehnquist, "should be the administration of criminal justice in such a manner that the defendant is afforded a fair and prompt trial, that the innocent are acquitted, that the guilty are convicted, and that the process for making this determination is one which begins and ends within reasonable time limits."

In a May 1971 speech entitled "Conflicting Values in the Administration of Justice," Mr. Rehnquist concluded a long exposition of the law in the area of the Fourth Amendment as follows:

"Finally, I hope you can see from some of this discussion that no reasoned opinion can invariably insist that courts resolve all of these (Fourth Amendment) issues in favor of the criminal defendant. The issues are so complex and so important to all of us that it is wrong to think that either side invariably has white hats. Ultimately, decision is made by the balancing of the need of society for protection against crime against the need of the accused defendant for a fair trial and just results. Both of these values stand so high in the scale of most of us that none would want to say that one should automatically prevail at the expense of the other."

PAUL FANNIN,
United States Senator.

RESOLUTIONS ADOPTED BY NRECA'S REGION VI AT ANNUAL MEETING

Mr. HUMPHREY. Mr. President, the rural electric systems of NRECA's Region VI held their annual meeting at Rapid City, S. Dak., on October 20, 21, and 22, 1971, and during the course of the meeting passed several resolutions which I know will be of interest to all Members of the Senate.

There were 661 farm and rural leaders at this year's regional meeting. They represented 116 cooperatives which serve some 419,093 consumers in the States of Minnesota, North Dakota, and South Dakota.

I urge all Members of the Senate to give careful consideration to these resolutions. They reflect the considered judgment of rural electric consumer-owners and are an earnest expression by them on issues which are important to rural electrification and to the people of rural America.

An excerpt from Mr. Jacob Nordberg's letter to me, transmitting these resolutions, sums up the significance and importance of rural electrification and development:

You understand, I know, that rural electrification is a nation-wide task. What affects one rural electric, or one State, or a region, affects all of us. We recognize this as we seek to understand each other's problems and try to work together to make our program as effective country-wide as we can.

Mr. President, I ask unanimous consent that the resolutions passed at Rapid City Region VI annual meeting be printed in the RECORD.

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

NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION

6–1. REAFFIRMING PAST ACTIONS

Resolved, we reaffirm our support of the Continuing Resolutions adopted at the NRECA Annual Meeting at Dallas, Texas, February 18, 1971, subject to the following amendments:

Be it resolved that Continuing Resolution No. 32 be amended by deleting the final sentence.

Be it further resolved that Continuing Resolution No. 38 be deleted, and in lieu thereof, the following Resolution be substituted:

38. Rural housing.—We recommend that the level of the Farmers Home Administration insured housing program be set at 300,000 units a year beginning with the current fiscal year so as to make possible the achievement of the rural part of the national housing goal set by Congress in 1968. We urge NRECA, statewide associations, power supply and distribution systems to continue their vigorous support of the National Rural Housing Campaign which in large measure has been responsible for the tremendous momentum gained by the FmHA rural housing program during the past year.

Be it further resolved that Continuing Resolution No. 48 be amended by omitting the period after the word program and adding the following phrase: and as a step towards compliance with the Federal Occupational Safety and Health Act of 1970.

Be it further resolved that Continuing Resolution No. 52 be amended by striking the words Women's Participation from its title and by striking the first two sentences and by striking the word also from the next sentence.

Be it further resolved that the following resolutions be added to the list of Continuing Resolutions:

63. Reorganizing USDA.—We recommend that as an alternative to the Administration's proposal for reorganizing the Department of Agriculture out of existence that the USDA be given the official overall responsibility for the mission of *rural development* which it is obviously better suited to perform than any other existing or proposed department by virtue of its rural people, and its extensive local field operations. Further, we recommend that Congress devise a comprehensive, nationwide rural development program to be undertaken by the Department of Agriculture with provisions for additional components that the USDA will require along with provisions for expanding existing components and for changes or innovations in existing USDA structure that will be necessary to insure success.

64. Community facilities.—We recommend that the Farmers Home Administration insured water and sewer loan program beginning in fiscal 1972 be set at a level of $750 million and that the accompanying grant program be set at $250 million. Water and waste disposal systems for rural America are especially essential for the sound orderly growth and ecology of the country. We urge rural electric systems to help develop support and organize such services as necessary to provide necessary management, maintenance and other technical assistance to them as appropriate to maintain their feasibility.

65. Streamline FmHA.—We urge Farmers Home Administration to streamline its administrative procedures in order to increase the productivity of its local county offices involving such things as standardization of regulations, enlisting the assistance of third parties in preparing loan documents, and contracting for as much of the detail work

of servicing loans as possible. We also urge the Congress to appropriate adequate funds for additional FmHA personnel in order to handle the agency's tremendously expanded workload.

66. Geothermal resources.—We urge the Congress to amend the present law on disposition of geothermal resources underlying Federal lands first, to provide that the U.S. Geological Survey shall explore and assess the magnitude of such geothermal resources; and secondly, to establish by law policies governing the disposition of such resources to prevent monopoly control over them and to assure preference in their sale to publicly owned and consumer-owned power systems.

67. *National Power Grid.*—We reaffirm our support for development of a national power grid capable of moving large blocks of electricity back and forth across the country as may be required to meet load requirements; with various segments of the systems to be owned and operated by individual electric systems or voluntary combinations of such systems without limitation as to type or ownership, and in such manner as to preserve the pluralistic character of the industry and the integrity of individual participating systems. The capacity of the grid should be planned so as to accommodate the needs of all systems desiring to participate in its utilization. We support and urge construction and operation by the Federal government of such transmission facilities as are necessary segments of a national power grid, but are uneconomic in terms of return necessary to justify private investment.

68. *Antitrust laws.*—We urge Congress to give high priority to strengthening the nation's antitrust laws to the effect that encroachment in any manner upon territory served by rural electric cooperatives, and by municipal, and other publicly owned nonprofit distribution systems would be restraint of trade and at the expense and detriment of local people and their locally owned systems.

69. *Mobile home standards.*—Because there is no required national uniform inspection or certification program for mobile homes, we encourage member systems to seek adoption as a minimum standard of their state government, the industry standard for Mobile Homes, A119.1, American National Standards Institute.

70. *Women's action.*—We strongly urge that women be made equals in the rural electrification program. Women can and must be placed in positions of leadership. They should be nominated and elected to the board of directors of our electric cooperatives. They can competently serve on advisory committees and aid effectively in special projects sponsored by the systems. We especially recommend that all systems develop an active program to involve women in cooperative governmental affairs committees. We recognize the need for zealous interest in consumer affairs. Women are substantial users of electricity and are the major purchasers of appliances, furniture, clothing, foods and other supplies used in the home. Our cooperatives must offer assistance, aid in securing educational resource persons and materials, and support efforts by women in securing better laws and protection for the consumer.

6–2. TWO-PERCENT LOAN PROGRAM

We commend the NRECA Board for its action in adopting the following resolution at its summer board meeting and hereby endorse that resolution.

Whereas many of the thinly-settled parts of rural America would never have been electrified without low-cost Federal loans to rural electric cooperatives, and

Whereas, rural electric cooperatives serving in areas with low density and depressed economic conditions must continue to have access to adequate amounts of low-cost growth capital in order to be able to provide dependable low-cost electric service to their consumer members and avoid burdening the already-distressed economic conditions of their areas with rate increases and inadequate electric service, and

Whereas, rural electric cooperatives serving areas which are experiencng rapid and favorable population and economic growth have expressed their willingness and ability to utilize higher cost capital for part of their loan needs and have organized and invested in their own self-help supplemental financing institutions, the National Rural Utilities Cooperative Finance Corporation (CFC), for this purpose;

Now, therefore, be it resolved that we urge the Congress and the Administration to provide for adequate funding of the REA 2 percent interest loan program in order to completely meet the loan fund needs of both distribution and power supply cooperatives serving the thinly-settled and economically disadvantaged rural areas so that they can be served on par with the rest of the country;

Be it further resolved that the rural electric cooperatives maintain their new self-help financing institution as a supplemental source for the use of those rural electrics which can afford to pay a higher rate of interest on some of their borrowings, and that we urge all rural electric cooperatives to work together to protect, preserve and work for adequate funding of the REA 2 percent loan program and for the successful operation of CFC;

Be it further resolved that we oppose any and all efforts to "phase out" the REA 2 percent interest loan program, either now or in the future, as it is essential if we are to achieve a healthy and well-balanced rural economy.

6–3. NATIONAL POWER POLICY

Whereas, the United States stands out alarmingly as the single major world power which does not possess a national power or energy policy for the orderly production and distribution of such a basic necessity as energy, and

Whereas, the lack of such a policy places our national defense and the well-being of our citizenry in grave jeopardy;

Now, therefore, be it resolved that we urge the Congress and the Administration to begin immediately to enact measures which would assure an adequate and dependable future power supply, and that these measures should include:

1. The establishment of a national power grid to improve reliability and economy and to protect the rights of all power suppliers.

2. The appropriation of sufficient funds to undertake a massive research program of developing new and more efficient ways of generating electric power without endangering the environment.

3. Institute a program of regional land use planning for the siting of all generation facilities.

6–4. MISSOURI RIVER DEVELOPMENT

Whereas, the Congress of the United States has directed the U. S. Army Corps of Engineers to make a study to determine the advisability of providing additional hydro-electric generation at the Missouri River Main Stem Reservoirs, and

Whereas, many areas of the United States including areas served by the electric cooperatives in this Region are facing shortages of electric power, and

Whereas, the natural resources of the United States must be developed to their maximum economic benefits for the people of the United States, and

Whereas, the present and future development of these rural areas require abundant supplies of low cost electric energy;

Now, therefore, be it resolved that we respectfully request that the Congress of the United States provide sufficient funding for the U. S. Army Corps of Engineers to complete at an early date its review and study to provide additional hydro-electric generating capacity on the Main Stem Reservoirs of the Missouri River, and

Be it further resolved that we respectfully request that the Congress of the United States direct the U.S. Army Corps of Engineers to complete such studies by the beginning of fiscal year 1973;

Be it further resolved that copies of this Resolution be presented to members of the Congressional Delegations of this Region, and to the United States Army Engineer District at Omaha, Nebraska.

6–5 REVISED LOAN CRITERIA (BULLETIN 1–7)

Whereas, present loan eligibility provisions limits cooperative reserve funds to 8 percent of plant, and

Whereas, such a stringent ruling virtually prohibits the possibility of securing future capital requirements through the Rural Electrification Administration, and

Whereas, conversely the cooperatives are not permitted to return margins to the members unless equity is equal to or in excess of 40 percent of plant investments, and

Whereas, such conflicting criteria is unworkable as well as endangering the cooperative tax status;

Now, therefore, be it resolved that present criteria be revised to include a more realistic reserve level for loan eligibility;

Be it further resolved that member-consumer density, revenue and investment per mile of line be considered in the revised loan eligibility regulations.

6–6. POWER SUPPLY FINANCING

Whereas, the Rural Electrification Administration has proposed a plan to finance power requirements, whereby 60 percent is to be obtained from a private money source, 30 percent from Rural Electrification Administration and 10 percent from CFC (referred to as the 60–30–10 plan) with the REA and CFC loans to be channeled through the distribution members of the power supply system, and

Whereas, a plan of this nature is cumbersome and virtually unmanageable without a long period of study and refinement, and

Whereas, a plan of this magnitude will endanger the release and utilization of the $545 million presently included in the Rural Electrification Administration appropriations;

Now, therefore, be it resolved that this plan be delayed for further study in order that other more practical plans and ideas can be researched and considered;

Be it further resolved that the present program be strengthened to include funding for power supply at a low rate on interest.

6–7. EVALUATION OF REA PROGRAM

Whereas, the rural electrification program is without question the finest program ever instituted by the Federal government and stands as a monument to all the good things that government can and should do, and

Whereas, over the years, administrative changes have altered or modified and diminished the general thrust of the program and, if continued, have the full potential of inhibiting the great goals and objectives to the detriment of the rural areas and the entire nation, and

Whereas, any criteria for loan purposes may be difficult to propound and all criteria must respond wholeheartedly to the ideals and objectives of a sympathetic and understanding Congress charged with the ultimate responsibilities. In recent months we have seen substantial fluctuations in criteria and we must reluctantly state the obvious fact that unsettled and changing criteria impedes and inhibits competent management from engaging in realistic planning or long range financial forceasting. Present criteria demonstrates diminishing interest and enthusiasm toward a depressed rural economy and its sociological problems. We cannot in any

manner agree that consumer density per mile of line is irrelevant or inconsequential criteria and we submit that this is supported by primary utility economics. It is the base measurement in the utility industry, and

Whereas, we are obliged, having no alternatives, to reluctantly express deep concern over the direction in which this program, which has done so much for so many, is headed. We express this concern as directors-trustees and as individual citizens, having assumed a public trust and a commitment in the national interest which we intend to fulfill;

Now, therefore, be it resolved that the NRECA Board of Directors be directed to do, or to cause to be done, the following:

1. Conduct a thorough and candid evaluation of the REA program, including but not limited to, analysis and judgment of the intent and purpose of the act as passed in 1936.

2. Analysis and judgment of the administration of the act since passage including any amendments thereto and interpretation of the general thrust, goals and objectives of those who have administered the act, including any indication of efforts or manifestation to abandon the REA program, or to sidestep the cooperative concept.

3. The relationship of the competitive yardstick principle and the value of that principle in the face of ineffective regulation of investor-owned utilities by the state or Federal government and the role it can play in the national interest in the years of sky rocketing power needs and consumption.

4. Analysis and judgment as to whether or not the act as written in 1936, and amended by the Pace amendment of 1944, is capable of serving the goals and objectives recently affirmed by Congress and needed in modern day America and the critical years ahead.

5. The Board is authorized and directed to evaluate whether or not the original act needs amendment and submit suggested amendments that will serve to fully implement and accommodate the expressed deep interest that Congress has in rural America along with the urgent need for rural areas development;

Be it further resolved that this resolution be brought before the appropriate Standing Committee at the next NRECA Annual Meeting.

6–8. SENATE SUBCOMMITTEE HEARING

Whereas, rural electric systems are confronted with staggering problems in obtaining and providing their consumer members adequate supplies of electric power at reasonable cost;

Now, therefore, be it resolved that we commend the Senate Subcommittee on Agricultural Credit and Rural Electrification—its Chairman, Senator George McGovern, and its members—for scheduling public hearings to examine the problems that solutions may be determined;

Be it further resolved that all systems take advantage of the Subcommittee's invitation to supply facts about their own situation.

6–9. RURAL DEVELOPMENT BANK BILL

Whereas, the rural areas of this Region are directly affected by the movement of people, especially the young people, to the large cities for education and employment, and

Whereas, a Rural Development Bank Bill (S. 2223) has been introduced in the U.S. Congress by Senators Humphrey and Talmadge, as well as similar bills by other members of Congress, for the purpose of making available funds for the development of the rural areas, and

Whereas, the rural electric cooperatives have a direct interest in the development of the rural areas of our Nation;

Now, therefore, be it resolved that we support and urge Congress to enact into law a Rural Development Bank Bill;

Be it further resolved that we commend the Senate and House Agriculture Committees for conducting hearings in an effort to find satisfactory solution to the serious problems of rural America.

6–10. CCC LOAN INCREASE

Whereas, the cost-price squeeze affecting farm families has continued to worsen, and

Whereas, an unusually large small grain crop has caused the Commodity Credit Corporation loan rate to become the effective ceiling price in the market place;

Now, therefore, be it resolved that the NRECA members in Region VI urge the Congress to pass legislation which would provide for a 35 percent increase in the CCC loan rate on the 1971 grain crop;

Be it further resolved that copies of this resolution be forwarded to each member of the House Agriculture Committee and the Congressional delegations of this Region.

6–11. ECONOMIC STABILIZATION

Whereas, any emergency action to deal with the inflation is bound to have inequities such as have been experienced by individual citizens, groups, and business institutions, including some rural electric systems and,

Whereas, there now is time to develop in the second phase those measures that will be more equitable generally and that will deal more effectively with problems that usually are outside the national spotlight, such as:

(a) the extreme underemployment in rural areas.

(b) the continuing increase in farm production expenses while there is a downward trend in net farm income.

(c) the need for maintenance of adequate power services in rural areas.

(d) the rural out-migration problem;

Now, therefore, be it resolved that we urge the Administration to incorporate in the second phase plan the following:

1. Designation of REA to handle for the Federal government those rural electric cases involving the economic stabilization program.

2. Selection of representation from the rural electrification program to serve on the body to be established to develop and supervise the new control program.

3. Early release of the full REA $545 million loan fund appropriated by Congress in the interest of rural development, job creation, and increasing the productivity of rural industry.

4. Acceleration of Federal programs to assist rural area development.

5. Provision in the investment tax credit proposal a differential in favor of enterprises that locate or expand in rural areas and that could provide jobs for chronically underemployed and unemployed people.

6. Presentation to Congress of legislation dealing with the farm income depression.

6–12. NRECA BOARD OF DIRECTORS

Resolved that we urge NRECA to amend its bylaws such that eligible candidates to the NRECA Board must be members, directors, or elected officers of member systems.

6–13. HEARTLAND

We commend establishment of Heartland Consumers Power District and pledge our continued support. We further urge the various states to adopt enabling legislation providing for the formation of similar power districts.

6–14. NRECA LEGISLATIVE RALLY

Whereas, the National Rural Electric Cooperative Association has conducted legislative rallies to bring rural electric consumers into Washington to confer with their Congressional representatives concerning the problems confronting the rural electrification program, and

Whereas, Region VI has played an active part in past rallies;

Now, therefore, be it resolved that we recommend continuation of this program and urge all member systems to send representatives to the 1972 Legislative Rally.

6–15. ELECTRIC RATES

Whereas, the concept of lowest cost electricity has proved to be an important factor in the development of our nation and the improvement in the standard of living of our citizens, and

Whereas, the cost of electricity is an important element in the cost of all goods and services;

Now, therefore, be it resolved that although we recognized that increased costs experienced by power supplies means that some increase in electric rates may be inevitable, we reaffirm our support of the concept of providing adequate power at the lowest possible cost, and

Be it further resolved that we also urge the Administration to do all within its authority to hold the line on wholesale power rates of private companies and at Federal power projects as part of its policy of combating inflation.

6–16. RESEARCH

Whereas, as consumer owned organizations, rural electric cooperatives have a special interest in improving quality of life for all consumers everywhere, and

Whereas, the nation's rural environmental, economic and social development is greatly dependent upon our ability to generate, transmit and distribute electric power in a way that is compatible with today's and tomorrow's environmental requirements, and

Whereas, a greatly increased research effort if urgently needed requiring additional millions of dollars annually to improve technology for meeting our new environmental challenges; to conserve and better utilize the nation's dwindling energy resources; and to develop new sources and ways to generate electrical energy to meet the rapidly growing demand;

Now, therefore, be it resolved that the rural electric cooperatives pledge their full support for an expanded research and development effort as proposed by the Electric Research Council; and that they urge the President and the Congress to take necessary action to provide for the necesary funding of national effort to rapidly develop the technology for providing a continued abundance of electric power according to priorities adopted by NRECA membership at their 1971 meeting in Dallas, Texas, February 18, 1971.

6–17. RUSHMORE MEMORIAL

Whereas, it has come to our attention that an effort is being made to have a picture of the Rushmore Memorial imprinted on one of the bills of our national currency;

Now, therefore, be it resolved that we congratulate the people of South Dakota for the effort and request our Congressional delegations to work for its adoption.

6–18. BICENTENNIAL, 1976

Whereas, a representative cross-section of the membership of the rural electrics of the states of Minnesota, North Dakota and South Dakota are assembled in an official regional meeting, and

Whereas, this heartland area of our great nation wishes to participate actively in the observance of the nation's 200th birthday in 1976, and

Whereas, this region is enriched by the world-famous patriotic mountain carving at Mount Rushmore in South Dakota, and

Whereas, the state of South Dakota has been actively seeking a national focal point designation for Mount Rushmore during the Bicentennial era;

Now, therefore, be it resolved that we unanimously endorse the designation of Mount Rushmore as a national focal point and that the secretary of Region VI be in-

structed to mail this resolution to the Executive Committee, Washington, D.C. American Revolution Bicentennial Committee, prior to October 26, 1971 and to our Congressional delegates.

6–19. APPRECIATION

Be it resolved that the delegates here assembled take this means of expressing our appreciation to all those who are helping to make our program the effective endeavor it is. Particularly, we want to give recognition to:

1. The NRECA officers and directors for their leadership and dedication.

2. Robert D. Partridge, General Manager of NRECA, for his dynamic leadership and to his staff for their service and devotion to our program.

3. David A. Hamil, Administrator of REA, and his staff for their support of rural electrification.

4. The many individuals, suppliers, the Alex Johnson Hotel, the South Dakota Rural Electric Association, and other rural electric cooperatives, NRECA and other organizations which have contributed to the success of this meeting.

6–20. IN MEMORIAM

Whereas, we feel deeply the loss of several of Region VI's finest rural electric cooperative leaders during the past year;

Now, therefore, be it resolved that we pause a moment in silence and pay our respects to those leaders who have served our program so long and so well.

ADDRESS BY SENATOR MATHIAS AT TOWSON STATE COLLEGE

Mr. BEALL. Mr. President, on Saturday, November 20, my Maryland colleague, Senator MATHIAS, addressed an assembly of distinguished guests at Towson State College on the occasion of the opening of the Center for Asian Arts. In his address, Senator MATHIAS called attention, among other things, to the bold strides President Nixon has made in developing relations with Mainland China and to some observations of the distinguished minority leader (Mr. SCOTT) on the study of political history. I ask unanimous consent that his address be printed in the RECORD.

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

ADDRESS BY SENATOR CHARLES MCC. MATHIAS, JR. (R–MD.) AT TOWSON STATE COLLEGE IN BALTIMORE, MD., AT THE OPENING OF THE CENTER FOR ASIAN ARTS, SATURDAY, NOVEMBER 20, 1971

Mahatma Ghandi, when asked what he thought about Western Civilization said, "I think it would be a good idea!"

Sadly, this wry commentary suggests not only the limitations of Western Civilization when viewed against the millenia of rich oriental cultures: it also reflects the view of a vast number of Asians that the West is barbaric—a view amply reinforced by the tragedy of Vietnam. So it appears that a large portion of the world's population, with one eye on Vietnam, has affixed to the United States the severe indictment of barbarism. What a harsh judgment for a country claiming as the central tenet of its national belief the sanctity of human life!

However, one may view the causes and development of our involvement in the Vietnam war, there can be little dispute over the vast extent of death, destruction and human misery that war has wrought. Neither can one ignore the shattering effect this conflict has had on our national unity and self respect. Like nothing else since the Civil War, it has set countrymen against countrymen in bitter, acrimonious, and often violent controversy.

Now we are coming out of this war, however slow the pace may seem to those of us who for years had sought to extricate this country from that unhappy conflict. But even as we undertake to emerge from this maelstrom, our claim to a higher moral concern for human life is belied as we recklessly ignore Asian casualties while seeking singlemindedly to reduce American losses. It is not that we should seek to sacrifice more American lives, Heaven forbid! But we should not be surprised by the depths of antipathy we inspire as we continue to measure Asian lives on a lower register than our own.

And so, as we stumble out of this conflict into what will hopefully be an era of peace, we must be prepared to overcome the vast legacy of misery and destruction we have left in Asia through the Vietnam war. I believe the "unseemly joy" with which some United Nations members celebrated the passage of the Albanian Resolution reflected some degree of the bitterness with which we are widely regarded. I do not mean this in any way to discourage our approach toward Asia but simply to make clear from the outset the full measure of the difficulties we will face. For example, the new Chinese Ambassador to the United Nations, in his maiden speech earlier this week, gave notice that there will be little change in the hard line we have thus far noted from Peking. Nevertheless, as the Chinese proverb points out, even the longest journey starts with the first step. And in the development of a new approach to Asia we are fortunately well on the road.

Several months ago, the distinguished New York Times columnist, James Reston wrote from Peking:

"President Nixon is handling his relations with this sensitive and suspicious capital about as well as anybody could do under the circumstances. He is tiptoeing through a mine field, which extends from here through Tokyo, Moscow, Taipei, Saigon and Hanoi, and could easily be blown up at any point, but so far . . . he has been remarkably effective."

The fact that Reston does not frequently direct accolades at the President lends additional strength to his commentary.

Indeed the President has, in less than three years in office, succeeded in turning around a burdensome policy that had kept us hamstrung for 22 years. Nor was this a sudden reversal of policy. The announcement that he had accepted an invitation to visit the People's Republic of China was only the latest in a long series of patient and persistent efforts aimed at reviving our moribund relations with that vast and distant land.

By reducing trade and travel restrictions, by persistently encouraging Ambassadorial talks in Warsaw, and by numerous other initiatives, the President made it clear that this country wanted to move toward a more constructive relationship with China.

While these initiatives went unrequited for some time, the invitation to our championship ping-pong team to visit China this spring marked the first tangible response from Peking to our patient overtures. The rest you know.

However, the significance of these developments lies not simply in the establishment of a dialogue with Peking for, truly we may well find this dialogue very tough going. What is important is that our unhealthy fixation for Vietnam is coming to an end and that we shall henceforth direct much of our attention to those countries that will determine the future of Asia: primarily China with her three-quarters of a billion people and an arsenal of nuclear weapons and Japan with her enormous industrial power.

And so a new era is emerging in our address toward the countries of Asia. For the first time in twenty-two years, there is reason to hope that Americans will have the opportunity to visit and trade with China.

Conceivably, some of you may be among the first Americans again given the opportunity to study Chinese art in China. There is room for hope.

It strikes me as a particularly happy circumstance, therefore, that the establishment of the Center for the Asian Arts in Towson State College comes just as we stand on the threshold of what promises to be a new era in our relations with Asia.

Indeed what better channel to improve understanding between nations than that of art and culture? For, history will judge us by our art long after all else has faded into oblivion. The French poet Theophile Gautier said it best over one hundred years ago:

"All passes. Art alone
Enduring stays to us:
The Bust outlasts the throne,—
The Coin, Tiberius."

And so to Frank G. Roberts we owe our deepest gratitude. For, his collection of oriental ivory, valued at $500,000, which he generously presented to Towson State, will serve as the nucleus for the Center for the Asian Arts.

And a particular debt is owing to Towson State's able and dynamic President, James L. Fisher, whose initiatives and vision in the field of higher education have made Towson State such an ideal home for the Center. This debt has already been recognized by our State authorities who have designated Towson State College as the Fine Arts Center for the State of Maryland.

This is especially fitting because Towson State is, in the truest sense, a "people's college," committed to the principle of community and the premise that liberal education is essential to the maintenance of our democratic system. My good friends, the distinguished Senate Republican Leader, Hugh Scott, has drawn some pointed lessons in this vein in his classic study on the T'ang Dynasty, "The Golden Age of Chinese Art."

As you may know, the T'ang Dynasty, which ruled China from about 600–900 A.D., sustained a robust and lively society characterized by extensive trade with the West and an atmosphere receptive to new ideas. Relating the T'ang society to our own, Senator Scott observes that the "eternal decline of civilization (occurs) when fear supersedes tolerance."

To a large degree it is this kind of political examination which has drawn Senator Scott to study the art of that era. In the process he has become one of the acknowledged authorities on the T'ang Dynasty and Oriental art in general with possibly the most representative collection of T'ang art in private hands.

I believe his approach is very similar to the goal which this Center for the Asian Arts has sighted for itself: to understand a society and a people through their art. As a Marylander born and bred, I am particularly proud to see this institution and this approach adopted here where that heady mixture of tolerance, intellectual questioning and salty irreverance endemic to this great free state will encourage the study of man and society through art. Our own Henry Mencken said it this way:

"The true function of art is to . . . edit nature and so make it coherent and lovely. The artist is a sort of impassioned proofreader, blue-penciling the bad spelling of God."

To the more sensitive scholars, unused to the crusty Maryland parlance, I would com-

mend Senator Scott's epigraph in his work "The Golden Age of Chinese Art":

"May you
Love Beauty
Revere the Past
and
Serve the Future."

CHAIRMAN WILBUR MILLS AND THE INTERGOVERNMENTAL FISCAL COORDINATION ACT OF 1971

Mr. HUMPHREY. Mr. President, no one disputes the pressing revenue needs of our Nation's cities and states. In 1975, state and local governments will spend over $35 billion on education, over $12 billion on highways, $15 billion on health, $13 billion on parks and recreation. And these are but a start on meeting our needs. We have not even begun to calculate the exact cost of feeding the hungry, of making pure the air, improving the life of our cities, or revitalizing our rural heartland.

Our cities and States need revenue. And they need it as soon as possible. Numerous approaches and bills directed toward providing this financial assistance have been proposed. Some have been touted more highly than others. Few, however, have offered an approach as concrete and down to earth as the Intergovernmental Fiscal Coordination Act of 1971.

This legislation was introduced in the House of Representatives by the distinguished chairman of the Committee on Ways and Means, Mr. MILLS.

Mr. President, all the elements of sound public policy are embodied in the bill sponsored by Mr. MILLS and nine of his colleagues from the Ways and Means Committee. The legislation provides financial assistance in specific amounts for activities of high national priority: public safety, environmental protection, public transportation, youth recreation, health, and financial administration.

At the same time, the legislation includes a provision that should spur our States to adopt a more progressive tax system. Each State would receive an amount equal to 15 percent of its individual income tax collections; however, there is a "hold harmless" provision that any State without an income tax would be guaranteed for 2 years at least 1 percent of the Federal taxes collected in that State.

The Mills proposal includes a section that could have a profound impact on the tax collection and tax structures of the several States—the offer of Federal collection of State tax dollars and a Federal payment to States that conform their individual taxing mechanisms to the Federal model.

Mr. President, I have long favored such a form of taxation—because it is efficient; it is more equitable; and it allows our resource spending to be strictly accountable to our people. I have embodied similar principles in my own proposals for financial aid to the cities.

In addition, the legislation distributes $3.5 billion to local governments and up to $1.8 billion to State governments according to a formula that takes into account the needs of the governments as defined by population, urbanization, and proportion of low-income families.

Mr. President, I believe this is a sensible approach. It is no panacea for all our problems, for all our ills. But it is a very important and meaningful assist.

On June 8 of this year, I testified before the Intergovernmental Relations Subcommittee of the Senate Government Operations Committee on this subject of revenue needs. I outlined then four elements of possible Federal financial assistance legislation: substantial fiscal relief to States and localities; distribution to the States and local governments with provisions that reward local revenue raising efforts yet recognize the needs of less wealthy localities; reform of revenue raising standards; and procedures to protect against racial discrimination.

The legislation introduced by Chairman MILLS goes to the heart of the objectives. It goes to the heart of the financial needs of our localities.

I congratulate him on his foresight. I sincerely hope that Congress will move expeditiously on this legislation.

THREAT TO ECOLOGICAL BALANCE OF CHESAPEAKE BAY

Mr. BEALL. Mr. President, the United States now faces a crucial dilemma—that of the need for increasing sources of energy versus the need to protect our environment from the many forms of pollution.

Nowhere is the perplexing situation more graphically demonstrated than Maryland's Chesapeake Bay, where planned and semi-completed powerplants may threaten the ecological balance of this economically and esthetically valuable waterway. On November 21, 1971, the Washington Sunday Star published an editorial that dealt very succinctly with this increasingly grave problem. I ask unanimous consent that the article be printed in the RECORD so that Senators may have the opportunity to be informed of this pressing issue which confronts us all.

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

[From the Washington Star, Nov. 21, 1971]

THE POWER SHORTAGE AND THE BAY'S FUTURE

Chesapeake Bay is still, 364 years after its discovery by English seafarers, a breathtaking sweep of water, a fresh and sparkling joy to the eye. Along most of its 200 miles the air is still fresh and sweet most of the time, as it fills the white sails and carries the gulls along. Though the bay has been a channel of commerce since long before the nation was founded, and though its sheltered shores in a populous region are perfect for heavy industry, somehow it has remained largely unpolluted.

But for how long, nobody knows. As the population explosion continues, there is a growing fear that the bay will ultimately be the area's most grievous environmental casualty. For the bay is a key element in planning to supply the fantastic amount of new energy that will be needed relatively soon—unless the demographic prophets have erred completely. The population of metropolitan Washington alone may almost double in the next quarter-century.

Already this omniverous growth is severely straining the suppliers of energy. An electrical crisis in the next hot summer is possible, because the demand is increasing faster than supply. Last year's brownouts were a warning. And a natural gas shortage is upon us; less thar. two weeks ago the Washington Gas Light Company announced that new sales of gas will be limited to single-family residences "for an indefinite period of time." Nor is there any cause for comfort in national oil supply projections.

It all comes together in a national trend that seems inexorable. Electrical power consumption is foreseen as doubling every ten years. Likewise, perhaps, the number of automobiles. William D. Ruckelshaus, administrator of the Environmental Protection Agency, recently told of the potentials at the current growth rate: The nation's overall energy demand may double in the next 14 years, and could triple in the next 28 years.

That poses an unprecedented challenge for America, because the production and utilization of all that energy could, without proper planning and research into new methods, make life most disagreeable if not actually dangerous. It would involve, through the modes now predominant, a fearsome discharge of pollutants. The hope is for development of new modes, including nuclear power generation and pollutionless autos, but that isn't coming easily. There is still dispute over nuclear power plants, chiefly because of so-called thermal pollution, or hot-water discharges into bodies of water. The whole national nuclear electricity program is stalled—perhaps for a year—until the effects of the warming of waters and some other questions have been answered. Conservation groups have brought about this impasse through legal action, using environmental protection laws passed recently by Congress.

And Chesapeake Bay is a focal point in all this. It is the site of the Baltimore Gas and Electric Company's Calvert Cliffs nuclear power plant, half completed and now at a standstill. Calvert Cliffs was the test case that caused the national tieup. A federal court of appeals ruled here this summer that the Atomic Energy Commission had made a "mockery" of the 1970 Environmental Protection Act in approving the permit, that all the ecological impact facts hadn't been laid on the table. So the AEC has applied the brakes to almost 100 nuclear power projects all over the country until exhaustive restudies are completed. The lights may dim in a good many places if this reappraisal delay is drawn out by further legal actions.

The urgency is shown by the fact that, with the Calvert Cliffs issue still unsettled, Baltimore Gas and Electric the other day announced plans for another nuclear generating plant in the Chesapeake area. This one would be built near Perryman, Maryland, off the upper part of the bay. And the company also is seeking a permit for a conventional (oil-fueled) plant at Brandon Shores.

The Perryman nuclear facility—the second in the bay basin—would be much more expensive than the Calvert Cliffs plant, and for a most encouraging reason: Closed-cycle cooling towers to prevent the heating of bay water are tentatively planned as an added feature. Hence there's a prospect that technology, spurred by the environmentalist challenge, can remove the thermal pollution factor and the fears that water-heating might harm aquatic life.

This is a most welcome emerging innovation because of the predicted proliferation of nuclear power plants around the bay—perhaps ten or more in the next two decades. The thermal variations they would otherwise cause might prove insignificant—to fish life or any other kind of life—but everyone will be happier if these are eliminated.

The hard facts are that nuclear generation is the only "clean" alternative in grappling with the power crisis, and that environmentalists have been unable to disprove the AEC's assurances of radiation safety.

But no one can deny that the environmentalists' frontal assault on the Calvert Cliffs project has had some beneficial results. It jolted the Maryland General Assembly last year into approval of stringent new controls on the location of future power plants around the bay. The state henceforth will select the sites of these facilities, so as to hold environmental degradation to a minimum. But there have been rude reminders lately that the state needs to look beyond the electricity field in safeguarding the shoreline.

Last Sunday's Star told the embarrassing story of how Maryland officials have given the go-ahead for a mammoth liquefied natural gas import terminal at Cove Point, even though the state had earlier signed a contract with the federal government to purchase the location for a state park. Though this may have been just an accident, it reveals an appalling lack of state coordination in handling of valuable natural resources.

The East Coast beyond any doubt needs the gas. But the company has chosen for this hugh facility an exceptionally scenic place, right up against a state park that was to be expanded. The involved officials, state and federal, need to take another hard look at the plan. This is one more instance showing the need for Maryland and Virginia to exert sterner controls over all kinds of bayshore developments, industrial and residential. They should stand ready, too, to exercise the strictest of caution when the proposals materialize in the next year or so to drill for oil off their states' Atlantic beaches.

There is no reason why, with proper planning and standards, the Chesapeake should deteriorate in any marked degree. Its more than 4,000 miles of shoreline should be able to accommodate several more power plants with very little environmental upset, if they are located with an eye to preservation of esthetic values, and pollution is minimized in the degree that now seems possible. But this will depend upon public alertness. And the public that cares about these matters also must exert unremitting pressure for faster federally-financed research to solve the energy crisis through development of fast-breeder reactors, fusion power and perhaps solar power. It should ponder, too, the possibilities of trimming individual consumption of energy.

There are ways to avoid a staggering collision of energy and the environment, if there is a collective will.

CHICAGO SUN-TIMES EDITORIALS ON INTERNATIONAL ECONOMIC AFFAIRS

Mr. PERCY. Mr. President, several of the recent editorials in the Chicago Sun-Times on U.S. international economic policies as they affect U.S. international political relationships have seemed to me to be especially noteworthy.

In an editorial on gold, published on October 4, the Sun-Times argued that the United States should make the international monetary adjustment process easier by a willingness to accept an upward shift in the price of gold. The Sun-Times suggested that a modest devaluation of the dollar would:

> Hasten the settlement that is needed before other nations begin retaliating against the 10 percent surtax, touching off a disastrous trade war.

I have wholeheartedly agreed with the Sun-Times that the administration should adopt a more flexible attitude on the gold question, and as I have indicated in remarks earlier today, I am very much pleased that Secretary Connally has indicated a new U.S. willingness to be flexible on the gold price question.

In an editorial on October 16 on textile imports and the 10-percent import surcharge, the Sun-Times pointed out that:

> We hope (the President) will intensify efforts to bring agreements with other nations so that (the surcharge) can be lifted and the growing isolationism he says he is disturbed about can be reversed.

This editorial is particularly interesting because it calls for a removal of the surcharge on imports from developing countries. In a speech in the Senate on October 5, I argued that developing countries should be exempted from the surcharge as quickly as possible. On October 16, the Sun-Times made the argument for exempting Latin America particularly from the surcharge. There are good arguments for doing so. The Latin American countries do not contribute to the U.S. balance-of-payments problem; the U.S. has a favorable balance of trade with Latin America. Moreover, we have an established policy of giving special consideration—through the Alliance for Progress and other mechanisms—to Latin American countries. We have traditionally had a policy of trade, not aid. We should implement it by expanding our trade with the Latins, not restricting it.

On October 28, the Sun-Times commented on the United Nations' vote on Red China and U.S. reaction to it, making the point that it was important not to react unwisely or unnecessarily against some apparent demonstrations of jubilitation at the expense of the United States.

In my daily review of the Illinois press I find few editorial pages so consistently rational and carefully considered as that of the Sun-Times. Its editorial staff has my continuing admiration, and respect. I commend these editorials to the attention of the Senate.

I ask unanimous consent that the editorials be printed in the RECORD.

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

[From the Chicago Sun-Times, Oct. 4, 1971]

GOLD

Changing one's mind is often the sign of wisdom rather than fickleness. Rep. Henry S. Reuss (D-Wis.), who has built a reputation as a specialist in world finance, once said any President who unilaterally devalued the dollar by raising the price of gold should be impeached. Last week Reuss and Sen. Jacob Javits (R-N.Y.) introduced a resolution in Congress urging President Nixon to raise the gold price above $35 an ounce, if necessary to negotiate adjustment in non-Communist currencies Mr. Nixon has called for.

Reuss's spectacular change of mind has come about because of the spectacular change in the once-almighty dollar. That change, and what to do about it, occupied the attention of financial experts at last week's annual meeting of the 118-country International Monetary Fund in Washington. But the meeting adjourned on an ambiguous note; the immediate obstacle to agreement is Mr. Nixon's refusal to change his mind on gold.

The United States gives the impression it blames other nations for the critical imbalance of trade that has reduced U.S. gold supplies. Certainly other nations have unduly taken advantage of the U.S. market, particularly Japan. But when a nation's currency deteriorates because of its own inflationary policies, that nation is hardly in a position to dictate how it should be bailed out.

Oh, it can try, of course. As a great power and Very Important Customer, the U.S. commands respect. Mr. Nixon has ordered no more gold paid out. The world, he says, should stop using gold as a standard, anyway. At $35 there isn't enough in existence to finance today's global commerce. Mr. Nixon says the world needs a new international paper unit to replace the dollar and gold as the basic standard.

Meanwhile, Mr. Nixon asked other nations to adjust their currencies upward against the dollar (instead of devaluing the dollar the traditional way by increasing the dollar price of gold, which would be a bonanza for gold holders and gold miners). To spur agreement Mr. Nixon put on a 10 percent tariff surtax, to be lifted when the changes were made. Meantime, let currencies "float" and find their own levels.

This all sounds good in theory, but nations do not change centuries-old habits easily. Gold and platinum are the only noncorrodable metals. They have intrinsic value. Paper depends on a nation's economy; look what has happened to the paper dollar.

It will take time to *change trust in a solid, precious* metal as a basis of exchange. French peasants put their reserves in gold, not banks. Nations think the same. They worry what might happen to their treasuries in case of war.

Nations with booming economies, like West Germany and Japan, recognize that their exchange rates must be adjusted to give the United States a better competitive break. Some revisions have been made. They need Mr. Nixon's 10 per cent surtax lifted.

They want the United States, however, to share in the monetary adjustment by conceding and making a small adjustment in the $35 price of gold; perhaps a raise to $38.50. This would still be below the free market of about $43. It would hardly be a bonanza for gold mining interests. Fort Knox could still be locked. *It would hasten the settlement that is needed before other nations begin retaliating against the 10 per cent surtax, touching off a disastrous trade war.* Treasury Sec. John B. Connally said Thursday the gold price is "of no economic significance." Why not then take a change of mind as Reuss has and let everyone involved in foreign trade begin to breathe easier?

[From the Chicago Sun-Times, Oct. 16, 1971]

THE BIG STICK ON TEXTILES

President Nixon has successfully used his new big international economic stick, the 10 per cent import surcharge, to beat Japan and other Far East countries into agreements restraining their flow of non-cotton textiles into the United States. This is the first big development on the international front since President Nixon threw away the trade rule book Aug. 15. While it will have short-range beneficial consequences for American textile producers and their employes and will ease the U.S. international trade deficit, the economic and political consequences for pro-American Premier Eisaku Sato of Japan could be calamitous Japanese textile workers are calling for the overthrow of his government for making the agreement.

The stability of the Japanese government is, of course, of concern to the United States. Japan is one of the foundations of the non-Communist world. But the Japanese must assume their share of the responsibility for the conditions that brought on the new tough American attitude on foreign trade. The Japanese have flooded the United States with their products while restricting American sales in Japan, running up a high trade balance unfavorable to the United States. Trade must be a two-way street.

Mr. Nixon has said he does not believe in building new barriers to trade and is disturbed by the growing isolationism in America. But he has consistently made an exception of the textile industry which has been particularly vulnerable to Japanese competition.

Mr Nixon makes a formidable argument for textile protection but once the idea of protectionism is accepted it can be applied persuasively to any industry—shoes, steel, autos. Trade walls would split traditionally friendly nations into isolated and hostile blocs pushing the world back to the situation of the 1930s. If that should happen—and there is ominous talk that it might, if Mr. Nixon's 10 per cent surcharge is still in effect next spring—then we will have once again a reminder that history teaches we learn nothing from history.

Textile imports constitute the largest item of the U.S. trade deficit, $2 billion out of $9 billion. They have caused heavy unemployment in the American textile industry amounting to 100,000 jobs this year. On the other hand imports have made cheaper clothing available to Americans. Now the annual increase in imports, over 70 per cent this year, will be restricted to 5 per cent for Japan and 7½ per cent for Hong Kong, Taiwan and South Korea. And the 10 per cent surcharge will be lifted.

The surcharge will still apply to other commodities and act as a restraint of trade particularly with Europe and Latin America. In Europe, as in Japan, the new American toughness is bringing danger signals of retaliation and recession. In Latin America there seems no logical reason at all for the surcharge. The United States enjoys a favorable trade balance with Latin America, exporting $2.8 billion the first six months of this year and importing $2.5 billion. Still, the surtax hurts Latin American exporters and raises prices of their products here. For example, canned corned beef from Argentina now carries a 19 per cent tax (instead of 9) and the tax on leather belts from Mexico has doubled to 20 per cent. (Coffee and petroleum are not affected.)

Now that the surtax has helped Mr. Nixon get what he wanted in textiles, we hope he will intensify efforts to bring agreements with other nations so that it can be lifted and the growing isolationism he says he is disturbed about can be reversed.

[From the Chicago Sun-Times, Oct. 26, 1971]

SURCHARGE UNFAIR TO LATIN AMERICA

Editors from Latin American countries gathered in Chicago for the 27th annual meeting of the Inter American Press Assn. are making what we consider a justifiable complaint that the 10 per cent import surcharge imposed by President Nixon in August is unfair to their countries. It also is creating havoc with the Canadian economy.

The surcharge was imposed because the United States is suffering a $9 billion trade deficit; Mr. Nixon expects the surcharge to force nations enjoying a favorable trade balance with the United States to take action to improve the United States trade balance.

As we said on this page Oct. 16, there is no logical reason for a surcharge on products imported from Latin America. The trade balance with countries south of the border is favorable to the United States. The first six months of this year the United States sold $2.8 billion in goods to Latin America and bought $2.5 billion.

U.S. trade with Canada has been running a slight deficit, less than $1 billion out of two-way trade amounting to more than $20 billion. Each country is the other's best customer. The surcharge has been calamitous to Canada, already suffering from 7 per cent unemployment.

The surcharge on textiles was dropped when Japan agreed to limit its sales here; textiles account for $2 billion of the U.S. trade deficit. The situation with Latin America and Canada might be ameliorated by lifting the surcharge on specific items. Our neighbors of the Western Hemisphere should not suffer trade restraint when the primary cause of the U.S. trade deficit lies outside the hemisphere.

WHOSE SHOCKING SPECTACLE?

President Nixon would do well to heed the bipartisan advice of Illinois's two U.S. senators that now is not the time to contribute in any way to a weakening of the United Nations.

A statement issued by the White House Wednesday flies in the face of such sound counseling by ominously raising the possibility that U.S. support to the United Nations and some foreign aid allocations could be cut. The ostensible reason for cutbacks was what the White House termed "a shocking spectacle" on the UN General Assembly floor following defeat of the administration's two-China policy.

Press secretary Ronald L. Ziegler said the administration had no intention of retaliating. But he added pointedly that the effect of the UN delegates' enthusiastic response to the seating of the People's Republic as the sole representative of China could adversely affect the Congress and the people.

In short, the White House is egging on the worst kind of angry, short-sighted thinking. It is downright silly to make an issue of the delegates' naturally demonstrative reaction to one of the most historic occurrences in UN history. And it is a shoddy piece of politics to shift the focus of attention from the significant questions of foreign policy to a minor matter of decorum.

President Nixon ought to be demonstrating the steady statemanship evidenced in the reactions of Illinois's two senators—both of whom are well versed in foreign affairs.

Sen. Adlai E. Stevenson III said, "It would be better now if the hysterics on the right were disregarded and instead we calmly accepted our defeat." And Sen. Charles H. Percy, of the President's own party, warned that a cut in U.S. financial aid would make a "shambles" of the UN and set "a very dangerous precedent" for retaliation by other nations on other issues.

If the President truly finds the delegates' behavior shocking, he won't improve matters by adding a shocker of his own.

DEATH OF J. HOWARD PEW

Mr. SCOTT. Mr. President, one of the great builders of the American free enterprise system has died. Until his death at the age of 89, J. Howard Pew was a legendary figure, a man with vision, a man with great perception, an outstanding leader in his community, his State and his Nation.

At the time of his death, Mr. Pew was chairman of the executive committee of the Sun Oil Co.

He once said:

When a people come to look upon their government as the source of all their rights, there will surely come a time when they will look upon that same government as the source of all their wrongs.

He said this in 1948. This is true today.

Mr. President, I ask unanimous consent that certain material, including a feature story from the Philadelphia Bulletin commenting on the death of Mr. Pew, be printed in the RECORD.

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

J. HOWARD PEW DIES AT 89

PHILADELPHIA, November 27.—J. Howard Pew, chairman of the executive committee of Sun Oil Co., died early today at his home in suburban Ardmore, Pa. He was 89.

Pew, son of the founder of the company, had served as its president for 35 years, and was a member of its board of directors for the last 65 years.

Funeral arrangements have not been completed.

BIOGRAPHICAL SKETCH OF J. HOWARD PEW, CHAIRMAN OF THE EXECUTIVE COMMITTEE, SUN OIL CO.

J. Howard Pew, a pioneer of the American petroleum industry, devoted a lifetime to Sun Oil Co., founded by his father in 1886.

After joining the company in 1901 at age 19, he played a major role in guiding it from a small Pennsylvania-based firm to its present stature as an international supplier of energy.

This September, Pew completed 70 years of service to the company.

Each day he could be found in his office working at a straight chair and table, which he preferred to an executive desk. In recent years, he took Wednesday afternoons off for golf. He was proud that he could on occasion still keep his score as low as his age.

Although he worked right up to his recent final illness, he often said he had retired the year he relinquished his 35-year span as president of Sun—a span that began in 1912 with the death of his father, Joseph Newton Pew, and ended in 1947 with the election of Robert G. Dunlop as president.

Pew then gave more of his time to numerous philanthropies and other interests, but continued as a member of the board of directors to which he was first elected in 1906. He also met regularly with the board's executive committee. In 1963, upon the death of his younger brother, Joseph N. Pew, Jr., he assumed the board chairmanship.

In February, 1970, following the company's merger with Sunray DX Oil Co., Dunlop was elected board chairman and Pew became chairman of the executive committee.

At the time of his death, Sun had become one of the nation's top 50 companies, employing more than 28,000 people. In 1970 it reported net sales of $1.9 billion.

But in 1901, it was small and had comparatively modest oil holdings. Construction was just beginning on its major refinery, at Marcus Hook, Pa., when Pew joined the company there that year. He advanced from engineer to superintendent of the refinery and in 1906 he became a vice president of the company.

One of his earliest contributions to Sun's success was the development of a process for producing quality lubricants from asphaltic crude oil. This led to recognition of Sun as an organization of lubrication specialists.

In his 35 years as president, Pew steered the company on an independent course which saw it develop its own processes, engineering techniques and marketing methods and grow more than twenty-fold in sales.

He was a founding member of the American Petroleum Institute—the industry's trade organization—when it was organized after the end of World War I. He was vice president in charge of the refining division of the API from 1938 to 1946 and a director from 1919 to 1947.

During both world wars, Pew held prominent roles in directing the war effort of the petroleum industry. During World War I, he served as a member of the National Petroleum War Service Committee and during World War II, he was a member of the Petroleum Industry War Council.

He devoted considerable time promoting and supporting a number of religious, educational and other philanthropic undertakings, mainly through the Pew Memorial

Trust, established in his father's memory by himself, his brother and two sisters in 1948, with donations of Sun stock. In 1970, the trust made more than 200 donations totaling more than $7 million.

He was president of the board of trustees of Grove City (Pa.) College, and had served for more than 30 years as president of the board of trustees of the General Assembly of the Presbyterian Church. For many years he served as a member of the board of trustees and ruling elder of the First Presbyterian Church, Ardmore, Pa., and at his death was serving as a member of the board of the Presbyterian Lay Committee. He was also a member of the executive board of the Valley Forge (Pa.) Council of the Boy Scouts of America.

For many years he was a director of the National Association of Manufacturers and was an honorary life vice president of that organization.

Pew was a member of The Union League of Philadelphia, the Philadelphia Country Club, the Racquet Club of Philadelphia, and the Merion (Pa.) Cricket Club.

Pew received a number of awards in his lifetime for his accomplishments and beliefs. Among them were the American Petroleum Institute's Gold Medal for Distinguished Achievement, 1949; the Vermilye Medal of the Franklin Institute of Philadelphia, for achievements in management, 1950; the Pennsylvania Society's Gold Medal for distinguished achievement in humanitarian and civic fields, 1958.

He also received the Greater Philadelphia Chamber of Commerce's William Penn Award "for his monumental contribution to the well-being of the Delaware Valley region", 1970; and the Magna Charta Award of the Baronial Order of Magna Charta for "his service to humanity" and for "his championing of freedom of the individual", 1971.

Pew was born at Bradford, Pa., on Jan. 27, 1882. He received his education at Shady Side Academy, Pittsburgh; Grove City College, Pa.; and Massachusetts Institute of Technology.

In 1907 he married the former Helen Jennings Thompson, of Pittsburgh, who died in 1963. He lived at "Knollbrook" on Mill Creek Road, Ardmore, Pa.

He is survived by three children: George T. Pew, Mrs. Roberta J. Pew, and Mrs. Frances Pew Hayes, all of Haverford, Pa.; two sisters, Mrs. H. A. W. Myrin, of Phoenixville, Pa., and Miss Mary Ethew Pew, Bryn Mawr, Pa.

J. HOWARD PEW—SIDEBAR

J. Howard Pew, at age 87, was interviewed by a newsman who commented that he found his host's mind remarkably sharp. Mr. Pew, with an amused gleam in his eye, replied:

"It's only when you put things in retirement that they get dull."

He liked to claim he had "retired" after his term as president (1947), but he continued to hold board positions and came to work daily.

According to Jack Pew, a Sun director: "Howard once told me that some months earlier he had made six speeches in six nights on six different subjects, all of which he memorized from beginning to end. He said that today he could repeat those speeches word for word if he had to. Frankly, I think that's damned good for anybody, let alone someone who is 89."

Mr. Pew's achievements at Sun earned him recognition as a petroleum pioneer and giant of the industry, and enabled him to become one of America's wealthiest men. Yet he was spartan in his habits, lived simply and played golf as though he were disciplining himself to exercise regularly. "Golf keeps me alive," he once remarked.

He numbered among his friends President Hoover and President Nixon; Walter Annenberg, U.S. ambassador to the Court of St. James; Jerome Holland, U.S. ambassador to Sweden; and evangelist Billy Graham.

Shortly before his death, he was honored by the Baronial Order of Magna Charta for his "service to humanity," joining the distinguished company of such recipients as Winston Churchill and Dwight Eisenhower. A philanthropist of unsuspected scope and generosity, he went to great lengths to keep his charities from the public's eye, often citing the biblical admonition, "Let not thy left hand know what thy right hand doest."

Billy Graham once credited Mr. Pew with being "one of the best informed laymen in America on the Bible and on religious matters." He was a devout Presbyterian, extremely active in the affairs of his church nationally.

Grove City (Pa.) College, his *alma matter*, was another of his consuming interests. School spokesmen give much of the credit for the institution's fine facilities, good reputation and sound management to his generous donations and long presidency of its board of trustees. He was a trustee from 1912 until his death.

Mr. Pew was basically a shy man. Many of the honors bestowed upon him were accepted only because associates argued that it would be "good for the company." However, it was characteristic of the man that he would speak out forcefully about any matter which deeply concerned him. He was perhaps most public in his advocacy of two-party politics, his opposition to government intervention in business, and in later years his concern that in taking up political and economic issues, religious institutions would fail in their primary missions and lose support.

Few men studied the free enterprise system so thoroughly or believed in it so fervently. On numerous occasions he vigorously and heatedly expressed his opposition to business cartels and other forms of restraints on competition.

"We have never sought privileges nor a sheltered position," he said regarding Sun Oil Co. "Our attitude has always been that we have no divine right to a share and place in our industry. If somebody else can serve the public better in quality and price, he is entitled to the business."

In the early days of Sun's Marcus Hook, Pa., refinery, Mr. Pew insisted that floating-roof tanks be installed to reduce losses of petroleum vapors into the atmosphere. This was long before there was any talk of air pollution. One retired Sun engineer explained, "The other companies knew about floating-roof tanks but didn't want to spend the money, because there were less expensive ways to reduce product losses. So back then we might have had 50 or 60 floating-roofs, when the others had maybe one or two. But Mr. Pew was willing to spend the money because he knew the proper thing was not to turn those vapors loose in the air. Later, of course, all the companies converted to floating-roofs, when we had ours all along."

During a business trip to Europe prior to the First World War, German acquaintances proudly showed Mr. Pew through a shipyard where numerous submarines were under construction. Returning home, he talked with his brother, the late Joseph N. Pew, Jr., about the possibility of war and the effect it might have on the export business in lubricating oils the company had developed. They decided to order two tankers, both of which were sold even before they were completed, and with the money they launched Sun Shipbuilding Company (now Sun Shipbuilding & Dry Dock Company, Chester, Pa.). During World War II, Sun Ship delivered 40 per cent of all U.S. tankers.

Technology fascinated Mr. Pew, as well as finance. That fact may have played a part in Sun's prompt decision to back Eugene Houdry and conduct the commercial-scale experimentation that resulted in the development of catalytic cracking as a means of producing high octane gasoline. The French inventor had approached many companies, seeking funds to perfect his ideas. Among them, only Socony-Vacuum Oil Company (now Mobil) provided support, but after the discovery of the giant East Texas oil field Mr. Houdry was advised that he should look for help elsewhere. Mr. Pew's nephew, Arthur E. Pew, Jr., himself a brilliant engineer, investigated the process and reviewed the status of its development with his uncle. Together, they became convinced that none of the problems standing in the way of commercial success were beyond solution. Thereafter, Sun's board, led by Mr. Pew, reportedly reached its decision in half an hour.

Perhaps the most ambitious of Mr. Pew's projects is still being developed: Great Canadian Oil Sands, Ltd., a Sun subsidiary which extracts oil from Alberta's tar sands. Dr. Weir Ketler, a lifelong friend and former President of Grove City College, called the tar sands project the most daring move of Mr. Pew's career, but put it in perspective:

"You have to go back to the death of his father to know that he was willing to take a chance even *then*. U.G.I., a large utility, owned 49% of Sun, when Howard, who was about 30, and his younger brother approached them. 'We're young men and inexperienced,' they said, 'but we'll have to try to manage the company now. How well we'll do, nobody knows, and we thought you might like to be relieved of any risk. We're willing to take over your stock.' U.G.I. noted the youth of the Pew brothers and decided to sell. It was the wisest thing Howard ever did, but it certainly was a gamble!"

For years after Mr. Pew moved to Sun's Philadelphia headquarters, he made weekly trips to the Marcus Hook refinery and spent hours talking and listening to the men. One retired foreman noted, "The present concept of industrial relations was unknown then but he practiced it. His interest in the men accounted for the fact that we never had labor trouble in 50 years." This attitude was further corroborated by such acts as his refusal to make lay-offs during the Depression and the employee stock purchase plan instituted in 1926, through which thousands of Sun employees have become stockholders over the years.

"I'll tell you what kind of man he was," a retiree recalled. "There was an explosion at the refinery and I was badly burned, with dozens of others. I hardly knew Mr. Pew then, but he visited me at the hospital every day for weeks. Sometimes he'd bring books or other little gifts. When it came time for skin grafts, he brought in and paid for one of the top doctors in the country."

Robert G. Dunlop, Sun's board chairman, says: "I remember after he testified at a hearing in Washington a congressman said to me, 'Your boss not only speaks like an affidavit, he looks like one.' " Mr. Pew and Herbert Hoover had great mutual respect, and Hoover once spoke at an affair honoring him. Ambassador Annenberg described him as, "A terrific old man—an early pioneer and a great Philadelphian."

Billy Graham, with whom he was in frequent contact, said: "I came to respect his advice and counsel and came to love him almost as a father." He and Graham collaborated on such activities as the July 4 Honor America Day, sponsored by President Nixon, and the founding of *Christianity Today*, a theological journal for which Mr. Pew occasionally wrote and which he supported financially.

Shortly before his death, he helped found the Institute for Black Ministeries in Philadelphia, as well as the Gordon-Conwell Theological Seminary in Hamilton, Mass. He bought and donated the properties for both.

Most of Mr. Pew's philanthropic gifts came through the Pew Memorial Trust, established in his father's honor by himself, his brother and two sisters in 1948 with donations of Sun stock. In 1970, the trust's more than

200 donations totaled more than $7 million to charitable, religious and educational causes. Conservative-oriented organizations, independent colleges, religious institutions and hospitals were typically favored, although grants ran the gamut from black institutions such as Hampton Institute to the Planned Parenthood Association.

Mr. Pew was much more widely known as a contributor to the Republican Party than to charity, religion, health and education which far exceeded his political gifts.

Grove City College, perhaps the largest single recipient of Mr. Pew's donations over the years, profited also by his lifelong active participation in its operation. It was his visionary expansion plan over 50 years ago which accounts for the school's present scenic campus. He conceived the plan, then retained the firm which designed New York's Central Park to lay it out. The school also attributes its low tuition as much to his management advice as to his money.

Although his brother was far more active in organized politics, Mr. Pew manifested his strong political interest in frequent speeches he delivered. "What a tragedy," he once said, "to see so many busybodies running down to Washington to obtain more laws to make more people subject to more government controls."

In a 1948 speech, he said: "When a people come to look upon their government as the source of all their rights, there will surely come a time when they will look upon that same government as the source of all their wrongs." In the same speech, he continued: "Freedom is indivisible. Once industrial freedom is lost, political freedom, religious freedom, freedom of the press and of speech will all fall."

Much of Mr. Pew's personal life revolved around his devotion to his wife, and her death in 1963 was a heavy blow to him. Years earlier, he had played a major role in successfully treating a serious blood ailment she contracted. Doctors were unable to pinpoint the problem, and Mr. Pew virtually established a miniature hospital in his home, equipping it with medical devices, staffing it with nurses and bringing in experts from all over the world. He also studied all the pertinent medical literature voraciously, and ultimately, his observations were a big factor in his wife's treatment and recovery, according to one attending physician.

Mr. Pew was fond of reciting poetry. One of his favorites was "The Bridge Builder." Part of it reads, "There follows after me today a youth whose feet will pass this way . . . Good friend, I am building this bridge for him." Countless times, J. Howard Pew cited those lines referring to others; most of them would agree it is his own most fitting epitaph.

[From the Philadelphia Bulletin, Nov. 30, 1971]

THE LEGEND OF J. HOWARD PEW: OIL TYCOON WAS KNOWN FOR INTEGRITY; SERVICES TODAY IN ARDMORE

(By Peter H. Binzen)

He sprinkled salt on his ice cream and enjoyed reciting limericks. He shunned ghostwriters and memorized his own speeches. He was an implacable foe of socialism but nobody ever saw him lose his temper.

He was probably the city's richest businessman, but outside of a small circle of friends and acquaintances few people knew much about him.

And that is the way he wanted it, for he was a shy man who cherished his privacy.

$100 MILLION FORTUNE

The man was J. Howard Pew, one of the last of the great oil tycoons. He died Saturday at 89 leaving a personal fortune of about $100 million and was buried this afternoon following Presbyterian Church services in Ardmore.

At the center-city executive offices of the Sun Oil Co., 1608 Walnut St., oldtimers and newcomers reminisced about the company founder's son who ran Sun as president for 35 years and served on its board for 65.

One of those who knows most about J. Howard Pew has worked at Sun for less than three years and never met its legendary leader.

Shortly after joining the firm's public relations staff in 1969, Donald Sugarman, a film writer, was assigned the task of researching the life and times of Pew.

He conducted interviews with family members, business associates and friends of Pew, visited his hometown of Mercer in Western Pennsylvania, and his alma mater, Grove City College, which Pew generously supported over the decades.

BEST-INFORMED LAYMAN

According to Sugarman, Billy Graham, the evangelist, considered Pew "probably the best-informed layman in the United States on the Bible and religious matters."

"The thing I think of with Howard Pew," Graham told Sugarman, "is total integrity.

"You might not agree with his views, but you have to admit that here is a man of almost total and complete integrity. I think that that generation had a strength of character that we're missing today."

Jerome Holland, onetime Cornell All-American end and educator who is now American ambassador to Sweden, said that both J. Howard Pew and his late brother, Joseph N. Pew Jr., opposed the Ku Klux Klan and other "racist types of organizations where people were using race as a means of gaining advantages and so forth."

RUGGED INDIVIDUALIST

Holland, who is black, told Sugarman that he and Pew "discussed from time to time the political situation relative to the Negroes." Holland formerly headed predominantly black Hampton (Va.) Institute, which Pew supported with benefactions.

Holland termed Pew "a man of great intellectual capacity . . . a rugged individualist from the standpoint of the free enterprise system and its responsibility in a free society."

Robert G. Dunlop, Sun's board chairman, recalled being told by a congressman after Pew once testified in Washington: "Your boss not only speaks like an affidavit, he looks like one."

WILLINGNESS TO VENTURE

Dunlop said one of Pew's great talents as an oilman was a willingness to venture. This was a Pew family trait, he said, "They have been venturesome. For example, their willingness to pursue catalytic cracking when most other people had terminated their interest in it."

Al Panepinto, architect and consultant for many Pew-financed enterprises, spoke of Pew's love of golf.

"You just couldn't get an appointment with him anytime past one o'clock on Wednesday. Wednesday was his and that was for golf regardless—unless it was pouring rain or a deep snow."

Pew smoked long cigars but didn't drink. As president of the Merion Cricket Club in the 1930s, however, he took a lively interest in increasing the club's bar receipts, according to Allyn Bell, president of the Glenmede Trust Co., which oversees various Pew philanthropies.

FIGURED OUT DETAILS

"On one rainy Saturday," Bell related to Sugarman, "I remember very clearly sitting out there (at the club) all morning going over the details of how the bar functioned, how much whiskey should be in a drink and how much mixer and how much the cost would be for those components and then what a fair selling price would be.

"We found out with a few adjustments we could make the bar profitable and this was done very quickly. But he took the same interest in reviewing that operation that he would have in looking over the Sun Oil Co.'s refining operation. And he worked at it just as hard."

Bell said J. Howard and his younger brother, Joseph N., though "great pals," were "entirely different."

NOBODY ARGUED

J. N. was a "regular guy," often profane, who loved an argument. But nobody argued with J. Howard Pew, he said. "You might try to convince him a time or two about something where you think he might be wrong, but it takes a little different approach."

Weir Ketler, 87-year-old retired president of Grove City College, stressed Pew's bedrock integrity.

"He never would do business with any man or any company that he thought he had a question about their morals," Ketler said. He said there was "something Roman" about Pew "and yet . . . human."

Mrs. Frances P. Hayes, one of Pew's three adopted children, remembered her father bicycling to the Ardmore station to catch a train for town during the gas rationing days of World War II.

RODE BICYCLE

She said the gasoline tycoon rode his bicycle rather than getting free gas coupons as many others were doing. "He always lived with very, very high principles," she said, "and I don't think he ever swayed from them in any way, shape or form."

As a parent, Pew was a "very wonderful Daddy," though very strict and austere, Mrs. Hayes said. "We all held him in very high esteem and great fear, let's say, underneath it all," she told Sugarman.

Pew, long active as a Presbyterian Church conservative, gave freely to Catholic Charities here and to the Allied Jewish Appeal, Sugarman reported.

RETIREMENT OF A. C. "BUD" KEITH, RIVERSIDE COUNTY, CALIF.

Mr. TUNNEY. Mr. President, A. C. "Bud" Keith is a native son of Riverside County, born in Perris in 1903. Educated in Riverside schools, he first entered county service as a deputy to A. C. Fulmor in 1925, and succeeded him as county surveyor in 1946. He was subsequently appointed county road commissioner in October of 1947 under the provisions of the Collier-Burns Highway Act, and has served in the dual capacity since that time.

In a career covering almost five decades, he has taken an active and influential part in the continuously expanding economic development of not only Riverside County, but the entire southern California metropolitan region. His participation in such areawide transportation planning activities as the metropolitan transportation engineering board, and the Los Angeles regional transportation study, has resulted in full county recognition in the development of the regional freeway network in this part of the State.

To trace the highlights of his local public service would require more space than is available here, but mention should be made of his contribution to the adoption of the county general plan of highways, and the supporting county ordinances for its implementation; to the realistic expansion of the various departmental staff activities to meet the demands of increased public service as economically as possible; to his active

liaison with a multiplicity of State and Federal agencies to assist and coordinate their various programs at the local government level; and perhaps most of all, to the long-term stabilizing effort involved in constantly equating public demand with available transportation funds.

His retirement leaves behind a comprehensive, visible legacy in the form of a highly developed, countywide system roads, streets, and highways, which provides the basic service and circulation element of the county economy at the present time, and which will form a core for the increasingly complex transportation developments of the future.

His careful guidance, and vast store of experience and knowledge of Riverside County will be genuinely missed by all of county government and by the entire county population.

I ask unanimous consent that several articles be printed in the RECORD.

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

RETIRING COUNTY ROAD COMMISSIONER HONORED AFTER 47 YEARS OF SERVICE

INDIAN WELLS.—Coachella Valley leaders honored County Road Commissioner A. C. (Bud) Keith on Wednesday night at the Erawan Hotel for 47 years of service to Riverside County.

Keith has announced his retirement for the end of the year.

Leaders from every community from Palm Springs to North Shore praised Keith for service to the county far beyond that of most public officials.

Ted Smith, longtime leader in solving valley problems and master of ceremonies, said he has never known a public official at any level—county, state, or national—of government with as great integrity as Keith's.

City councils of the valley's four cities all proclaimed Nov. 17 as Bud Keith Day.

Palm Springs made him an honorary citizen. All the valley's chambers of commerce and similar organizations presented plaques to him.

County supervisors and former desert area supervisors paid tribute to him.

There were telegrams of praise from State Sen. Gordon Cologne, R.-Indio, and Assemblyman Ray Seeley, R.-Blythe.

District state highway engineers in San Bernardino and San Diego joined in praising Keith's work to improve Riverside County roads.

They lauded his "continuous efforts to help build transportation for California."

Smith, a former president of the Coachella Valley Advisory Committee (CVAPC), said "there is not a segment of Coachella Valley that has not benefitted from Keith's work."

Clarence Washburn, long time councilman and mayor of Indio and for 35 years associated with Keith on road problems, said Riverside County "is going to lose—and lose in a big way—" with Keith's retirement.

Washburn said progress in solving valley road problems has been so great that now it is unusual for anyone other than committee members to attend the monthly meetings Washburn's highway committee holds with the road department.

Former county supervisor George Berkey recalled that Keith intervened to have the supervisors require two additional interchanges on Interstate 10 between Thousand Palms and Garnet.

In doing so, Berkey said, "he made the supervisors look pretty good through the years—and I appreciate that."

Al McCandless, presently chairman of the Board of Supervisors, praised Keith's abilities and the fact that he chose to devote his life to public service.

"If he had taken the private road instead of the public road, he doubtless would be a millionaire," McCandless said.

Keith, recalling early history of the CVAPC that no present day members recall, said it fell to his lot to introduce Charles W. Eliot to the Coachella Valley.

Eliot was a nationally known planner, formerly connected with the administration of President Roosevelt, engaged by the Board of Supervisors to advise them shortly after the war.

The Eliot report on the Coachella Valley, made nearly 25 years ago, still is praised by valley leaders.

Keith credited Joe Snyder, then manager of the Coachella Valley County Water District, with originating the idea from which Coachella Valley leaders formed the CVAPC.

Keith said orderly growth of the valley has largely been coordinated between county government and the advisory planning group.

REMEMBERING BUD KEITH

(By Bill Jennings)

HEMET.—I hope the people who love to plan such things are working on a southwestern Riverside County farewell testimonial and sob session for Bud Keith.

Not that Bud is an ego feeder. He has been smiling and speaking softly in his efficient way through country government nearly a half century. Nobody has to reassure him or pass resolutions. He has that inner satisfaction of the guy who knows hes doing the best he can all the time.

He's made so few waves in an ulcerous job as county surveyor and road commissioner that many late comers to our big county probably never heard of him.

That's too bad, because a few minutes with Bud Keith are worth a dozen cocktail parties with most political figures.

Not that Bud ever thought of himself as a politician. Even in the days when his twinpost was at least half elective. He just kept on doing his job, building many extra miles of roads without any extra money.

Even in the Coachella Valley, where road paving came agonizingly slow in the years I labored there. They put on a special Fourth District road tax a long time ago and still some of the half-mile number grid streets east and west, presidents and vice presidents north and south remained distressingly sandy for long years after the All American Canal brought the water that eventually provided the taxes to pave them.

Even there, Bud didn't get chewed on very often or very effectively. Every new political aspirant who tried to make some voter points by lambasting the county government away over there in Riverside learned quickly to speak softly about Bud Keith.

I don't know what they'll name for him. His predesessor got a lake carved out of a long fill on the rebuilt Banning-Idyllwild Road, and surely Bud has left an equal impact on this road-hungry county of ours.

Whatever it is, it had better reflect his beautiful, understated sense of humor. No county official could ever put down a noisy supervisor or a blustery business tycoon quite as nicely as Bud. Half the time the victim never knew it was being done.

In my infrequent coverage of the supervisors and other groups in which road problems came in for an inordinate share of noise I could always look forward to Bud's defenses. He never got mad, even when he had every right to. He smiled when the rest of us would have pounded the table.

He used reason, humor and common sense the way the others used bombast and scorn. And, you know, he usually won the battle, maybe not right away but sooner or later.

I missed the eulogies the other night down at Erawan Hotel when Coachella Valley suddenly realized the best friend they ever had in county government was going away.

If they really had formed Desert County years ago they would have missed Bud Keith more than a dozen county administrative centers, all the Superior Courts and microwave telephones.

[From the Idyllwild (Calif.) Town Crier]

BUD KEITH

It will be difficult to picture the Riverside County Road Department without A. C. "Bud" Keith, who retires December 30 after 47 years of service. For mountain folks, he has been our road man since the time when there were few paved streets and Idyllwild was reached only by dirt roads and narrow highways.

Bud has responded to many community calls. He talked to Town Hall audiences for the past 25 years. He has heard our complaints about chuckholes, snowplowing, parking problems and the need for better streets. We can't recall an occasion when Bud Keith became irate or lost his temper before an audience.

As the scene continues to change, there is a sense of stability in having public officials who span several administrations. The roar at the courthouse rises and falls, but above the din individuals like Bud Keith maintain a steady course between public demands and what the county can afford.

There has been considerable growth since Bud Keith began as a county surveyor 47 years ago. In our own area, boundaries have been pushed deeper into the forest and streets climb higher on the slopes. Problems become complex as more of the forest floor is covered with pavement. We are no longer dealing with Model-T Fords in the mountains. Freeways push closer to the wilderness.

In retiring we hope that Bud Keith will remain close enough to the scene to continue his service. There is a need for the wisdom that comes from dedicated officials who have devoted many years to serving the public.

TREATY BETWEEN THE UNITED STATES AND MEXICO

Mr. BENTSEN. Mr. President, the Senate has recently ratified one of the historic treaties of our time. It can be said to end one era and begin another. For more than a century the government of the United States and Mexico have been contending with boundary rivers that meander and shift from channel to channel without regard for people or national territory. In 1884 the governments concluded a treaty that made international law the law of the rivers, attempting to apply existing rules to determine the effects of river movements on the farms and villages that were beginning to line both banks of the Rio Grande and Colorado River. When these rules failed to satisfy the need, the governments drew up another treaty in 1905 providing for exceptions to existing rules. Now they have concluded still another treaty, this time on the basis of experience and the physical control they have since exerted upon the rivers. The result is a new set of rules shaped for these rivers and these rivers alone.

Under these rules severe erosion will be checked, and neither nation will lose to the other significant acreage. There should be no more territorial disputes between the governments such as marred their relations during the last century. Floods will not again leave location of the international boundary uncertain and leave farmers either long separated from

a part of their lands or forced to sell them under adverse circumstances. Except for rare and temporary periods, the middle of the river will be the boundary wherever it separates the two countries. When there is more than one channel the boundary will run in the center of the wider or widest channel regardless of its depth. No farmer, border patrol officer, smuggler or illegal entrant will ever have reason to doubt where that boundary is.

Similarly, off the coasts we share with Mexico the maritime boundaries will be forever fixed to a distance of 12 miles. Determined on the equitable principle of equidistance, well marked and easily ascertainable, these boundaries will serve those who fish the waters or explore the seabed.

This treaty obviously reflects an advanced degree of friendship and cooperation between the United States and Mexico. It has been described as probably the last in a long series of boundary treaties. It can also be thought of as still another major achievement of men of good will in two neighboring countries who have shown determination in recent decades to turn away from the disputes of the past and build a foundation for a happier and brighter future.

PRODUCTIVITY INCENTIVE PAY PLANS NEEDED

Mr. PERCY. Mr. President, I ask unanimous consent to have printed in the RECORD a telegram from Eric C. Baum, president of Eric C. Baum and Associates of Chicago, management consultants who specialize in engineered productivity improvement plans. Mr. Baum's telegram endorses my amendment No. 766 to the 1971 Economic Stabilization Act amendments which passed the Senate unanimously on December 30. Mr. Baum asserts that wage incentive programs generally increase productivity by 30 percent without increased labor costs, and that this amendment will encourage large sectors of industry and commerce to win the battle for productivity.

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

Senator CHARLES H. PERCY,
Senate Office Building,
Washington, D.C.:

We urge the adoption of an Amendment to Bill No. S. 2891 reflecting government policy and national need to rapidly increase industrial productivity. The weakening of American competitive strength on the world market is well known with national productivity increases among other industrialized nations increasing more rapidly than in the United States. Vastly increased application of Industrial Engineering techniques is the only hope for increased productivity without rising prices.

The Government should promote the greater use of Wage Incentive Programs based on scientifically measured or engineered Production Standards for industry, commerce and agriculture. Such Programs generally increase productivity by 30 percent without increased labor costs since incentive compensations are paid only above the new higher Standard which had been set through the application of industrial engineering techniques, as mentioned earlier.

Therefore, Wage Incentive Programs are particularly significant for smaller companies for whom automation is not an economic solution to increased productivity. The significance of this is even more obvious when we remember that in the United States 86 percent of all industrial plants have less than 100 employees. In our view amendments such as this are a vital necessity if the Government's policy is indeed aimed at improving productivity. The proposed amendment is a practical, easily implemented answer for large sectors of American industry and commerce, if they wish to win the battle for productivity.

ERIC C. BAUM,
President, Eric C. Baum and Associates.

THE FOREST SERVICE: REFINED SCIENTIFIC MANAGEMENT

Mr. HANSEN. Mr. President, the Intermountain Region of the Forest Service recently supplied me with a study which was done by Dr. Robert G. Bailey entitled, "Landslide Hazards Related to Land Use Planning in the Teton National Forest, Northwest Wyoming."

This is a sophisticated and highly technical approach to the problems of soil stabilization as it is affected by timber cutting and roadbuilding on the national forest lands.

I was especially interested in this report because of my personal knowledge of the Jackson Hole area and was greatly impressed by the Forest Service's scientific approaches to management decisions on the Teton National Forest.

The report states that of the 1,100,000 acres of land in the Teton National Forest over half, or 650,000 acres, are classified as unstable soil; and, of these 650,000 acres, 183,700 acres are classified as highly unstable.

The report addresses itself to land use and timber management problems of slide areas. These are areas which are maintained by an equilibrium between gravity and the slide material's shearing resistance.

Removal of the toe of a slide, or the increase in ground water, may upset this equilibrium thus permitting repeated movements of the slides.

Thus, logging with the accompanying roads and skid trails should be avoided in areas of active landslide deposits because an increase in subsurface moisture along with the decay of dead tree roots would accelerate the movement of the land and disturb the natural drainage.

Therefore, the practical problem faced by land managers is the decision whether to accept the consequences of disturbance of unstable slopes or to control the effects of these activities in order to minimize the occurrence of mass movement.

Of course, not all landslides can be avoided. In general terms, the large landslides are primarily controlled by the rate of geologic erosion and are not influenced by man. The smaller earth movements can be initiated by man's activities and are, therefore, at best partially controllable and preventable. The study which Dr. Bailey initiated was designed to provide an indication of where geologically unstable conditions occur. A second objective was to outline the relative hazards which present definite built-in limitations to management practices in an area where improper land treatment can trigger a sequence of events requiring decades to control and stabilize.

Mr. President, it is encouraging, indeed, that the Forest Service has undertaken this type of analysis and approach in perfecting its land use planning on the Teton as well as other national forests.

I am impressed by this report, and I congratulate the author and commend the Forest Service for sponsoring this study.

This type of report will prove to be a valuable tool in assisting the Service to do a better job of managing the forest lands.

I am more strongly persuaded than ever in the wisdom of leaving the final decisionmaking responsibility regarding the implementation of congressional and Presidential policy with the qualified, professionally trained experts wearing the uniform of the Forest Service.

Not that every decision they have made is right but rather, recognizing the good sense in assigning these duties to professionals with builtin objectivity, we can then hold them accountable for these judgments. With authority must go responsibility.

I believe the Forest Service, still learning, still listening, measures up to Teddy Roosevelt's charge to Gifford Pinchot to manage the forest and make decisions, "—of the greatest good of the greatest number in the long run."

THE SITUATION IN SOUTH ASIA

Mr. SCOTT. Mr. President, the following question and answer will serve to explain the U.S. position in South Asia:

Q. What is your assessment of the situation in the Indian subcontinent?

A. Let me summarize our position: As a result of civil strife in East Pakistan there has been a large exodus of refugees to India. This has created major problems for India in terms of communal tensions, economic dislocations and human suffering. The U.S. has great sympathy for the problems this has caused. Our policy has had four aspects:

(1) Refugee aid. The U.S. has contributed more than the rest of the world combined—a total of $90 million—to alleviate the conditions of the refugees in India.

(2) Famine relief in East Pakistan to prevent the outflow of more refugees. The U.S. has earmarked $250 million for this purpose. This program is now jeopardized by the military operations launched from India territory.

(3) Political progress. We have done our best to use our influence to promote a political solution. With our encouragement President Yahya has taken the following steps: (a) Replaced the military governor of East Pakistan by a civilian. (b) Offered an amnesty to refugees. (c) Invited UN teams to supervise refugee repatriation and food distribution.

(4) Deescalate tensions. We have used our influence to reduce the danger of conflict: (a) We proposed a mutual pull-back from the borders. This was accepted by Pakistan and rejected by India. (b) We proposed a unilateral withdrawal to Pakistan as a first step. Pakistan accepted provided India followed suit some time after. (c) We proposed a stationing of UN observers on the borders between India and East Pakistan. Pakistan has accepted and India has refused. Pakistan has

now accepted UN observers on its side alone. Recognizing the burden caused by the refugees, we consider recourse to military force unjustified.

PRESIDENT SHOULD CLOSE CHEESE IMPORT LOOPHOLE

Mr. NELSON. Mr. President, the U.S. Tariff Commission has recommended—in Publication 406—that foreign cheese priced over 47 cents per pound no longer should be exempted from import quotas. The commission recommended that absolute quotas be established for all cheese types that now are exempted.

That was on July 28 of this year.

But there has been no action taken by the President to put the commission's recommendation into effect. It is my hope that the President will delay no longer in taking the action that clearly is justified to protect the integrity of the Federal price-support program and the integrity of domestic cheese markets.

With its recommendation, the Tariff Commission recognized that the existing price-break exemption provision on imported cheese is a serious loophole that has led to quota evasions by some cheese-exporting countries. Some of the evasions that have been amply documented is the misbranding of cheese under quota to make it appear to be exempted under the price-break, or shipping cheese under quota in containers filled in part with exempted cheese. In both cases, serious quota evasions were taking place through abuse of the import-exemptions provision.

The commission's investigation of the price-break exemption considered, in major part, the impact of the price break exemption on price-support programs of the U.S. Department of Agriculture. The Department had recommended several years ago that the price-break exemption should be reconsidered if the support level for cheese increased over the 47-cent level. Nearly 2 years ago, that support level had increased to 52 cents.

On this issue, the Tariff Commission found that the price-break exemption was materially interfering with the USDA support program. But rather than recommending that the exemption level be raised, the Commission correctly favored placing all imports under quota and thereby solve the many problems that have arisen because of the exemption.

Involved in the exemptions are Swiss, Gruyere-Process and "certain other cheeses," as defined by the Tariff Commission. Exporters of these cheeses have anticipated for some time that absolute quotas would be put into effect. Ever since 1967, the exporters have been rushing to get as much of these cheeses into the country as was possible.

Last year, for example, 101 million pounds of the affected cheese types were exported to the United States. This is more than double the amount shipped in 1967.

And since the Tariff Commission's recommendation of July 28, exporters once again have been increasing shipments of the affected cheeses.

Certainly, these shipments will continue to increase until the Tariff's Commission's recommendation for absolute quotas is put into effect. But also, the abuses of the exemption formula will increase and the interference with the domestic cheese price support program will become pronounced.

Therefore, I urge the President to put into effect at the earliest possible date the Tariff Commission's recommendation that all foreign cheese exported to this country be placed under absolute quota.

HELP FOR THE NEEDY

Mr. McINTYRE. Mr. President, when one asks the American people to help, they do. In a recent newsletter to my New Hampshire constituents, I printed a letter from Father Morris F. Wells, Chaplain for the 196th Infantry Brigade in Vietnam. Father Wells, whose parents live in Hampton, N.H., asked me a special favor. He said:

During my tour here, I have become involved with a Catholic orphanage, Phuoc Tien Orphanage, in a small hamlet of the same name, located near Da Nang. There are 190 children with six Vietnamese Sisters taking care of them. One of our battalions, 4/31st Infantry, has unofficially "adopted" the orphanage and the men are doing everything they can to make life a little more pleasant for these children. The children need everything, and anything, but especially summer clothes, toys (there isn't a ball or a doll in the entire orphanage) and food (especially baby food). My request is that perhaps you could put in a "plug" for help in one of your newsletters to your constituents. They could send any used clothing, toys, food, etc., to me and I would be happy to hand carry them to the orphanage. I am hoping that it will be possible to extend the arm of friendship from the USA to this unknown orphanage in Vietnam. God bless you.

CH (Cpt.) Morris F. Wells,
HHC 196th Infantry Brigade,
APO San Francisco 96256

The response from New Hampshirites has been terrific.

Mrs. Agnes M. Young, Mrs. Elinor Di Bernardo and Mrs. Richard Peloquin, of Keene, N.H., have formed a committee in cooperation with Father Horan in their town to solicit toys, clothing, and food to send to the orphanage.

With all the talk about people being afraid to get involved and unwilling to give their time to help others, it certainly has been heartwarming to me to see this kind of response from people in New Hampshire. I am proud to serve them in the U.S. Senate.

PRINCETON NAMES NEW PRESIDENT

Mr. WILLIAMS. Mr. President, this week Princeton University—one of the world's most respected educational institutions—chose a new president, Dr. William G. Bowen.

This is a great honor for a most distinguished educator and scholar. Yet, none of us can underestimate the burden he is undertaking.

He follows in the steps of a truly outstanding university president, Dr. Robert F. Goheen. And, he follows a tradition that has included such a man as Woodrow Wilson.

Dr. Bowen assumes his office when universities have many problems, not the least of which are the grave financial difficulties which face so many of our institutions.

Certainly, all of our best wishes go out to Dr. Bowen as he undertakes this difficult mission.

We have every confidence that he will perform magnificently. His qualifications are apparent and are most clearly brought to light in an article which The New York Times published when his appointment was announced.

Mr. President, I ask unanimous consent that that article be inserted in the RECORD at this point.

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

[From the New York Times, Nov. 30, 1971]

PRINCETON PROVOST NAMED PRESIDENT

(By M. A. Farber)

PRINCETON, N.J.—William G. Bowen, a 38-year-old economist who has served as provost of Princeton University since 1967, was named president of Princeton today.

The provost, who said that improving the university's undergraduate studies was the chief issue facing Princeton, will succeed Robert F. Goheen next July 1. Dr. Goheen, who was a 37-year-old classics professor when he became president of the university in 1957, will become chairman of the Council of Foundations in New York City.

Dr. Bowen's appointment as head of the country's fourth oldest institution of higher learning ended a seven-month search for a 17th president of Princeton. But the selection of the provost, who is the second-ranking administrator of the Ivy League university, was widely expected here for some time.

"The choice of Dr. Bowen was so obvious that approving it is like approving the sunrise," said Andrew Wilson, the 21-year-old chairman of The Daily Princetonian, the student newspaper. "Everyone knew that barring something really extraordinary, the provost would get the nod. You don't throw away one of the country's top experts on the financing of higher education in a period of fiscal austerity."

Dr. Bowen is closely identified with most of Princeton's major decisions in the last few years, including the university's shift to coeducation in 1969 and its efforts to increase the number of minority group students on campus. The provost has been particularly responsible for bringing Princeton's $78-million budget closer in line with its income—the university had about a $1.5-million deficit last year and anticipates a smaller deficit this year.

The affable, athletic provost is generally popular with faculty and students—despite, some say, his identification with budget cuts that are not always well received. He was the first choice for the presidency of separate committees of faculty, students and administrators before the trustees elected him this afternoon.

GOOD SHARP REASONER

"He's very straight-shooting and he's always on the side of doing things well," said Dr. Stanley Kelley Jr., a professor of politics who led the faculty search committee. "In faculty meetings he's one of the most persuasive people I've seen, always going to the point of the issue and often changing people's minds. He's fair minded and decisive, and a good sharp reasoner."

The only apparent opposition to Dr. Bowen's candidacy was expressed last month by George A. Hamid Jr., chairman of ACTION a group of about 500 alumni who banded together to fight coeducation several years ago. Princeton has about 40,000 living alumni.

Dr. Bowen, at a news conference and in an interview, stressed the importance of reforming undergraduate education at Princeton. However, he reserved judgment on a new proposal to shorten the normal undergraduate program here from four to three years. The proposal, intended for campus debate this year, was advanced last weekend by Dr. Marvin Bressler, head of the university's Commission on the Future of the College.

The provost said the university was "going to have to struggle mightily to retain the strength of its graduate programs," which he said had been reduced in the wake of cutbacks in Federal support for research and fellowships.

The university has made real progress in both coeducation and opportunities for minority students, Dr. Bowen said Princeton admitted 170 women undergraduates in 1969; there are about 750 now among the 4,000 undergraduates and one of them, Abby R. Rubenfeld of Sarasota, Fla., is president of the freshman class.

The university has had women graduate students for approximately a decade; they number about 250 of the 1,382 graduate students. In 1968, about 4 percent of Princeton undergraduates were blacks or other minority students. The proportion is now 11 percent, or 423 students.

On the whole, Dr. Bowen predicted an "evolution" of the policies he has helped to form as provost. "Fortunately, universities don't change by the edicts of their presidents, anyway," he said. He will name his successor as provost.

Dr. Bowen, who said he did not know what his salary would be, was appointed for an indefinite term. The committees that said they had looked for someone young enough to serve advised the trustees for 10 or 15 years.

ADDRESS BY PRESIDENT NIXON TO 4–H CONGRESS

Mr. DOLE. Mr. President, yesterday President Nixon delivered a speech before the National 4–H Congress in Chicago, where he tried to assess the challenges before the Nation's youth today and how their desires have changed over the last several decades.

America's 40 million youth between the ages of 14 and 24 are far from being a "monolithic bloc." There are working class youth, teen-age mothers, drop-outs, high school students, as well as college students that make up that large segment of the population.

It is well that we often think of the concerns of these other groups of young people. For they will form—along with the college population—the base of the leaders of latter decades of this and the early decades of the next century.

Mr. President, I ask unanimous consent that the President's address be printed in the RECORD.

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

REMARKS OF THE PRESIDENT, TO THE NATIONAL 4-H CONGRESS, CONRAD HILTON HOTEL

Mr. Chairman, all of the distinguished honorees and all of those attending this Golden Anniversary Congress of 4-H, I want all of you to know what a great inspiration it is for me to be here, to see you, to hear you, to see the young people who represent all of America.

As I was doing a little homework before coming out here, I found some interesting things about 4-H. I suppose, like most people, I had the idea that 4-H was almost exclusively an organization with its interest in agriculture and farming.

4-H was born on the soil. 4-H has its roots in the soil. But as you know, approximately 35 percent of your members are from farm communities, and 65 percent of your members are from smaller towns, larger towns, and even large cities.

Another thing that is very interesting about this organization is that you are all winners. I found that out by going into the background. I knew that I would have the privilege of presenting these beautiful silver trays to the winners who have been picked from all over the country; but I understand everyone here, of the 3,000 attending this meeting, has been recognized as an achiever or winner in his own community or in his State. I congratulate a group of winners, the largest group of winners I ever saw, here in 4-H.

Another thing that I found in studying the background of this organization is that you come from all the 50 States, and that insofar as your age group is concerned, it represents what we generally refer to as the teens—the lower teens, the middle teens, and the like.

UNITED STATES MUST CONTINUE STRIDES IN AGRICULTURE

After reading all of that information, I had to make a decision about what to talk about, and naturally, the first inclination would be to talk about agriculture. It is an extremely interesting subject. It is vitally important at this particular time in our Nation's history. It is essential that America continue the great strides we have made forward in productivity in agriculture, because when we hear of problems of competing with nations abroad in terms of other technologies, in agriculture America leads the world, and because we do lead the world, it means that only five percent of America's people can produce enough to feed and clothe all the people of America, and to provide very much for people abroad when they are in need.

This, of course, is something that needs to be said, and those who come from the community of agriculture can be very proud of what American farmers, people in agriculture, have done for this country and for the world. And yet, as I thought further about the problem, I realized that you were a broader group simply than one interested in agriculture.

4–H REPRESENTATIVE OF ALL YOUTH

You are interested in all of America, because you come from all of America. You come from the cities and the towns and the farms, and because the America of the future will be yours and what you make it, you, therefore, I think, would like whoever appears before you, and particularly one who appears in the capacity that I do, as President of the United States, President of all the people, you would like to have me address you not as a narrow, special-interest group, but as young people representing the young people of America.

I would like to do that today. I would like to say some things that I have been wanting to say for a long time to a young audience, a young audience representative of the whole country. You are that audience, and that is why I have chosen this forum for the purpose of saying these things.

I am going to begin with a proposition that perhaps is a little different from what you sometimes hear. It seems to be somewhat the fashion for a speaker speaking to a group to point out what a terrible time this is to be growing up in America—the problem of a war, the problem of environment, the problem of jobs, all the other things that we see and that we hear about. There are many problems. I am keenly aware of them. I think about them a great deal, as you might imagine, just as you think about them a great deal.

But then I tried to put myself back a few years, many, many years, when I was as young as you are, and I thought of what I thought about America then. I thought it was a great country.

YOUTH HOPEFUL IN 1920'S

At that time, particularly as I entered the 20's of my life, America was in a depression. But I looked to the future with hope, because I realized that whatever our problems were, that this country, our country, could solve them; that this was the place that I would choose to live in if I had to make a choice of all the countries in the world. I believed that then, and I believe that now.

I want to tell you why I think you should believe it, believe it very, very deeply today, not with any pollyannish statement in which we cover up those things which are wrong about our country and wrong with this world, and not with any statements in which we downgrade the great dangers we confront in the world; but laying it on the line like it is, the kind of America you are in today, the kind of America you can make tomorrow, the kind of a world we can have, particularly you can have, by the end of this century, in the year 2000, when we celebrate a new year that comes only once in a thousand years.

One of the reasons that I speak in optimistic terms is this: just to stand before this great assembly of young leaders and young achievers, as you are, to feel your idealism, your commitment to excellence, is to stand on the threshold of the brightest future the world has ever known. I believe that.

You are coming to maturity at a time which history will remember as a great period of emancipation for young Americans. Your generation has the opportunity to participate more fully in the American adventure than young people have ever been able to do since Revolutionary times 200 years ago. You can remember those days as you read them in history.

NATION'S FOUNDERS WERE YOUNG

How stirring they were. More than half the population of America at the beginning was less than 20 years of age. The cause of liberty was the cause of youth and of age alike. Citizens belonged not to this or that generation; they belonged to America. Hamilton, in his late teens, emerged as the leading voice for independence in the State of New York. Jefferson, at 33, authored the Declaration of Independence. Sixteen other patriots in their 30's, three in their 20's, Franklin at 70, the old man of the group, joined Jefferson as signers of the Declaration of Independence.

That was the young America at the time of our birth. Then, in the course of two centuries, things changed. They changed radically. In the 1950's, when you were born, generational stereotyping and pigeonholing by age groups became all too common. Most young people in those years went intensely and quietly about the ordinary tasks of just growing up. Some of the young in those years, in the 50's, however, went underground into a Bohemian subculture. It is obvious now that older people at that time should have been asking why, but few bothered to ask why that was the case. It was so much easier then just to tag one group as "the silent generation" and the other "the beat generation" and just leave it at that.

YOUTH OF 1960'S BROUGHT SURGE OF PARTICIPATION

Then suddenly in the 1960's everything seemed to go to the other extreme. A new breed of young men and women shook the Nation. They wrote a record dominated by remarkable good; but also shadowed with ominous wrongs—civil rights laws on the one side; riots on the other; campus reform

and academic anarchy, a war against aggression in Asia; a war in the streets of America, a surge of participation in politics and a wave of terrorist bombings, a rich new diversity in life styles and a grim new plague of drug abuse, all of these side by side in that stirring decade of the 60's.

All in all, it was a time when youth reached vigorously for a new role as full partners in American society. The result was monumental, and yet the cost in disruption and alienation seemed almost prohibitively high.

Why was the record of the youth movement only mixed in the 60's, when it should have been magnificent? It was only mixed because it took the form of an outside force, rather than of integrated, individual participation in the larger society. It was forced into that form by the rigid generational walls erected in American attitudes and institutions over the years. Its frustrations and excuses and excessses arose in large part from the painful experience of battering against those walls—an experience that dramatized the need to sweep them away once and for all.

And so came the end of the 60's, and America awoke to several important realizations. They saw that to regard a person's date of birth as more important than his own unique individuality is to engage in the insidious bigotry called "age-ism". They saw that it is wasteful, stupid and unjust to restrict the generations in a narrow structure in which those in the middle of life would monopolize the centers of power, while the young would prod along in apprenticeship or chafe in alienation, and the aging would draw social security, preferably well out of sight.

TIME TO END GENERATIONAL STEREOTYPES

They saw it was time to pull down the generational stereotypes—involved, hip, silent, beat or lost—and to raise a new standard of brotherhood, tolerance and mutual respect between those generations.

As these new attitudes have taken hold, young America has passed from its stormy night of recent years into what I believe will be a bright, new morning.

College turmoil has subsided sharply, not in resignation, but in wisdom. High schools, young working people, the next declared target of the radicals have not caught fire as they had expected to. Opinion surveys have detected a rising disgust with political radicalism, even in the strongholds of the counterculture.

Most of you in this great audience are not only witnesses to these developments, you are leaders in them. You could not be leaders in a more important cause. For the more convincingly the young majority demonstrates its resilience and level-headedness, the faster you will find the so-called Establishment responding to your hopes, opening to your aspirations.

YOUTH WILL NOT BE TREATED AS BLOC

The young in America are no longer going to be treated as a mass or a bloc in this country—neither as a generation apart nor as a generation idolized. You deserve better than that. And you will have better, for America is rapidly moving to take you, the young, into full partnership as individuals in our society.

Your country knows how much it needs you, and we are proving that, not just with talk but with action.

We need your voice first in the political process, as soon as you are prepared for that trust—and that should not take 21 years of your life. That is why I was able last July to certify passage in record time of the 26th Amendment lowering the voting age to 18.

We need your abilities, your insights in the making of public policy. And that is why I have directed departments in the Federal Government and agencies throughout the Executive Branch of the Government to recruit young talent and to hear young ideas, and that is why I have brought an unprecedented number of men and women in their 20's into positions of trust on the White House staff.

ACTION BEGUN TO IMPROVE VOLUNTEERISM

We need your energies in the urgent work of helping the less fortunate across America and in other lands. That is why we have moved to expand and improve the Peace Corps and VISTA programs by merging them to form a new volunteer service agency, ACTION.

That is why we have initiated the University Year for ACTION to draw thousands of young people into this new effort, and that is why we have also worked outside Government to make volunteerism a vital force in the independent society—so that every single American who wants to serve his fellowman can have an avenue for doing so.

Young people today, every survey shows, are more generously committed to human betterment through voluntary service than any generation before you. Your own work in 4–H has shown what mountains that commitment can move. I urge you to redouble it, to share it, to maintain it throughout your lives.

Very few of you will enter Government as a full-time activity. But whatever your jobs may be outside of Government, I would ask that each of you make a commitment now to pledge a part of your time to voluntary service for your community throughout your lives. It will be worthwhile.

We need to be sure that you are free to shape your own career along the lines that will provide maximum fulfillment for you in adult life. That is why we have reformed the draft to reduce the uncertainty and duration of its pressures on young men.

ZERO DRAFT FOR MORE FREEDOM

That is why we are moving toward the goal of a zero draft, an all-volunteer armed force. That is why we have pressed for a new college loan system to insure that no qualified student in America who wants to go to college will be barred by lack of money. And that is why we are developing new career education and youth employment programs in recognition that something over half the college-age young do not go to college but do need salable skills and they do need good jobs and they should be prepared for those jobs with an education designed to do exactly that.

We need your ideas. We need them in the national debate on issues, goals and directions. That is why the 1971 White House Conference on Youth was different from any that had ever been held before since they first began in 1909. It was a wide-open forum, run by young Americans, of them and for them.

YOUTH CONFERENCE DESIGNED FOR YOUTH TO ADVISE US

Since 1909, older people, as they have been meeting at these conferences, have done so at the President's invitation to talk about youth. But we felt that that kind of generational condescension was out of step with the 70's, so we turned the conference over to the young people themselves—let us find out what they would tell us.

Now I am first to tell you that not everything they did and not everything that they said lined up with my own point of view or that of others in our Administration. But I totally recognize, and I defend their right to say it. We need to hear it. We need to know what people, and particularly young people, want for the future of this country.

Certainly the time when the young are to be seen and not heard is gone in America—and gone for good.

More than 300 of the conference's recommendations have just undergone six months of intensive review by the affected Federal agencies. When the results of that review are announced, the extent of agreement between conference hopes and Government action will further weaken the myth of an unbridgeable generation gap and will further strengthen what the conferees called their sense of "kinship with persons of good will of all generations."

This sense of kinship, forged into a firm, new alliance of the generations, will be essential if we are to seize the breath-taking opportunities opening up for America and the world in the coming decades.

GREATEST OPPORTUNITY AHEAD IS PEACE

The greatest of these opportunities is peace—peace not just for a few years, but for a whole generation and beyond, something we have not had in this century.

Such a peace, I believe, is coming, and the United States is leading the way. We are concluding our involvement in the Vietnam War and we are doing so in a way that is responsible, honorable and constructive for the long range stability of Asia and the Pacific region.

We have done and will continue to do all in our power to help defuse the explosive situations in the Middle East and the one you are currently reading about in the Indian Subcontinent.

We have acted in a historic step to end the isolation of nearly one-quarter of all the world's people who live on Mainland China. We have moved from confrontation to negotiation with the Soviet Union, with limitation of nuclear arms, relaxation of tensions in Europe, increased trade among the possible results.

I know these meetings, particularly at the highest level, with the leaders of the Soviet Union and the leaders of the People's Republic of China, may lead some to assume that the fact of a meeting means the end of differences between our system and their's.

TALK—NOT FIGHT—ABOUT DIFFERENCES

That, of course, will not be the case. We have basic philosophical differences, basic foreign policy differences, but as we look down the road to the end of the century, what we have to realize is this: That with 250 million people in the Soviet Union and 750 million people in Mainland China, for the United States not to be in a position to talk to those leaders in the event there is a confrontation some place in the world, could lead to a conflict, which would mean suicide for both sides. And that is why we have taken these steps, so that when we do have differences, and we will have differences for many, many years to come, we will talk about them and not fight about them.

The world that is taking shape as a result will be far less dangerous, I believe, than the one you have grown up in, because you were born approximately at the end of the Korean War. You have lived much of your life through the Vietnam War, and now the question, what confronts you in the future?

I believe it will be less dangerous. But it will be even more challenging, because as the danger of war recedes between great powers, the challenges of competition between nations living at peace with each other also greatly increases.

POWER TO BE CONCENTRATED IN MANY CENTERS

Political, economic and military power will be concentrated in many centers instead of just a few. Look at the change, for example, since World War II. Immediately after that war, the United States had no competitors in the world. We produced half the world's goods with seven percent of the world's people, and now today, there are five potential economic giants in the world—the new Europe with England in the Common Market, the Soviet Union, Mainland China with 750 million people and a resurgent Japan, not to mention, of course, the potential for the future from Latin America, Africa and other parts of Asia.

So competition in the works of peace will be intense. America cannot maintain its position of leadership unless we work at the

very best of our abilities, unless we bring the best out of our young as well as our older people. But there is something else we should see about this world, something that I hope very much for you.

HOPE FOR "OPEN WORLD"

The world in which I have grown up has not been an open world; not an open world because so much of it was closed by curtains—iron curtains, bamboo curtains; call it what you will.

I want the world that you grow up in to be an open world—not a world without differences; that would be a very dull world—but an open world in which there will be a chance for anyone who wants to, to know the other people of the world.

Yours will be an open world, I believe, and it also will be quite literally a new world, one in which more than 60 new nations and 60 percent of the people living in the world came into being since World War II. It will be a world where America's fabulous economic and technological advances which have gone into war in generations past can be turned more fully to the service of mankind in the generation ahead.

And what an appealing idea to young people, with your idealism, to see that all of this tremendous capacity that America has—so much capacity to do so much for good—is turned to the works of peace rather than the works of war, because then, when the manacles of war at last are struck off the hands of the American giants, think of what our potentialities will be.

Together we can work toward conquering hunger, poverty, disease, ignorance here in America where it does exist, and also even abroad. We can achieve a new birth of vitality in our democracy, our economy, our arts and our culture. We can strike a new balance between quantity and quality in national growth, between dynamic cities and a healthy countryside in this wide land, with the heartland of this country revitalized contributing as it can and as it will, to the growth and balance of America.

FORM PARTNERSHIP WITH NATURE

We can rescue a threatened environment, a cause in which I know you are also deeply interested, and form a higher partnership with nature, and we can truly build a new America and a new world.

That is why I said at the outset that the most exciting time and place to be young and to be alive in all the record of mankind is right here in America, now, in the 70's.

From the very first, we have been a people who set high goals, we dreamed large dreams, we shared from the heart with our brother men. You all remember what Jefferson wrote when this was a weak country and a poor country. He said, "We act not just for ourselves alone, but for all mankind." It was presumptuous for him to say it then, because there wasn't much that that young, weak American could do about the problems of mankind; but because he said it, and because there was an idealism there, America did catch the imagination of the world.

But compare the situation now to then. If a Jefferson were to say today "We act for all mankind," he could be believed, and believed because what sets these times apart from any earlier period in our history is that we now have not only the will to work miracles, but we have the means to achieve them. The heavy responsibilities of world leadership, the restless perfectionism that nags at our national life, I know these seem burdensome at times. Some of us must feel at times, "Wouldn't it be well not to have all these responsibilities? Just live to ourselves as an island in the world and let the rest of the world go by."

It wouldn't be well. It wouldn't be good at all. We can feel tempted to complain about these things, but it is provincial and craven to do so. The power not merely of wishing good things, but of doing good in the whole history of mankind has been granted only sparingly to very few men and women and nations, and that power, in full measure, is what you have. It is destiny's great gift to the United States today—the power not only to wish good things, but the power, if we organize, if we work, if we set our goals high enough, to do good things in America and abroad.

HELP OTHER NATIONS BUILD PEACE

Generations before could yearn for peace. We can build peace, and we are. They could feel compassion for the oppressed, the destitute, the refugees of the earth. We can provide help for them surpassing all other nations, as we are.

For example, in the current tragic situation between India and Pakistan, the United States provides more help for the refugees there than all the other nations of the world put together.

We should be thankful that we have that kind of ability and can help in that way. We could not do it unless America were the strong, economic, productive people that we are. Others could speculate about political, economic and social systems that would set the human spirit free, but we can fashion such systems, and we are.

We can do these things, but now, so much depends, really, on you, you who are so young, so full of idealism, all those years ahead. How committed will you be?

DO NOT LET HEARTS GROW EARTHBOUND

Listen to Thoreau. He wrote, "Cast your whole vote, not a strip of paper merely, but your whole influence." You have the freedom, almost literally, to reach the stars—and with it comes the responsibility to stretch for them with all your might. Don't let your hearts grow earthbound, for the universe is out there waiting for you.

In the spring of 1968, when the first sweet taste of freedom came to Communist Czechoslovakia, a group of students marched to party headquarters at midnight and shouted for the reform leader, Alexander Dubcek, to confront them. They were impetuous and impatient—full of that young fire which our Youth Conference delegates called "the rage of love, love for . . . unimplemented principles . . . and . . . unfulfilled potential" Dubcek came down into the street to talk to the students, and one of them asked, "What are the guarantees that the old days will not be back?" He replied, "You, yourselves, are that guarantee; you, the young"

You know the rest of the story. The hopes of the Czechs for freedom met reversals, but the words of Dubcek are not less true for that. Here in America "the rage of love" has not burned out in young hearts. The flame is purer now, fed with new reason and realism.

Man's destiny of freedom is in your keeping; it is in your guarantee. And with a lifetime of adventure and promise before you, I have every confidence that that splendid destiny of America is in good keeping, and you will make good its guarantee.

MIDAIR COLLISIONS

Mr. MOSS. Mr. President, yesterday, the Aviation Subcommittee convened hearings to explore ways of minimizing the dangers of midair collisions and to receive testimony on my bill, S. 2264, requiring the installation of collison avoidance systems on all aircraft by 1975.

Numerous witnesses from the aviation industry, air carriers, airline pilots, flight engineers, and other knowledgeable observers testified as to the urgency that additional governmental steps be taken immediately to protect the lives of air travelers against the grave threat of midair collisions. Because of the serious nature of the air collision problem and the need of congressional action, I recommend my hearing statement to the Senate and ask unanimous consent that it be printed in the RECORD.

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

STATEMENT OF SENATOR FRANK E. MOSS

Mr. Chairman, as a member of the Senate Aviation Subcommittee and author of Senate bill 2264, I appreciate the opportunity of appearing this morning to discuss the pressing problem of keeping airplanes apart in our increasingly crowded skies.

This subcommittee is to be commended for its outstanding and diligent efforts to promote air safety and especially for convening hearings to explore ways of minimizing the dangers of air collisions. Hopefully, the testimony to be delivered today and on December 10 will provide an accurate status report on aircraft collision avoidance system development as well as a detailed examination of the merits of my bill amending Section 601 of the Federal Aviation Act of 1958 to require the installation of collision avoidance systems and pilot warning instruments on all aircraft by 1975.

It is of the utmost urgency that government and the aviation industry undertake additional positive action to protect the lives of air travelers against the dangers of air collisions. Speaking at the March 26, 1971, Midwestern Aviation Conference, Federal Aviation Administrator, John Shaffer, noted the increasing congestion of our national air space by predicting that in the next 10 years there will be a "growth in the number of airline aircraft from 2,580 to 3,640" and an "expansion in the general aviation fleet from 134,000 to 232,000." The primary method adopted by the FAA of separating this increasing air traffic and avoiding in-flight collisions is the air traffic control system.

Air travelers and the aviation industry have long recognized the need for a collision avoidance system to supplement the capability of the nation's already over burdened air traffic control system in assuring aircraft separation. A primary reason for this recognition is the alarming fact that approximately 80 percent of all aircraft flying in this country is of the small general aviation category, flying under visual flight rules, outside the control of radar and air controllers on the ground.

In June 1958, President Eisenhower submitted a message to Congress recommending utmost priority be given to preventing midair collisions. He stated:

"Recent mid-air collisions of aircraft, occasioning the tragic loss of human life, have instituted the need for a system of air traffic management which will prevent them, within the limits of human ingenuity."

Nevertheless, between 1958 and 1970 there occurred 3 mid-air collisions between air carriers, 14 between air carriers and general aviation planes, 4 between air carriers and military airplanes and 35 between general aviation and military aircraft. The total fatalities in reported mid-air collisions through 1970 numbered 966. Moreover, in a National Transportation Safety Board study released in March 1971, it is projected that assuming air collisions and fatality rates will continue at past levels, we will witness 335 collisions resulting in 792 deaths in the decade from 1968 to 1978.

In 1971, there have been numerous mid-air collisions involving air carriers including collisions between a B–707 and a Cessna 150, a military F–4 and a DC–9, and a B–707 and Cessna 150, in the United States; a B–727

and a DC–8 in Australia; and a B–727 and a military F–86 in Japan. The loss of life has been horrendous.

The tragic collision June 6 near Los Angeles between an Air West jetliner and a Marine F–4 Phantom Jet provides a sorrowful example of a mid-air collision that should outrage the consciences of all Americans. 49 lives were needlessly lost. Thirteen of these were residents of the State of Utah—among them some of our most promising young business and professional men. The sorrow and loss felt by their families and friends throughout the State cannot be calculated.

Just recently I received a letter from Mrs. Wallace Pyke of Salt Lake City, stating, "I want to express my appreciation to you for introducing the bill calling for special avoidance systems to safeguard against mid-air collisions. My husband, Wally, his two cousins, and six more of his good friends, were killed last June in the mid-air collision between Air West and the Phantom Jet. If measures such as you propose had been in effect, these fine men would be with their families today."

In conjunction with this tragic air collision, I am aghast at the National Transportation Safety Board recommendation issued November 9, 1971, urging the FAA to take the following action:

"Coordinate with the Department of Defense, and, in areas where a large intermix of civil and military traffic exists, develop a program to insure that appropriate graphical depictions of airspace utilization and typical flow patterns are prominently displayed at all airports and operational bases for the benefit of all airspace users."

There is no recommendation here requiring installation of a collision avoidance system that could have prevented the collision, rather the FAA is urged merely to set up a precautionary program of flow pattern displays.

The glaring absence of regulations requiring an effective collision avoidance system or pilot warning instrument for all aircraft represents a major deficiency in Federal efforts to improve air safety. How many lives must be lost before systems are mandatorily required to serve as back-up protection for air traffic control?

S. 2264 proposes to correct this deficiency by requiring the mandatory installation of a collision avoidance system on all aircraft over 12,500 pounds or a pilot warning instrument on all aircraft under this weight limitation by early 1975. National standards are to be established by 1973. A collision avoidance system under the bill is an all-weather system which can detect all aircraft which represent a potential collision threat to the CAS-equipped aircraft, automatically evaluate the degree of threat, and, if necessary, indicate to the pilot a safe evasion maneuver.

A pilot warning instrument under the bill is a device intended to be utilized to assist the pilot in visually detecting other aircraft that may offer a potential threat of collision. After visual sighting, the pilot utilizing PWI must evaluate the situation and initiate any necessary evasive action.

A major purpose of this hearing today is to determine their present availability and to inquire into the development status of these systems. Collision avoidance represents a deceptive and complicated technical field in which there are no easy solutions. Numerous companies have devoted considerable time and money since 1958 in an effort to advance and flight-test their air separation concepts. Many have failed.

At the present time, the front-runner CAS is based upon a time-frequency concept, jointly fostered by the Air Transport Association, Bendix, McDonnell Douglas, and the team of Sierra Research-Wilcox Electric. These firms have collectively invested some $10 million in 16 years of developing and successfully flight-testing anti-collision hardware. The system has been recently installed on a United Airlines 727 commuter aircraft which began regular flights between Los Angeles and San Francisco on November 23. In addition, the system has been ordered by Piedmont Airlines and exists in flight hardware form for general aviation.

Among the other CAS alternatives about which we shall learn more today are some based on variations of the interrogator response technology. The Secant system developed by RCA, for example, proposes to measure relative bearing to other aircraft by direction finding techniques to enable the system to employ a horizontal escape maneuver.

Some have objected to the requirements of S. 2264, on the basis of cost and the limited time required for implementation. A CAS or PWI must be sufficiently low in cost so as not to impose an unreasonable economic burden on air carriers and other aircraft owners and operators. I am most anxious that the cost element be examined closely today. The expense of a collision avoidance system, however, can be easily justified when compared to the human and dollar costs of a mid-air collision.

The March 3, 1971 *Washington Star* reports on a recent collision indicating that negotiations were taking place "for damage claims of some $70,000,000. Moreover, a December 16, 1960 collision involving two airliners produced payments of more than $29 million." Based on qualified estimates, a mid-air collision between two jumbo jets would cost the airlines between $180–$190 million, which is also the approximate cost of equipping the entire air carrier fleet with collision avoidance systems.

With regard to the time required by the bill for installation, I, too, realize the 1975 date may prove unrealistic. But there is great urgency in getting a collision avoidance system into the airlines and as soon thereafter as possible into general aviation aircraft. To delay in the hope of no collisions is unconscionable. We must begin implementation by proceeding promptly with the technology now available.

These hearings also are intended to examine what remains to be done in order to achieve prompt CAS/PWI installations and widespread use throughout the aviation field. They are not held, however, to render a judgment from among competing systems.

The underlying premise of my bill is that because the FAA has the regulatory function regarding air safety, it should undertake, therefore, to evaluate closely and set standards for a national system of collision avoidance by 1973. To minimize the danger of air collisions, it is essential that all common air space users be encompassed in one national cooperative system. This requires the establishment of national standards and requires the FAA to evaluate competing systems to determine if they qualify.

To date, the FAA has demonstrated a remarkable ability to avoid positive action in the face of continued strong demands from the public and aviation industry for accelerated efforts to solve the mid-air collision problem. In the past 13 years, despite the pressing nature of the problem, the FAA has funded CAS/PWI efforts only $4.4 million. Inhouse and contracted research and development has been remarkably small in comparison to the total FAA R and D effort.

In a statement presented to the House Government Activities Subcommittee, on August 6, 1971, with regard to the FAA's "moderate interest" in developing collision avoidance systems, the Aircraft Owners and Pilots Association, representing over 160,000 general aviation members, stated:

". . . we can only surmise that the FAA fears development of CAS/PWI in anticipation of the possibility that such a development might make some aspects of the ground based control system unnecessary. It is significant to note that the FAA, the ATA, and the manufacturers of time/frequency equipment all have asserted and emphasized that CAS/PWI must only be considered as a back-up or supplement to the existing and future ground-based control system sustained by the FAA for the separation of air traffic.

"The doubts and questions raised by the FAA regarding operational problems appear insubstantial and inconsequential to us. The greatest potential impact on the Air Traffic Control system is that CAS/PWI would make it safer for all."

I strongly urge, therefore, that the FAA immediately clarify its acceptance of a national CAS/PWI system and publish guidance documents for the manufacturer and user industries. If there are questions which remain unanswered before standards can be set and a collision avoidance system endorsed, I urge the FAA to bring out these questions in their testimony before this Subcommittee.

In the House hearings of August 3, with regard to aircraft collision avoidance systems, Kenneth Smith, Deputy Administrator of the FAA, stated as follows:

"By the end of calendar year 1971, we believe we will have the answer to enough questions to be able to recommend change to the CAS or to the air traffic control system—or to both—which will allow safe utilization of an airborne collision avoidance system in conjunction with ATC."

This is the end of the calendar year. Is it now possible for the FAA to make these recommendations.

In the same House hearings, the FAA also promised to proceed with the procurement of the first ground stations, a study of ground station location, and support for development of a low cost system. The ground station proposal request was to be issued within sixty days. What is the current status of these efforts? The FAA has the duty and responsibility to move forward now with resolve and determination to evaluate and set standards for collision avoidance.

Mr. Chairman, these hearings have great urgency. We have the ability to act and the means to enforce our laws. It is of utmost importance that we now move to require the aviation industry to take firmer steps to protect the lives of America's air passengers. The favorable consideration of S. 2264 will require all responsible parties to adopt collision avoidance systems to improve air safety.

DONALD "CHIEF" ALBERTS

Mr. RIBICOFF. Mr. President, for many years the men and women who live near or vacationed on Long Island Sound took its future for granted. They all knew there was a pollution problem, but accepted it as normal. Recent oil spills and other ecological disasters, however, have awakened these people to the fragile condition of the sound. They have called for action and the Federal Government is responding. The New England River Basins Commission is presently undertaking a comprehensive study of the sound and will present recommendations for action to Congress.

In the meantime the Coast Guard is charged with policing and monitoring the cleanup of spills and hazardous

chemicals into the sound. The man assigned by the Coast Guard to watch over this vast body of water is Master Chief Boatswain's Mate Donald Alberts, the Coast Guard oil pollution representative for Long Island Sound.

Today's Health magazine recently carried a story on Chief Alberts—outlining the challenge of his job and his response to it—which I believe Senators will find most interesting.

I ask unanimous consent that the article, written by Stephen Singer, be printed in the RECORD.

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

SPREAD OIL ON THE SOUND'S TROUBLED WATERS . . . AND YOU'LL BE IN HOT WATER WITH THE "CHIEF"

(By Stephen Singer)

Chief, when do you sleep? When I leave here at night you're here. When I come back in the morning you're still here.—Bill Hopkins, local oil executive

Donald (call him "Chief") Alberts, of the U.S. Coast Guard, usually works out of a corner of a cramped police marina or out of the back of someone else's truck or his own station wagon. But on a breezy evening in August, he sat typing his report in an air-conditioned motel in Norwalk, Connecticut. The King case was eating into his considerable patience, but he at least had the compensation of an On Scene Command Post at the Golden Crest Motel. His friend, Sgt. Tom Brigante of the Norwalk, Conn., Marine Police, had lent him an electric coffee pot and a refrigerator. The refrigerator held the bottles of polluted water needed for evidence in the case, but there was still more than enough room for some bottles of cold beer.

Usually, Master Chief Boatswain's Mate Alberts, Oil Pollution Representative for Long Island Sound, has to work on these cases with no other help from the Coast Guard, but this time the National Strike Force Team had sent two men to work with him until the case was completed. Both were commissioned officers who would outrank him, but as On Scene Commander he had authority over them. Lt. Commander Richard Briggs, who with only a month to go before retiring after 25 years' service, had gone home for the weekend the day before. Warrant Officer Howard Wirt, 10 to 15 years younger and an extremely dedicated man, had stayed.

While Alberts typed, Howard Wirt manned the binoculars they usually trained on oil spills. The closest body of water was the motel pool. By force of habit, Wirt couldn't help taking immediate notice of anything that seemed out of the ordinary. "Hey, Chief," said Wirt. "C'mere and look at the one in the white." Alberts stopped typing. He went to the door and focused the binoculars. He saw a tanned, well-built young woman wriggle out of the water. She was a college girl the motel owner had hired as a summer lifeguard. Alberts looked briefly, smiled, and went back to his report. The case was turning out to be one of the most unpleasant and distasteful Alberts had ever been on.

It was Saturday evening, but as usual Alberts would not be able to make the 45-minute drive to his home in New Haven until much later. His wife and youngest daughter had been ill, and Alberts himself had not been feeling well. For the past few days, the side of his face had been throbbing with a dull pain and his head ached. His digestion was poor, and he was beginning to lose his voice. Much of his trouble could have been caused by the required long hours of his job—and the still longer voluntary hours his personality drove him to give to it. He knew of no other way to go at this work, but for all his labor on this case—and all his experience—he felt for once as if he were in unfamiliar waters.

In his nearly 19 years with the Coast Guard, Alberts had been through many crises. There was the time he had led a human chain across a frozen river to rescue a group of people who had fallen through the thin ice. And the time he had delivered a baby in the violently pitching front cabin of a small boat while waves broke five feet over the top of the craft. The mother had been pulled out of the water after eight hours and both she and the baby survived. Alberts was used to situations like those.

He was also used to making quick decisions about the many oil spills he had worked on. Although he sometimes encountered relays and evasions, they were the exceptions. Alberts got results. He came on the scene of a spill and saw to it that it was cleaned up. Immediately. The President and the Congress had given him a job and he did it, thoroughly.

But it went more slowly now. Late in July, he had been called into Norwalk. King Industries, Inc., which manufactures industrial chemicals, was suspected of polluting the Norwalk River with chemicals generally considered powerful enough (in sufficient concentrations) to dissolve rubber, corrode cement, burn skin and cause kidney, blood and brain damage. Three days ago he had been in court to try to get a temporary injunction against King, but the judge had granted the company a five week delay. Instead of cleaning up polluted waters, Alberts was contending with judges and courts and lawyers in a struggle that involved private industry, the state of Connecticut and the federal government. The other agencies with some interest in the case included the Connecticut State Water Resources Commission in Hartford, and the Boston regional office of the Environmental Protection Agency. And there was Alberts' own headquarters back in New York, which had sent him out to Norwalk ten days ago. He had been taking photographs and collecting samples of the water, but as the days had passed, he was frustrated as he realized that the area was just as filthy and dangerous today as it was when he arrived. Alberts had a pet phrase for situations in which there was much maneuvering but little progress. He was "spinning his wheels", and he didn't like it a bit.

After completing the report, Alberts left his post and drove home. At 10:15 P.M. the phone rang. There had been two small oil spills at Oyster Bay, L.I. Alberts left immediately and drove two hours to reach the scene. He arrived home again at 4:30 Sunday morning. Before noon he was back in Norwalk. . . .

In 1970 the Federal Quality Act expanded the power of the Coast Guard to police and monitor the cleanup of spills of oil and hazardous chemicals into the nation's waters. Chronically short of manpower, the Guard could spare only a single man to monitor the hundreds of miles of Long Island Sound and its tributaries.

Located between the south shore of Connecticut and the north shore of Long Island, the Sound, in much the same way as other civilized bodies of water, has become a vast repository of discarded rainhats, sweatsocks, piston rings, muscatel bottles and cement mausoleums. Each day thousands of ships and factories dump into it millions of gallons of synthetic and human garbage, goo and swill.

Each night before he goes to bed, Donald Alberts makes absolutely certain that the collar insignia indicating his rank are fastened securely to his shirt, which, along with his pants and shoes, he then places strategically near his bed:

". . . when the phone rings in the middle of the night he can put everything on with no wasted motion. Get out the door, into the car and . . . *whoosh*."

". . . I really raised hell with that guy—in a nice way, of course. I said, 'Look, there's too many discrepancies here. You better fix them up. . . . If a company tells me they lost 10,000 gallons, I figure they lost maybe 20-30,000. . . .

". . . People tell you they're gonna do something. Then as soon as you leave the scene, well, you know . . . What you need is more enforcement people. If you could circulate enough and people know you're checking up, people are gonna mind their Ps and Qs. . . .

". . . That oil was moving down the river at four and a half knots, and I said, 'It needs a boom (a curtain-like device put out in the water to hold slicks between it and the shoreline). Put out boom behind boom.' The guy from the state says, 'You're gonna bankrupt these people.' And I say, 'What the hell is going to happen when all that oil gets into the yacht clubs. He'll wish he spent that money.' . . .

". . . Some individuals complain of double, triple laws. The state has a law. The city has a law. The federal government has a law. Why the hell can't they get together? Jeez. Take Bill Hopkins. I'm tellin' him one thing. The state's tellin' him another. I say, 'Hell, we're the federal government.' And the state says, 'There's the damn federal government telling us how to run our state.' But as long as that spill is on navigable waters of the United States, we have the final say. . . . What can the state do with a foreign vessel? You know a foreign captain can throw his tail overboard? . . . There was that Greek ship in New Haven . . . The captain says to me he's pulling out at 7 A.M. That's what he thought. I said, 'If there's the slightest chance that this ship will endanger anything on U.S. waters, you can't go anywhere.' And he didn't—until we found the source . . ."

That's the Chief, discussing his business and his consuming passion with a group of environmental consultants, anti-pollution contractors (the people hired to clean up), a Norwalk city official and some Coast Guardsmen in his motel room last summer.

The Chief is short and chunky. Walks with a determined little waddle. Likes cigars. Beer, too. But he does not explode upon the scene growling and snarling.

The Chief smiles a lot and rarely raises his voice. He likes the mellow sounds of Glenn Miller and Lawrence Welk. When he listens to his friends tell stories, he nods enthusiastically with each succeeding phrase as if to ask, 'Yeah? . . . *Yeah?* . . . And *then* what happened?" At those times he seems almost childlike.

But make no mistake. This is a man who has been around, who has a quiet command about him.

He is 39 and a grandfather. His hair is flecked with grey and has been since he was 21. And most people call him Chief because it comes naturally.

In the past year and a half, Alberts has been the On Scene Commander for the cleanup of more than 80 spills. (Before that he had been on many more. Since the Refuse Act of 1899, the Coast Guard has assumed a large share of the responsibility for action on pollution emergencies.) Only once during this time were there five days without a spill. "It's all fine and dandy for the President to pass a law," he says, "but there just aren't enough bids for the job."

Most spills occur on weekends or in the middle of the night, when the men are too tired, bored, distracted or hung over to do the job properly. If their employers are cutting back on labor costs they aren't there at all. Alberts, on the other hand, is always there. While on a spill on Long Island a few years ago, he stayed awake for 52 consecutive hours:

"You could talk to me. I could hear you. I'd know what to do and I could do it. But five minutes later somebody'd ask me what I did or what order I gave and I couldn't remember."

His life is a series of interrupted naps; of bologna sandwiches and cold coffee at odd hours; of constantly typing reports which, it seems, were always due three weeks ago. It is a life of grinding, monotonous drives down the Connecticut Turnpike and the Dewey Thruway, across the Throgs Neck Bridge, out the Clearview and Long Island Expressways and up the Northern State.

Alberts' commander wishes he had a dozen more like him, and thinks Alberts' wife should get a medal. Alberts smiles and shakes his head from side to side.

The job does have its moments. There is always the chance that a slick will catch fire. Or explode.

One muggy afternoon in May 1970, 3,000 gallons of gasoline leaked into the Norwalk River. Alberts, who was on his way back from a spill in Bridgeport, Conn., got the call on his car radio as he was passing through Stamford. He turned back and raced to Norwalk. Immediately after arriving, he told the local marine police and fire departments to seal off the harbor area.

Normally he would have called for the gas to be sprayed with a chemical foam, but that wouldn't work here. Too dangerous. The source of the spill had not yet been discovered, and no matter how much foam was applied, fresh gasoline would still be spilling into the river. One spark and most of downtown Norwalk would be obliterated.

It was also up to him to get the tanker, which had been pumping gas into an underground tank, out of the area. If the ship moved out under its own power, the exhaust alone would blow up everything in sight.

He decided to station a tug down river, well away from any danger, and to string a nylon line from it to the tanker—which could then be towed away. But nylon dissolves in gasoline. Alberts ordered it strung anyway, no less than one foot above the water. The line was secured and the tanker crawled safely out of the harbor.

Meanwhile, Alberts had contained the gasoline by means of a boom. With the area cleared, the gasoline could evaporate harmlessly into the air.

But another complication arose which could have made all the care and ingenuity seem like a hideous joke. Not far from the harbor was an overhead trestle. At about 6:30 P.M., a train from New York, packed with commuters, rattled overhead, throwing sparks into an atmosphere filled with rising gasoline fumes. No one had informed the railroad of the spill. All Alberts could do was watch and "wait for the danged thing to blow us all sky-high."

It didn't. The fact that the day had been so humid saved everyone. The heavy atmosphere had kept the fumes from rising high enough to make contact with any of the sparks.

Many of the less romantic moments in Alberts' career have occurred, for some unfathomable reason, in the city of Bridgeport. There was the brief trip through part of its sewer system, for instance. "Sixteen blocks," Alberts recalls. "Sixteen blocks in a row. You'd had to get right down into the pipes and take the sample. Then you had to go on to the next block and do the same thing. We finally traced the source of the spill to the basement of an Episcopal Church. Sometimes you have to stand on your damn head to take samples."

Then there was the great Bridgeport Airport imbroglio and landfill operation. In the summer of 1970, the airport management began a landfill to expand the airport into a body of water called Lewis Gut. Nearby residents complained, primarily because the material being used to fill in the land was human excrement. Alberts was called in when it was discovered that the landfill was polluting the water. There was also reason to believe that part of the pollution problem resulted from dumping landfill directly into the Gut.

Alberts went to see the airport manager, Nick Manero. This is Alberts' recollection of what happened: (When Mr. Manero was asked to comment, he was friendly but vague):

First Day:

MANERO: Aw, come on, Chief. Close your eyes for four or six months. You'll like it.

ALBERTS: Now you know I can't do that. This is a serious situation.

Second Day:

ALBERTS: Well, Nick?

MANERO: Aw, come on Chief.

Third Day:

ALBERTS: I think this is deplorable. If you continue, I'm going to get a federal injunction to stop you.

MANERO: Aw, Chief. You don't have to do that. You wouldn't do anything like that. Would you?

ALBERTS: Yes, I would, Nick.

Meanwhile, the story was breaking in the newspapers, with the predictable public response: outrage. Politicians who had previously pleaded total innocence were calling Alberts on the phone.

POLITICIAN: Chief, it's not that bad. Is it?

ALBERTS: Well, come on out here and I'll let you see it—and smell it.

One by one they came to the airport, and each time Alberts waded through the landfill, explaining the subtleties of the situation. The summer days were hot and humid and Alberts' station wagon wasn't airconditioned. "It was awful to drive anywhere," he recalls. "The stuff clung to my shoes, and the odor would rise up right under my face."

Alberts recommended construction of a sandfill dike to contain the waste. Eventually, amid grumbling over who had the right to do what with which landfill, work was begun.

But Alberts suspected that the city would still try to cheat and dump some of the excess into the Gut. So one night, after working the entire day at the dike, he parked his station wagon across the narrow compact road leading to the landfill. At about three A.M., a city truck drove up, loaded with landfill. Alberts quitely informed the driver that grave difficulties would arise should a similar attempt be made in the future. The driver, alarmed, agreed to notify his superiors.

To ensure that the city would keep its word, Alberts spent a few more of his summer evenings at the airport. The truck did not reappear and, finally, the Great Landfill Imbroglio came to an end. The water was cleaned up, but Alberts and the city's residents are still unhappy over the dubious nature of the foundation of their newly expanded airport.

"That was some political hasslebassle," says Alberts. "But we really rocked a few heads in there." The Coast Guard gave him a medal.

When he arrives on the scene of a spill, Alberts' primary concern is getting the polluter to cooperate with him. He courteously informs the suspect that under the provisions of the 1970 Water Quality Act he must contain the pollution, clean it up and find and eliminate its source. If the suspect does not do so, he will be liable for all expenses incurred by the Coast Guard in doing the job for him. Should the polluter resist, Alberts reminds him of his constitutional rights to silence and legal counsel, then tells him that he could be fined by the Coast Guard and prosecuted in the federal courts on civil or criminal charges, or both.

The presentation is low-key, but it is firm. A few businessmen have been deeply wounded by the implication that in performing their traditional functions in the free enterprise system, they might be considered in the same category as Maoists or second-story men. But most of Alberts' confrontations have been entirely good-natured. Businessmen, out of fear of heavy fines, out of sound public relations or out of sincere regret, are usually only too willing to do everything they can to clean up.

"When you see a man making a sincere effort," says Alberts, "you try to help in every way you can."

Helping is what he does best, and that is why for Donald Alberts, it is always three o'clock in the morning. If boats or equipment are needed, Alberts knows where to get them. If necessary, he makes Coast Guard equipment available, or arranges loans from companies that have the needed equipment to companies that do not. He is so well-known in the Sound that businessmen will loan out their equipment to strangers on nothing more than Alberts' word.

Alberts knows just how deep to dig a trench to contain oil seeping out of the ground and at just what angle to the shoreline to put out a boom to minimize the effects of changing tides and wind currents. He knows which absorbents should be used with a certain chemical and which should not.

One thing Alberts recommends is that, if a boom is needed, a work force be constantly on duty to maintain it properly. If the boom placements are not shifted to conform with the tides and wind, oil will slip around the edges of the boom and get out farther into the water. But work forces and booms are expensive, and people do not like to spend money: BUSINESSMAN: Chief, we got ninety percent of it. You have to lose some. ALBERTS: There is no reason you have to lose *any* of it, if you work hard enough. *The law says no visible oil.*

If contractors or businessmen have people working at night, Alberts works at night.

". . . I came back to the motel from monitoring the cleanup on this one spill about two in the morning. But I couldn't get to sleep because there was these two couples next door trying to make it. Since I wasn't getting any sleep, I figured I'd go back down to the site and check up again. Well, three of the men were sleeping in the back of a truck, and the fourth guy was shacked up with a girl in a car. I didn't do anything, but I made sure they all saw me. The next morning I went to the contractor, and those guys were really burnin' and turnin' on the job after that. . . . I think it's my responsibility to try to save the businessman or the contractor as much money as I possibly can. Cleaning up is expensive enough as it is. Besides, if you don't do the job properly, you lose oil and *still* pollute. . . ."

Alberts does more. He travels the Sound area helping companies to organize cooperatives that can buy anti-pollution equipment in common. He consults with local officials on new anti-pollution guidelines and legislation. On his day off, he travels hours to testify before local boards of estimate, encouraging them to appropriate as much money as possible to prevent and clean up pollution not only in the water but in the air. He will give speeches about pollution prevention to any group that asks him.

Alberts has always worked hard. With less than two years to go till his retirement, he could slacken his pace, but early habits are hard to break.

Years ago he had no choice. His mother died when he was three and not long afterward his father was hurt in an accident and found it impossible to support three small children. Donald and his brother were sent to live at a Catholic orphanage. At the age of seven, Donald was put to work on a nearby garlic farm. The boys left early in the morning and returned to the orphanage late at night. There was no lunch break at the farm and sandwiches were brought out to the fields for the children. As he got older, Alberts found this food ration was not enough to hold him till dinner, and he learned how to steal an extra piece of garlic or an ear of hard

corn when no one was looking. His brother was more fortunate; he ran away to the farm across the road and got adopted.

When Alberts was old enough for high school, he went to live with the family of a friend. But they were very poor, and Alberts had to work nights as a janitor in the roundhouse at the railroad yard. After high school, Alberts wanted to join the Navy, but was told that there would be a three-month wait. "I needed three meals and a place to sleep," he says. He joined the Coast Guard.

He left after his enlistment was up, and for four years tried an assortment of jobs that ranged from private investigator to vacuum cleaner salesman, all while going to school at night. He had married and his wife worked in factories. Nothing captured his interest, however, so he reenlisted in the Guard and has been there ever since.

Alberts has never stopped struggling for an education. He says he has taken almost every course that the Coast Guard has to offer. In his small den at home are a 10-volume set of the Book of Popular Science, Collier's Encyclopedia, a Medical Encyclopedia, and the 19-volume Self-Teaching Library, whose subjects range from the Religions of the World to Typing. There is also a complete law library from La Salle Extension University, whose correspondence courses Alberts took for 12 years in his spare time. He wears the redstoned school ring on his finger. He is not in great sympathy with welfare recipients who do not work.

There are two pictures in that den. One is of Alberts with the Lennon Sisters in 1962. "Getting my picture taken with them was the greatest thrill of my life," he says. The other picture is of a 65-foot sailboat on which he trained young recruits from 1957–1960, his most pleasant tour of duty with the Guard. In spite of the nautical motif of his home, that picture is the only memento of his career that Alberts chooses to display. His work has been extremely hard on his family.

His wife, Shirley, whom he married nearly 20 years ago when she was only 16, and his three children, Beverly, 14; Keith, 11; and Dawn, 10, (there is a married son, Donald, 19, living in Ohio) rarely catch up with him. Alberts seldom talks about the Guard at home because it would lead to arguments, although Shirley seldom complains. "I accept his work for what it is, and let it go at that," she says. "But once I told him that he could drop dead over a spill and no one would care. He works so hard and all those people get is a slap on the wrist. He's only one man and the waters are so filthy."

Over the past 20 years Shirley has had to move the family between the Midwest and the East seven times. Her husband isn't home at night very much, so she does a lot of the cleaning and ironing then. She says she doesn't sleep very well at night, anyway. Since the Alberts only moved to New Haven this past spring, Shirley doesn't know too many people there, and she frequently makes the two-hour drive to Long Island where her mother and sister live.

With his 20th wedding anniversary coming up, Alberts has promised his wife a trip to Hawaii over the Christmas holidays, and this is one vacation he swears they will take. He has even made advance installment payments on the plane tickets. When they go, the Alberts will stay with friends on the Islands because a hotel would be much too expensive.

Excluding a living allowance of $120 a month, Alberts makes about $8,500 a year. Many of the anti-pollution contractors and businessmen who have worked with him on spills have offered him jobs at twice and three times his current salary, but Alberts is looking forward to retirement in 20 months with a 20-year, 65 percent pension. The security of that pension is priceless to him. "I'll still have to get a job after I retire," he says. "But if I don't like the work," he smiles, "I can always tell my boss to go jam it."

It is unlikely that either of the Alberts' two sons will choose the Coast Guard way of life. Keith wants to be a doctor. When Alberts asked Donald, Jr., 19, whether he would like to join the Guard the boy replied: "Dad, I've been in the Coast Guard for 16 years. That's long enough." They didn't discuss it any more that evening because Alberts could only be home for a short time. He spent an hour of that time trying to make his new granddaughter smile, and then fell asleep on the couch. He had worked all day and the early evening on the King case.

UTAH SKIING

Mr. MOSS. Mr. President, I invite the attention of Senators to two articles recently appearing in Ski magazine. They tell of the two skiing areas in the mountains of Utah, home of "The Greatest Snow on Earth." One story is about Alta, perhaps one of the oldest and most famous of the ski resorts in Utah. The other is about Snowbird, an area that will open this year. Its location is spectacular, and the whole development has been planned to preserve the beauty and environmental quality of the surrounding area.

Both are truly fine resorts. I have been to both, and I commend them to those who are looking for an enjoyable and exciting way to spend their skiing holidays.

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

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

SKI AMERICA ISSUE: WORLD'S BEST SNOW

Alta has America's best skiing and its skimpiest resort. Up top there are perpendicular stacks of powder. But don't let the posters scare you off; there are now also genteel, machine-packed vastnesses. Scattered across the bottom are five lodges, one quasinitery and shops that sell only ski stuff or booze.

Two miles from Alta down Little Cottonwood Canyon the 20th century is due to arrive when (hopefully) the long-heralded Snowbird development opens in November. It has Alta-type skiing, tamer yet vaster, and will eventually have a Snowmass-type village. The starter set consists of a 120-passenger tram, three chairs and 160 condominium units, all glossily master-planned. Everybody cheer. Now Alta can preserve its purity while partaking of the sinful modernity down the road. Even if Snowbird's lifts are incomplete this season, its magnificent tree-specked bowls are immediately available via Hoskings Helicopters, about $12 a run. No Alta-Snowbird ticket is expected this season, except for package buyers at certain Salt Lake motels, nor will there be an exchange with the other worthy spots within an hour's drive: Brighton, Park City, Solitude or Sundance.

Snowbird may be the new baby, but Alta is the champ. It is only 45 minutes from Salt Lake's jetport, putting it within easy reach of Easterners, Midwesterners, Californians and, on weekends, a superfluity of locals. For lodge dwellers a car is unnecessary; they can ski to the lifts and there is no place else to go. Earnest affluent families dominate the whole season (there is always a private school on vacation somewhere). They spend happy evenings watching ski movies or trail-dropping around the fireplace in the lodges' nonbars. Utah bars serve only near beer, wine and setups, although each lodge has its own packaged-goods store. Everyone takes meals at his own lodge, sharing tables with other skiers. Not all the old-time-iness is endearing; the lifts and runs could stand updating and measures could be taken against the slides that shut the access road 40 days last year.

Alta has some outdoor swimming but no skating or on-the-spot snowmobiling.

Parents find the freedom from auto traffic an advantage, but for younger children, it is offset by the vastness and complexity of even the novice sectors. There is neither a special kids' ski school nor nursery, although Alta Peruvian Lodge plans to continue the nursery for its own guests. Babysitters are generally obtainable, for about $1 an hour.

HOW TO GET THE BEST DEALS

Alta's ski weeks cover all lifts, some lessons, rooms and usually breakfast and dinner. They are available in three-, five- and seven-day sizes. Unless you utilize the lessons, the monetary benefits are minimal, although there is a tour-basing fare that could enable package buyers who fly to Salt Lake to save money on their plane tickets. You can arrange a ski week through a travel agent, an airline, an individual lodge or the Utah Ski Reservation Center, Box A.M.F. 32, Salt Lake City, Utah 84101; telephone (801) 355–5544. The center also handles straight lodging reservations.

Alta's day ticket costs $6.50. Snowbird's will probably be similar. If you don't want lessons at Alta, you might do just as well by skipping the ski week and buying multi-day tickets, $17 for three days.

Snowbird plans to have three-, five- and seven-day packages at $66, $109 and $143, respectively, including lifts and lodging. Lessons and meals are extra. Single lessons are $9 and run all day. Special powder lessons are available at Snowbird as well as Alta. Three-day, all-day lessons are $24, $36 for five days and $40 for seven days.

The Lodge at Snowbird will initially furnish a large part of the accommodations. Studio rooms, bedrooms and living room-bedroom suites are available. Holiday season rates run $40, $36 and $64, respectively, per day for double occupancy. Nonholiday rates are about 20 per cent less. American Express and bank cards will be accepted. Alta Lifts and some of the lodges refuse to honor credit cards but do take personal checks.

Two or more people coming up from Salt Lake should take a regular taxi, not the limousine.

THE HOUSING

Local quirks: The big turn-over is Sunday . . . Lodges add 10–15 per cent service charges . . . Alta itself has no motels and virtually no short-term apartments . . . The sales tax is 4½ per cent on rooms, meals and purchases . . . Rates remain constant November to May, except that ski weeks are not offered during Christmas.

THE LODGES

A classic that has been diligently modernized, Alta Lodge is one of skidom's best, $14–$28 MAP. Read about it on page 25.

A close runner-up is Rustler Lodge, which has fancied up its dining room, regained its gourmet status and is expanding its stock of luxurious rooms having two queen-sized beds. The top daily MAP price here, based on double occupancy, will be around $28, and the bottom, for a four-bed dorm, around $14. The seven-day ski week runs $150–$240.

Alta Peruvian Lodge lures the more economy-minded but livelier folks, including groups. Its prettiest, most comfortable rooms cost around $20 MAP. Save $5 by settling for a plain-faced room. The seven-day deal runs $140–$220. The new owners are sprucing up the lounges and entryway but promise to maintain the in-house nursery (open 9 a.m. to 5 p.m.) and the outdoor heated pools.

The Gold Miner's Daughter started life as a ski shop with a cafeteria and bare-bones bathless rooms, all of which it still has (starting for about $15 MAP, or $150 for seven days), but now it also has a bar, recreation room and dining room, plus 33 luxuriously rustic rooms with baths (expect to pay around $24 by the day, $200 for the seven-day ski week).

Down at Snowbird, the Lodge will be pure condominium but it will be possible to rent merely a room and bath; the EP rate is about $14 for each of two.

DORMS

Snowpine Lodge has 56 bunk beds, ideal for student groups at an MAP price under $12. Expect to pay about $120 for a seven-day deal. Only near beer is sold at the bar but sometimes there is live music. Other assets: comfortable sitting space, closeness to easy slopes. Remember that the other lodges also have dorms.

APARTMENTS

Earlybirds for Snowbird must keep an eye on construction progress but the prospects are great—well thought-out, handsomely equipped modules, which might contain a studio or just a bedroom or perhaps a suite. Take your pick. Prices start at $30 per night per module for two people. Assorted restaurants, a residents' club and an outdoor pool are also expected for Year 1.

Hellgate is a small batch of spacious condominiums, poised strategically between Snowbird and Alta. Just a bedroom costs $25 for two, a studio with bath and kitchen costs $35 for two and a two-bedroom spread sleeping six costs $85, all EP.

MOTELS

Salt Lake City is short on ski atmosphere, but several top-rung motels (Ramada Inn, Little America, Holiday Inn, etc.) offer three-day and seven-day packages. The seven-day has an EP price tag of $95–$115 for double occupancy without lessons, but with free skiing at Alta or four other areas. Nightly EP rates run $7–$12 apiece.

HOW TO GET THERE

Easy. Fly to Salt Lake via American, Frontier, Hughes Air West, Texas International, United or Western, or take either Greyhound or Trailways. Rail service might be available, too. To drive from Salt Lake to Alta, take Utah 210 into Little Cottonwood Canyon. Otherwise, take a taxi, limousine, helicopter or, from downtown, the bus.—A.R.

SKIING—JUST LIKE IN THE MOVIES

In ski flick after ski flick, Alta emerges as an area where the vacationer will discover all the joys of deep-snow skiing or die trying. On film, powder sprays up under the goggles of ski school director Alf Engen as he floats down a mountain where there is not a packed trail in sight. Does the camera lie? Not really.

Situated at the end of straight, glacier-cut Little Cottonwood Canyon, Alta receives the full force of winter snowstorms; the average snowfall is over 500 inches per year. Since Alta has bred so many deep-powder enthusiasts in recent years, even plentiful snowfalls become skied out much faster than they did years ago. Novice and intermediate runs, of which there are many, too, are now machine packed for less than expert skiers.

Spread across two basins, Alta terrain is served by three chairlifts in Albion Basin and three in Collins Basin. The Albion lift and new Sunnyside lift, which opened in 1970, carry skiers to acres of wide open novice and intermediate slopes, about one mile from top to bottom. Better skiers enjoy twisting runs through glades under these lifts, especially when spring corn conditions exist. From the higher Sugarloaf lift in Albion, Corkscrew, Mombo and Devils Elbow are the most popular.

Crossing over to Collins Basin, there's an exciting way down the mountain, whether you choose a mapped trail like High Rustler or a run down through the trees under the Germania lift. The traverse track from the top of Germania lift south to High Rustler is excitement enough. It is narrow with steep slopes dropping off to right and left, and should you list a little to port or starboard, you might end up skiing any one of five or six trails leading down into Collins or zooming into Greeley Bowl on the Albion side. The traverse track finally ends at High Rustler, a 3,300-foot-long slope with a steep, but smooth, grade of 23.3 degrees.

Besides skiing at Alta, there's spectating. On days when the Baldy Chutes are open, look upward and eastward from Germania to see skiers climbing out onto the chutes, which are much steeper and narrower than even High Rustler. Superb skills and a special clearance from Alta snow rangers or ski patrol are needed to ski them.

In addition to lift-served skiing at Alta, there's plenty of skiable terrain at new neighbor Snowbird. Ski vacationers also can elect to climb or fly by helicopter to Cardiff, an especially popular early-morning run in spring for corn-snow enthusiasts. More skiable terrain exists throughout the Little Cottonwood Canyon and is accessible by helicopter.

Junior Bounous is to be Snowbird's ski school director.

Powder ski lessons are available at Alta. Lift tickets there go up $1 this winter to $6.50.—B.W.

YOU'VE GOT SNOW, YOU'VE GOT A SNOWBIRD

(By Morten Lund)

Until just this winter the sovereign state of Utah had specialized in discouraging skiers with a somewhat widespread reputation for militant temperance—lately watered down to a bottles-only law—and its lack of investment in top-grade lifts that have to go with first class resorts (if you want to get the skiers to come in from afar).

This double-edged attempt has not *quite* succeeded. The particularly enduring and endearing quality of the powder snow that falls in Utah's Wasatch, and the awesome nature of the Wasatch range itself, has made Utah world-famous in spite of itself.

Starting with the snow: the Wasatch is bountifully blessed (450 inches a winter) with a kind that, could it be duplicated by machine, would make the inventor a national ski hero. Wasatch snow is not light, but it is fine-grained. It is dense. It falls and falls in small dry grains that last and last without fusing together, and floats the skier to the top with an ease that less densely grained snow cannot. To say "Utah powder" is to think of floating.

Then, consider the Wasatch peaks.

The Rockies, 150 miles to the east, are generally rounded and pleasant, especially below 11,000 feet. But the Wasatch rise sharply towards 11,000-foot crests. In fact, the problem is to find terrain that is *not* steep, rather than the vice versa problem afflicting the rest of the country.

The Wasatch is the only American range that matches the sheerness and pitch of the most expert European skiing. These are mountains that rise from sea level outside Salt Lake City—right at the city limit, in fact—and go up, up, up, so fast that such canyons as have been allowed to exist—for purposes of dividing one peak from the next—are small, narrow and often all but vertical. The Wasatch has the kind of precipitous, narrow, winding valleys that give European road engineers and American drivers on European mountain roads cold trickly armpits.

The most famous of the Utah canyons, as far as skiers are concerned, is Little Cottonwood. It winds up out of the flat vistas of the Great Salt Lake like a crack in the face of a Greenland glacier. Little Cottonwood finally widens notably and comes to a head at an oversized Ranger station named Alta. Here, after 25 years of struggle, six medium-size family style lodges have taken precarious hold among the avalanche paths; they serve 300 or 400 happy, elite clients on a big week.

But now—aha—just below Alta, a mile or so, a whole new game plan has gone into effect.

The name of the game is Snowbird.

With that, we are talking about big changes in Little Cottonwod.

Snowbird is big. And it is a marvel of modernity. By contrast with the modest establishments in Alta—charming as they are—what is going and will go in at Snowbird are ice palaces, grand hotels and super-sinful continental bistros and pleasure dens.

We're talking about a soaring 3,000-vertical aerial tram, as against some of the country's oldest surviving chair systems at Alta, with vertical drops of only 1,760. We are talking about doubling the valley's lift capacity for openers, and an eventual 5,000 to 8,000 Snowbird skiers on a weekend day, as against the 1,000 skiers normal for Alta. We are talking about the kind of potential and financing at Snowbird that can and may well make the best European terrain "circuses"—such as that at Kitzbühel—look pallid and underfed by comparison. The Wasatch intrinsically is as good and in some ways better than anything in the Alps.

Utah, it is not too soon to say, is giving birth to a ski resort that ought to send a shivering chill down the spines of owners of every big resort in the world. The timing, the terrain and the people behind Snowbird are uniquely dynamic.

The time:

The Snowbird complex got planned just as the big ecology fervor hit the fan. The place has been planned and replanned and planned again with an eye to preserving what is, enhancing natural wonders and, most emphatically, keeping the intrusion of the village down to a beautiful compactness not yet dreamed of in the States. Another way of saying this is to say that Snowbird was built *after* the dazzling "second-generation" French resorts had matured to serve as models.

The terrain:

Snowbird is where Alta should have been. Alta's present location is a matter of convenient utilization of maximum Forest Service land. It has been a Forest Service creature, in effect, since inception. There is pitifully little private land on the canyon bottom up at Alta.

Alta terrain consists, first of all, of a spectacular wall coming right down at you: the soul-shattering High Rustler. Slightly to the west is another wall, not quite as hair-raising: Wildcat. It makes nice postcards but between and up behind those walls, which by themselves do not a complete resort terrain make, are a series of relatively short walls and confused terrain.

There is not much sustained running at good pitch, except for High Rustler and Wildcat. To get to the top of High Rustler is a feat of traversing beyond the desire of anyone but the very strong skier. Wildcat is not straight-forward descent either. You can end up a good hike down the valley unless you know exactly where to go.

Alta's quirks and cantankerousness make the resort a place beloved by the in-group that knows just how to get from here to there without getting trapped in a gulch. Forced intermediates love the new chairs on the Albion side but it is a relatively narrow valley, three-quarters-of-a-mile wide and intermediates are confined to its middle lanes.

Snowbird's terrain—Peruvian Gulch and Gad Valley—is much bigger and more in one piece.

Normally you come off Snowbird's high ridge line (Alta never gets up to its high

back ridges), and down one side or the other of the great scalloped bowl, Gad Valley that leads all the way into the village. Gad is all wide open, easy to follow, and fantastic. Without cavil, Gad Valley matches anything in the world, foot for foot. The expert way down is everything a good skier can handle for at least a good half- to three-quarters-of-a-mile. Below that is an open rolling terrain of small playful gullies and little hills to swoop over. Its a glorious ingenious terrain that shoots you right onto the "Skier's Bridge" and into the village.

While Alta's accommodations appeal to the rugged, athletic ski esthete who couldn't care less about social amenities, generally speaking, Snowbird, by comparison is for the pleasure-loving. True enough, it will have its appeal to the skier of steel-and-sweat. The terrain is as tough as Alta's with the exception of High Rustler. But overall, Snowbird is bigger, easier and broader. It has coopted the beautiful bowls—Gad and Peruvian—that used to be the high points, the once-in-a-while heavenly runs for the Alta powder-philes who had cars waiting for them below. Now you can run them twice a day as part of Snowbird. Intermediates have a whole one-and-a-half-mile-wide bowl to play with. And the beginners terrain, Big Emma, in the middle of Gad, is one of the best beginner slopes in the world.

The people:

Ted Johnson and Dick Bass are the men who responded to the challenge posed by Utah's reticences and her undeniable advantages.

Ted Johnson is the key figure, the mainspring: A compact, droll, tough, young-looking—albeit silver-haired—45-year-old. Johnson would, when he smiles, be easy to mistake for one of those contented lifetime ski addicts that he almost was. When he stops smiling, he takes on a powerful "together" look. You want him on your side of the table when trouble blows up.

Ted has vibrated between two poles all his life. When he is at one pole, he makes Jean Paul Getty (self-made richest oil man in the country) look like a loiterer. When he is at the other pole, he gives off the good vibes of a man at his ease, a man with all the time in the world to plot the next day's unbelievable run through untouched powder in back of Snowbird on American Fork Canyon (Snowbird will have runs there someday) where you can go for five miles before lunch and five miles after.

Ted started off fast as a young hedonist right after he fled from college in California and took a year off to ski Sun Valley and to learn to surf. "I was in California and Honolulu in the winter and out in the Rockies in the summer and the minute I stopped doing that," said Johnson, "I got very grey. I should have stayed with the schedule I had."

Instead, Johnson left skiing for a while and, bouncing into his frenetic phase, became one of the first to operate a cotton-picking machine. Ted said, "All you had to do was get yourself $12,000 and learn to drive the machine.

After he had made enough, and that was quite a bit (Ted has always been a quick student), he came to rest after a while at Alta where he became one of the country's most spectacular powder skiers. Pretty soon, he was making ski movies there and making lots of money again.

Then Johnson ran off to Europe for a rest and came back to teach at Aspen. Then, off to ski New Zealand and Australia, then to the fairly mundane job of managing the Rustler & Alta lodges—something he could do with one hand.

After this comparative lull, he escalated into the manic phase again. He quit Alta lodge to try to get hold of the necessary land for a resort he had in mind just west of Alta, then un-named.

First Johnson bought some unrelated land in Little Cottonwood, sold it, and used that to finance the next phase: locating deeds, writing letters to absentee owners, getting quit-claims, buying up mineral rights by the acre and half-acre.

The reason that the enticing piece of canyon below Alta had not been snatched off to make a ski resort previously was that the ownership was a criss-cross of claims, of staked-out land holdings, and of owners departed for unknown reasons to unknown destinations. It was a legal snakepit.

Johnson untangled the snakes bit by bit through the U.S. mail. The letters he wrote were laconic masterpieces. Old prospectors and nearest of kin were asked if they would like to pick up a little spare change by selling their remote claim to some rock-slid pasture-land up in the nether reaches of Little Cottonwood.

Said Johnson, "It was nerve-wracking. I thought, by God, I would be able to grab off all the land in a year and off we'd go. Four years later, we finally had it. It was four years of solid struggle."

Now let us introduce Snowbird's financier.

One of the fastest ways to make your money sit still at little or no interest is to invest in a ski resort, and who should know better than Dick Bass, an oil man and rancher who got his toe in the snow by investing in Aspen, first, and then a whole arm and a leg in Vail, a few years back. But now he has really gone off the deep end and socked $11 million into Snowbird out of sheer faith in Ted Johnson, the ex-lodge manager and cotton picker.

Bass is a good looking 42-year-old, tall-in-the-saddle sort of man, with natural charm; he wants the world to be a really great place. He'll invest some strong effort into creating the great atmosphere he craves whether at a Japanese restaurant in Salt Lake, the Hobachi, where he's a grand patron, or just coming up with the very model of a modern ski resort.

"I'm an emotional skier," Bass said. "I feel intensely out there on the slope. I need to get up on the mountain and get my fix, you know. I need to go up and breathe purified air and get hopped up.

"But I wouldn't have signed the deal without Johnson. In fact, I wouldn't have signed the deal at all if I didn't think he was the kind of guy who could make it go. I am betting a lot on that boy."

The village:

"We planned a completely carefree village at all times," said Johnson. "We have one little two-lane country-club-like road that drives toward the village, but the minute you get there you go under cover." On the lower level under the plaza are parking and unloading. The second level, still underground, is a shopping arcade that goes the full length of the village. The top level has the ground floor of the condominium-lodge and the shops that open on the plaza. The plaza is a mere 150 feet by 150 feet, roughly. Snowbird Village takes up relatively little space.

"What the plaza does is connect all the hotels and businesses and everything in the entire village," says Johnson. "At night, without dressing for the outdoors, you can go—at the height of a blizzard—anywhere in the village. You can see any of your friends at any lodge or restaurant without ever getting out of doors."

What Snowbird is doing is following the French pattern. Now that we are starting to get ski towns that have the urban problems the cities have, and for the same reason, lack of planning, Snowbird is an important event. It is planning *all* the structures, and integrating them all into a single compact, connected entity.

At Snowbird, you put in more money for less immediate return, but you cut out all chances for instant-millionaire land realty operators, too. When it's all built, it's yours, and not the ideas of 20 other guys on how to make a quick buck.

Snowbird's architecture is sort of subdued, supersensitive, semi-highrise. The 320-bed condominium-lodge is seven stories high and next year's condominium lodge is 12.

"People are going to travel up this little canyon because it is beautiful," says Dave Rose, the publicity director. "If you don't enhance the beauty, if you don't protect it, we have lost our prime sales point."

For all that, the resort is managing to put in a fine array of things for a first year operation. There is a tram bar in the base of the big lift, a steakpit restaurant, a dining room, a malt shop, a day care center, a medical clinic staffed by a registered nurse, a men's shop, a boutique, a craft shop displaying local arts and handwork, a gift shop, photo shop, drug store, beauty shop and in the main lodge a delicatessen.

In the condominium you can rent just a bedroom or you can take a whole condominium rental if you want a complete living-in style of vacation. It's fully booked this Christmas.

The lifts:

Scheduled to start in December is a fantastic main cable car that holds 125 people and goes up nearly 3,000 feet in six minutes. In the morning it also will carry a regular snow-cat slung by cable beneath; it is piloted back down to pack its way swiftly down the mountain for those many of us who need a trail through deep snow (Johnson thinks of everything).

The three subsidiary chairs below tree line have adjustable initial towers, so that onloading will take place at snow level without need for ramps. There will be no scrambling up an high icy barrier and flailing into the chair. The chairs will carry their rated capacity, not a lot of missed seats.

Avalanche:

Snowbird is in prime avalanche country but has the most sophisticated avalanche protection system in the world. Avalanche control was invented at Alta by the legendary Monty Atwater and one of the finest pupils of the Alta school, Kent Hoopengartner, is taking charge at Snowbird. He does double-duty as a stamina-tested premier attraction for young ladies, informally known as "Hoopie."

Ski School:

This will be headed by Junior Bounous, who not only is acknowledged as the top-thinker in deep powder technique, but is considered one of the best theorists all around in ski teaching and is one of the most effective directors in the country. Junior has led the very healthy move in this country away from rigid forms, into actual teaching proficiency as a measure of success. He is offering two versions of GLM this year.

Transportation:

Snowbird is the handiest major resort to a transcontinental crossroads airport; it is as little as 30 minutes from Salt Lake City to Snowbird by car. You can fly to Snowbird via Salt Lake faster from New York than you can to Aspen or Vail via Denver. It's faster by air from San Francisco than a drive to Squaw Valley. Johnson would like to make that even more spectacular. He would bar cars from Little Cottonwood and put in a monorail from Salt Lake. There's no saying he won't persuade the right people.

Every resort has to undergo some trauma in its shakedown year, and this is Snowbird's. But the forecast is for creating a lot of believers.

DEATH OF MRS. LESLIE BRADLEY CUTLER

Mr. BROOKE. Mr. President, Massachusetts suffered a grievous loss this week when a gracious, gallant and noble lady, who contributed more to improve mental and public health than any other single person in the history of the Commonwealth, died.

Mrs. Leslie Bradley Cutler was my cherished friend. She was also the stalwart friend and champion of literally millions of Massachusetts citizens who never knew her name.

For her, politics was a synonym for service to others, and her service to her town and her State spanned almost half a century.

Four years after the women of America gained the franchise, Leslie Cutler became the first of her sex to serve as a selectman in Massachusetts.

From that election day in 1924 until her death last week, Mrs. Cutler was the first lady of Needham, serving her town for 40 years as a member of the board of health and for 30 years representing Needham and its neighboring towns in the Massachusetts House and Senate.

She was gently tenacious. Women were excluded by law from jury service in the Commonwealth when Mrs. Cutler began her service in the Massachusetts House in 1939. After 3 or 4 years of eloquence and masterful lobbying among her colleagues, the House adopted enabling legislation which corrected that injustice. But the State senate balked year after year after year, until Mrs. Cutler, in the toughest political fight of her long and successful political career, defeated three men in the Republican primary and another in the general election to win election to the State senate.

Then the legislation was passed and Massachusetts women were granted the right to serve on juries.

In every session of the general court between 1939 and 1949, Leslie Cutler's conscience, craftsmanship, and commitment to progress resulted in the adoption of public and mental health legislation, which has earned Massachusetts a place on the honor roll of States in these fields.

Mr. President, I speak about Mrs. Cutler's public service because I know that aspect of her life best. But as tireless and effective as she was in pursuit of the good life for others, she always had time for her children, her grandchildren, and her great grandchildren. She learned from them. They kept her young in health and spirit until the day she died.

Her family, her town, her State and thousands of those who loved and respected her will miss her very much.

But we all have the memory of her radiant personality, her friendship and fellowship, her zest for life and the good fight to sustain us.

And Massachusetts has the laws she drafted and fought for which, as part of our general laws, will carry on the good work and good will which her life personified.

That is Leslie Cutler's legacy, and a wonderful monument to her life.

ORDER TO PRINT CONFERENCE REPORT ON H.R. 10947 AT ANY TIME PRIOR TO MIDNIGHT SATURDAY NIGHT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the conference report on H.R. 10947, the investment tax credit bill, may be printed at any time prior to midnight Saturday night.

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

ORDER FOR RECESS TO 9 A.M. TOMORROW

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

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. following a recess. After the two leaders have been recognized under the standing order, the Senate will proceed to the consideration of the bill making appropriations for the District of Columbia. There is a time limitation on the bill and on amendments thereto.

In accordance with the usual practice, it may be expected that a rollcall vote would occur on final passage of that appropriation bill. Rollcall votes may occur on amendments thereto.

On the disposition of the D.C. appropriation bill, the Senate will take up S. 2574, the so-called voter registration bill. Under the agreement, the limitation of time on that bill is 2 hours to be equally divided.

If after 2 hours a vote on final passage has not begun the bill will be returned to the Senate calendar.

It is assumed that sometime tomorrow the supplemental appropriation bill may be called up. It is also expected that at some point during the deliberations tomorrow, if I recall the statement of the majority leader, the Senate will begin its consideration of a Supreme Court nomination. I hope I have not misstated the program of the distinguished majority leader in this regard as he outlined it.

Mr. HRUSKA. Mr. President, will the Senator yield with reference to the voter registration bill, S. 2574?

Mr. BYRD of West Virginia. I yield.

Mr. HRUSKA. Does the Senator from Nebraska understand correctly that the 2 hours' time allotted for the purpose of debate on that bill are to be equally divided between the opponents and the proponents?

Mr. BYRD of West Virginia. The Senator is correct.

Mr. HRUSKA. So that if the proponents would utilize and use up all their time, and the opponents would choose to yield back their time, there would be no time for a vote on final passage and, therefore, no further consideration of the bill. Is that a fair interpretation of the unanimous-consent agreement?

Mr. BYRD of West Virginia. I think if I were the Senator, I would not yield back any time.

Mr. HRUSKA. No, but it is going to be done.

Mr. BYRD of West Virginia. I would let the time expire. Under the agreement arrived at there are 2 hours allotted. If after 2 hours the final passage of the bill has not begun, then the bill goes back to the calendar.

Mr. HRUSKA. How long after, may I ask the Senator, if after 2 hours final passage not begun, why cannot final passage begin and proceed 4 hours after debate starts?

Mr. BYRD of West Virginia. Not a chance because if the rollcall on final passage has not begun at the expiration of 2 hours, the bill goes back on the calendar. Senators on both sides of the aisle need only stand on their feet and discuss the bill for 2 hours and it will go back on the calendar.

Mr. HRUSKA. I thank the Senator.

Mr. BYRD of West Virginia. But let me say in response to the able Senator, the thing that troubles me about his question is this—If all time after, say, an hour and a half is yielded back—a vote could start on that bill because 2 hours would not have expired. Of course, a quorum call would be in order and that could conceivably consume the remainder of the 2 hours.

Mr. HRUSKA. I thank the Senator. This Senator indicated his preference as to the fashion in which this unanimous-consent agrement should be arrived at. He was not notified that his particular ideas on the subject were not complied with. It is not the most satisfactory arrangement at all possible.

It is my hope that in the future there will be a better line of communication with those who are interested in the bill and who are on record for some time as being interested in the bill and who requested that notice be given on any proceedings concerned with the bill, because then we will not reach a situation where we have to make a request. By this I do not imply for 1 second that the acting majority leader was in any way responsible for the lack of communication which has occurred, but there are others who have done that.

Mr. BYRD of West Virginia. Mr. President, may I say for the record that I discussed this matter with the distinguished Senator from North Carolina (Mr. ERVIN), who could not be present at the time the request was made, and after it was explained to the Senator as to expressly what the request would do he indicated he would not object to the request as it was stated.

The matter was discussed with various Senators on both sides of the aisle.

If Senators want to talk for 2 hours, Senators on both sides of the aisle can be assured that there will be no vote on

the bill under the terms of the unanimous-consent agreement. Of course, there can be unanimous-consent requests propounded during those hours. But it only takes an objection, as the Senator knows, to reject such requests.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. The period for the transaction of morning business is closed.

RECESS TO 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and (at 9 o'clock and 26 p.m.) the Senate took a recess until tomorrow, Friday, December 3, 1971, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 2 (legislative day of November 29) 1971:

AMBASSADOR

Robert Anderson, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Dahomey.

U.S. DISTRICT COURTS

Jon O. Newman, of Connecticut, to be a U.S. district judge for the district of Connecticut, vice William H. Timbers, elevated.

Richard W. McLaren, of Illinois, to be a U.S. district judge for the northern district of Illinois, vice Julius J. Hoffman, retiring.

Arnold Bauman, of New York, to be U.S. district judge for the southern district of New York, vice a new position created by Public Law 91-272 approved June 2, 1970.

Lee P. Gagliardi, of New York, to be a U.S. district judge for the southern district of New York, vice a new position created by Public Law 91-272 approved June 2, 1970.

U.S. DISTRICT COURTS

Richard A. Dier, of Nebraska, to be a U.S. district judge for the district of Nebraska, vice Richard E. Robinson, retiring.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 2 (legislative day of November 29) 1971:

DEPARTMENT OF AGRICULTURE

Earl Lauer Butz, of Indiana, to be Secretary of Agriculture.

U.S. DISTRICT COURTS

Morell E. Sharp, of Washington, to be a U.S. district judge for the western district of Washington.

Charles B. Renfrew, of California, to be a U.S. district judge for the northern district of California.

Anthony A. Alaimo, of Georgia, to be a U.S. district judge for the southern district of Georgia.

Philip W. Tone, of Illinois, to be a U.S. district judge for the northern district of Illinois.

Richard W. McLaren, of Illinois, to be a U.S. district judge for the northern district of Illinois.

U.S. COURT OF CLAIMS

Robert L. Kunzig, of Pennsylvania, to be an associate judge of the U.S. Court of Claims.

Shiro Kashiwa, of Hawaii, to be an associate judge of the U.S. Court of Claims.

DEPARTMENT OF JUSTICE

Joseph L. Tauro, of Massachusetts, to be U.S. attorney for the district of Masschusetts for the term of 4 years.

HOUSE OF REPRESENTATIVES—*Thursday, December 2, 1971*

The House met at 11 o'clock a.m.

Rev. W. Michael Nobles, the Methodist Church, Middleburg, Va., offered the following prayer:

Almighty God, Thou who art the judge of all nations, come nearer to us than we have ever known and stay with us throughout this day.

When we are faced with choices and decisions, help us to see things from Thy viewpoint, that we may see things as they really are. When our wisdom fails us, give us Thine, that we may choose that which is right.

Father, we come to Thee in the faith that Thou dost have a plan for America. O God, may Thy spirit protect our dear land. In mercy assist her to faithfully stand for justice and honor through all of her days; one people united to serve Thee in praise.

This we ask in Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1483) entitled "An act to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 18) entitled "An act to amend the United States Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. CHURCH, Mr. SYMINGTON, Mr. AIKEN, and Mr. CASE to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 382) entitled "An act to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes", agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PASTORE, Mr. HART, Mr. HARTKE, Mr. JORDAN of North Carolina, Mr. CANNON, Mr. PELL, Mr. BAKER, Mr. COOK, Mr. STEVENS, and Mr. SCOTT to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1362. An act to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes;

S. 1367. An act to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes; and

S. 1975. An act to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age.

TRIBUTE TO REV. W. MICHAEL NOBLES

Mr. SCOTT. Mr. Speaker, our Chaplain was most kind to permit the Reverend W. Michael Nobles, pastor of the Middleburg, Va., United Methodist Church, to open today's session with prayer.

I have known Reverend Nobles for a number of years. He has served pastorates in both North Carolina and Virginia and has been a member of the Virginia conference of our church since 1964.

A native of Greenville, N.C., our visiting chaplain received his bachelor of science degree from Richmond Professional Institute and his master of divinity degree from Duke University.

An active citizen of the communities in which he has had pastorates, Reverend Nobles last year was selected as one of America's outstanding young men by the U.S. Jaycees. He had formerly been honored by the Beaverdam, Va., Ruritan Club with its "Man of the Year" award for service to that community.

Reverend Nobles, of course, is active in all phases of the work of his church and serves as scoutmaster of Middleburg Troop 953, on the board of direc-