of the cases—teachers are far more vulnerable.

Mr. ROBERTS. The police department supplies undercover agents in the schools, and they are placed where they have been requested. These agents are very few in number, and their life in a school is limited because they are quite soon discovered as soon as arrests start being made. Police officers who violate the law in Bronx county are indicted. As to accusations that materials have been planted on them by the teachers, it becomes a question of credibility. What possible motive could the teacher have to do this? I personally advise against the arrest of a kid who is found in possession of narcotics. I suggest that they be treated under the Narcotics Control Act, that the parents be called in, a physical exam of the child made, and the parents petition for facility treatment of the child. As district attorney, I would file the petition if the physical exam showed addiction.

Question. What can an individual do in an active role in problems of criminal justice?

Mr. RUTH. Lack of resources in addict treatment; lack of balance of resources in the budget. Pressure is on a mayor to add more policemen—and this pressure comes from the public—each policeman costs $15,000/year. The average cost of treating an addict for one year is $2,000. The public has to ask for it.

We presently have a punitive system. If the Bronx Zoo kept its animals like we keep our criminals there would be a public outcry. There have to be jobs for ex-convicts; they can't vote, they can't be bonded. We need a system that can do more than rehabilitate. Most of these people need to become, for the first time in their lives, real members of society.

SENATE—*Wednesday, March 3, 1971*

(Legislative day of Wednesday, February 17, 1971)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

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

O God, to whom "a thousand years are but as yesterday when it is past, and as a watch in the night," watch over us moment by moment. Be Thou to us our strength and guide in things both great and small, in affairs of state and in our private lives. Deliver us from the little sins and petty concerns which lay waste to life. Give us grace to separate the big from the little, the important from the unimportant things, and to give our energies to enduring values. Help us to work as children of the light, as free men created for service in Thy kingdom. Clarify our vision so as to keep our eyes upon far horizons and distant goals while we work at common tasks. Impart Thy strength that we may ever love Thee with our whole heart and soul and mind, and our neighbor as ourselves. When the evening comes, give us the satisfaction of having been good workmen, the peace and rest of those whose minds are stayed on Thee.

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, March 2, 1971, be approved.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

DEATH OF A FRIEND—CHARLES W. ENGELHARD, JR., OF NEW JERSEY

Mr. MANSFIELD. Mr. President, inevitably, the death of a friend is a matter of personal sorrow. When it is the untimely passing of an intimate and trusted friend of a quarter of a century and an outstanding American, it is a most grievous loss. Charles W. Engelhard, Jr., of New Jersey was such a friend and such an American. He died suddenly yesterday at the age of 54. I note his death with sorrow to the Senate.

As a business-statesman, Charles W. Engelhard, Jr., was in the vanguard of the enormous development of the international trade of the Nation since the end of World War II. He dealt in bulk minerals and basic commodities and led enormous and complex mining enterprises with ramifications in a half-hundred countries.

Those who knew Charles W. Engelhard, as I did, will attest to his personal detestation of bigotry as, for example, when he stated:

> We all must begin to realize the dignity of man as a basic concept.

He was one of the pillars of Boystown, N.J., and contributed to the care and upbringing of the youngsters there. The Engelhards visited them and they looked forward to their visits to the Engelhard home.

We all recognized and appreciated his interest in the furtherance of social welfare, education, and many other public interests. We were all aware of the fact that he was a confidant who served President Kennedy and President Johnson with dedication, dignity, and loyalty. For President Nixon he had the greatest respect.

To his wife, Jane Engelhard, and his five daughters, his mother, and the other members of his family and household, Mrs. Mansfield and our daughter, Anne, join me in extending our deepest sympathy in this time of great sorrow. May his soul rest in peace.

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

Mr. MANSFIELD. I am happy to yield to the Senator from Minnesota.

Mr. HUMPHREY. I asked the Senator from Montana to yield so that I might associate myself with the beautiful tribute he has just paid to a fine and wonderful gentleman, a gentleman whose friendship I was privileged to share.

I want to express my deep and profound sympathy to Mrs. Engelhard, and my thanks to both the Engelhards for their generosity, their kindness, and their goodness throughout the years.

Mr. MANSFIELD. I thank the Senator.

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. GAMBRELL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the next 45 minutes will be used by the Senator from Kansas (Mr. DOLE) and the Senator from Minnesota (Mr. HUMPHREY).

The Senator from Minnesota is now recognized.

TRIBUTE TO THE DISABLED AMERICAN VETERANS' NATIONAL ORGANIZATION ON ITS 50TH ANNIVERSARY

Mr. HUMPHREY. Mr. President, do I correctly understand that the next 45 minutes are to be divided between the Senator from Kansas (Mr. DOLE) and myself?

The PRESIDENT pro tempore. The Senator is correct—for a colloquy.

Mr. HUMPHREY. I thank the Chair.

Mr. President, 1971 is the 50th anniversary of the founding of a great organization, a fine, patriotic organization known as the Disabled American Veterans. We refer to it as the DAV.

This is their day on Capitol Hill.

It is our inadequate tribute to the sacrifices for freedom which they have made for us.

I am delighted, with the distinguished Senator from Kansas (Mr. DOLE), to be able to lead in the Senate's tribute to this marvelous and truly dedicated, service-oriented organization and its membership.

I am particularly pleased to pay tribute to the membership in the State of Minnesota. I know of no organization that does more to be of help to the veteran, and particularly the disabled

veteran, than the organization known as the Disabled American Veterans.

Disabled veterans are being served with exceptional dedication by the DAV. Commander Albrecht of New Ulm, Senior Vice Commander Earl Schroeder of Austin, and other officers of the Department of Minnesota DAV, should be proud of their own and their staff's accomplishments.

I wish particularly to mention here my dear friend, Jim Monahan, with whom I have worked closely in assisting disabled veterans in Minnesota. Jim is untiring in looking after their interests and helping these young Americans readjust to civilian life.

I salute the Disabled American Veterans' national organization and the sacrifices which their membership have made to guard, protect, and keep America free. Their dedication and patriotism keep us all aware that freedom must be won anew by every generation. It is not a gift, nor is it a part of our inalienable heritage. We must continually struggle to maintain our freedoms.

The DAV is a truly remarkable organization on many counts. First, it is a selfless organization devoted to the best interests of all disabled American veterans whether they are part of the membership or not. "A veteran who needs us is one who receives our help," is their motto. The DAV is dedicated to one principle; namely, service—that most scarce commodity in America today. The service-oriented thrust of the DAV is its single most distinctive characteristic. I am sure that every Member of this body has had a close working relationship with their respective State organizations of the DAV. I am confident each of us in our service in public life has found that the service officer of the DAV is a valiant and valuable ally as we seek to be of help to our fellow citizens in our public service in this body.

The case work that the service officers successfully handle is tremendous. Speaking of the DAV, may I say that we make sure those Americans who have demonstrated their "quiet courage" are given the help they need to readjust to civilian life—a life made more difficult by their determination and their sacrifices in keeping that life free for all Americans.

Mr. President, we have thousands upon thousands of disabled veterans from Vietnam coming back to our shores who are in desperate need of a governmental program that is generous, that is rewarding, and that affords these men and women an opportunity to live out their lives productively and constructively.

One of the many tragedies of the war in Vietnam is the unbelievably large number of the disabled. It has been said that because of the unusually alert and efficient medical care that is provided on the battlefield itself, literally thousands of lives have been saved by what they call the Medivac, the medical evacuation units that can pick up a wounded or disabled soldier who, under other circumstances and in other wars, would have died. That soldier is rescued, brought to a field hospital within minutes of his battle casualty, and then taken to a base hospital for the long-term care, hospitalization and surgery which may be required.

This marvelous medical care, Mr. President, has also resulted in the fact that there are literally thousands and thousands of young men—and they are very young—who are today seriously crippled. But they are alive.

Often they are the victims of incredible shock, as well as physical disability, emotional disability, and physical handicap.

Often they are young men and women that have had no jobs before military service. Therefore, they have no jobs when they return.

Mr. President, that is all the more reason why a government that sent these men into battle should provide every possible service to help them once again regain a true movement in life that offers them many rewards—jobs, home, family, and leisure.

The DAV is working to make this possible. I have met with their officers and membership. Their program, which will be presented at an appropriate time here in this body, is one that every Member of the Congress can embrace.

This organization does not seek pity, nor does it seek just a handout from Government. All it seeks is jobs.

Veterans' Administration records show that nationwide there are 3.2 million disabled veterans and 42,675 of these heroic men and women reside in my State of Minnesota. But the number of disabled continues to grow.

The war in Vietnam continues and medical science enables more of the wounded to survive than did in previous conflicts. This means that many of these young men, America's finest, are returned to civilian life with unusually cruel disabilities and disfigurement, with wounds of both mind and body.

The DAV, even though the number of the disabled continually increases, is ever at the side of these returned veterans. This young man or woman, stunned by war and perhaps embittered by a return to a society that is less than appreciative because of divisions in the Nation over the rightness and value of the war, must be helped and is helped by the DAV.

They provide counseling and support in securing educational benefits, housing, transportation, compensation payments, social, and cultural involvement. The DAV helps make a difficult return to civilian life easier to accomplish and adjust to.

Mr. President, a second remarkable characteristic of the DAV is that it is extremely successful in achieving its national and legislative goals. There is not a single piece of significant veterans legislation that is now law that has not been sponsored or endorsed by the DAV. This is particularly true of legislation that has secured increased and improved assistance for the disabled veteran.

The catalog of past successes is long and impressive. There is no need to go into detail here. However, much remains to be done.

And this is where I mention a third remarkable characteristic of the DAV. It is in no small part due to the persistent and successful efforts of this organization that the Senate has established a new standing legislative committee. I salute the DAV for their part in helping the Senate create its own Committee on Veterans' Affairs. This new Senate committee, chaired by the distinguished senior Senator from Indiana (Mr. HARTKE), is a fitting tribute to DAV effectiveness. It is also a clear-cut example of the Senate's commitment to help the Disabled American Veterans contribute as much to his Nation in peace as he did in war.

This new Veterans' Affairs Committee will give new focus and sharpness to the needs of American veterans. Its chairman and members are known for their dedication to providing our veterans with the best in education, rehabilitation, hospital care, and other services needed for an effective return to civilian life.

Mr. President, I am pleased to help lead in this tribute to the DAV and to all American veterans today. But I think that for us to stand here and sing hymns of praise to this organization and the veterans this organization represents and helps would be somewhat hollow without a followup to show that we really mean what we say.

Teddy Roosevelt said that if a man is good enough to fight, he is good enough to get a square deal when he was through fighting. I agree with him. I think every Member of this body agrees with him. We speak of governmental responsibility to provide a life of both quantity and quality to all Americans. We establish programs for the disadvantaged and deprived and those handicapped in other ways. However, the Government has no direct responsibility for their condition. There are those who impute a cosmic guilt of some sort, but there is no direct cause and effect link here. The Government by its actions has not purposefully gone out and placed certain groups or individuals in trying circumstances.

However, this is not the case here. The Disabled American Veteran has been placed by his Government in the line of fire. He is there to preserve that Government and what it stands for. The responsibility of the Government to the disabled veteran cannot be more direct or clear. The young man who is returned to civilian life and who carries the burden of physical or mental disablement or disfigurement is the most direct responsibility of the Federal Government.

There are some who say, rather cynically, that veterans benefits are a boondoggle. I submit that is nonsense. What we are trying to help the disabled veteran achieve is to be as effective in living and contributing to the betterment of his own and the Nation's life as he was in defending America.

The disabled veteran does not want to sit back and have the Federal Government wipe his nose for the rest of his life. He wants and needs activity and involvement and self-fulfillment as much and probably more so than his untouched civilian counterpart.

For this reason, I say to my colleagues that we must not let these words of high praise for the DAV echo up and around

the Senate Chamber and then go blowing in the wind. Let our praise also be the measurement of our commitment and determination that these men who have returned from a war, torn in mind and body, will be given what is their right—an opportunity to live their lives as men and to be able, in time, to give far more than they ever received.

Those that have sacrificed to preserve this Nation have the right to participate in helping America prove worthy of their sacrifice.

Mr. President, this is a day when we can really examine what needs to be done. In times of rising unemployment, special emphasis must be given to the training and the job placement of the disabled veteran and, indeed, of all disabled. It will not happen unless we make a special effort.

Mr. President, I ask unanimous consent that a letter I have received from my distinguished colleague (Mr. MONDALE), along with his statement, be printed in the RECORD.

There being no objection, the letter and statement of Senator Mondale were ordered to be printed in the RECORD, as follows:

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

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR HUBERT: I want to thank you and Senator Dole for your letter of February 24, 1971 regarding the colloquy that is scheduled for March 3 to commemorate the Disabled American Veterans's 50th anniversary.

I have out of town hearings scheduled for that date and thus I will not be able to participate in the colloquy, however, I am attaching a statement that I would like you to put in the Record for me on March 3, 1971.

With warmest personal regards,
Sincerely,

WALTER F. MONDALE.

STATEMENT OF MR. MONDALE

I would like to join many of my colleagues at this time in congratulating the Disabled American Veterans on this their 50th Anniversary.

As you know, service to disabled veterans by disabled veterans prompted the founding of the DAV and its care, training, and compensation services for those returning to civilian life after World War I. When the government was unprepared to adequately cope with their problems, the DAV was founded to provide not only physical compensation and care, but spiritual confidence, devotion, and friendship as well. It is this spirit of giving—by those who know too well the suffering and tragedy of war service to those who have returned disabled to begin a new civilian life—which I feel is so very commendable.

These 50 years have not always been easy for the DAV, but through determined spirit and energetic leadership, the organization has continued to expand its service. Today, in addition to its original operations, the DAV maintains a staff of legal aids for all veterans and dependents, publishes the *Disabled American Veterans* monthly magazine, provides a National Scholarship fund for member's children who show ability and need, maintains a Disaster Fund to help victim members of natural disasters, cooperates with the Boy Scouts of America in a program of scouting for handicapped boys, and the list goes on.

I want to offer my personal congratulations and expression of thanks to the Disabled American Veterans for a half century of truly outstanding service to this nation. It is this spirit of unselfish concern, devotion, and understanding which is so appreciated, and will never be forgotten.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that a statement by the Senator from Oklahoma (Mr. HARRIS) be printed in the RECORD at this point.

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

STATEMENT OF SENATOR HARRIS

Some issues cut across all others. The well-being of our disabled veterans is such an issue.

It would be impossible to overstate the debt that we owe these men. Coming from all corners of our nation, they made a sacrifice few of the rest of us are asked even to contemplate.

Because these men have become disabled in the service of their country. It is important to stress that paying for the costs of their rehabilitation and comfort is not an act of largess by the rest of us. This is our solemn obligation. These costs are as much the price of war as the transport that took these men into battle or the arms we asked them to use.

Today we are celebrating 50 years of service to these men by their own organization, the Disabled American Veterans. To appreciate what this organization has done, we must remember the past. Neither the United States nor any other country at the beginning of this century was prepared for the human savagery wrought by modern warfare. After World War I about 300,000 men returned home wounded, disabled, handicapped or ill. The Federal, state and local governments were totally unprepared for this.

In the American tradition therefore disabled veterans began to organize themselves. The purpose was two-fold—to offer mutual assistance and to call attention to their plight. From a small organization of only 17,486 in 1922, the Disabled American Veterans has grown to 294,566 in 1970. With this growth has come a vigorous expansion of Government programs to provide fair treatment for our disabled veterans.

I join other members of Congress in paying tribute to this organization which has loyally served the interests of deserving Americans over the past fifty years.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that an excerpt entitled "Historical Review" from the anniversary report commemorating 50 years of service of the Disabled American Veterans be printed in the RECORD.

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

HISTORICAL REVIEW

Service to disabled veterans by disabled veterans, who fully understand the problems of those who have experienced the same suffering and hardships of war service, prompted the founding of the Disabled American Veterans.

Its early objectives have remained its objectives today: "To advance the interest and work for the betterment of all wounded, injured and disabled veterans, their widows and dependents . . . to cooperate with all federal and private agencies devoted to the cause of improving and advancing the conditions, health and interest of wounded, injured or disabled veterans."

The founders of the DAV also resolved that the organization shall "stimulate a feeling of mutual devotion, happiness and comradeship among all disabled veterans."

Because the disabled veteran needed a champion the DAV was born.

Of the approximately four million men who returned to civilian life after World War I, about 300,000 were wounded, disabled, handicapped or ill. This large number of disabled men caught the country by surprise. The government was not prepared to cope with their problems.

Most of these men were in desperate need of immediate help in the form of medical care, vocational training and compensation.

Government bureaus were hastily set up and existing ones tried to handle some of the problems. What resulted was utter chaos. There were many different bureaus, all working at cross purposes. The bewildered disabled veterans were in the midst of it—going from one bureau to another without getting any real or beneficial help.

Medical treatment was deplorable. In the veterans' hospitals disabled and sick men were sleeping on the floor. There were not enough doctors and nurses to care for them properly.

The entire compensation program had bogged down. Many of the men who were entitled to compensation were getting nothing at all and those who were, received unequal and inadequate ratings.

A plan was evolved by the government to institute vocational training courses for disabled veterans in an attempt to give each man a trade or profession to compensate for his handicap. These were poorly organized and run. One such school was attempting to train disabled veterans to raise chickens—and there were no chickens to be found at the training center. Other men who had enrolled for a training course would receive a certificate of completion or "rehabilitation" before he had been in the school for a full week.

Many disabled veterans enrolled in these courses, but the need for self-help and recognition of their problems was all too apparent. They formed clubs—mostly for fraternal reasons and to be in a position to help each other. A number of men had begun to feel that an organization composed of strictly disabled veterans should be formed.

The beginning of the organization was unpretentious. From the ranks of those disabled veterans in the various clubs across the country came the men who conceived and brought into being the Disabled American Veterans.

It is commonly agreed that the first step toward a national organization was taken at a Christmas Day party in 1919. Judge Robert S. Marx of Cincinnati, Ohio, invited 100 fellow disabled veterans from Ohio Mechanics Institute to a Christmas party. The discussion at this party was of the problems facing the disabled veteran. How to obtain a good sound education? How to obtain meaningful vocation training? How to obtain proper and adequate medical care for their wounds and injuries? How to obtain proper compensation for their wounds and injuries? How to obtain benefits that would protect their wives and children if they were unable to work and produce an income? These were just a few of the many seemingly unsolvable problems that were confronting the disabled veteran at this time.

From this meeting came the inspiration to form a permanent organization to help the wounded and disabled veteran.

The second step in the formation of an organization devoted exclusively to the war-handicapped came when Judge Marx and others met with 200 disabled veterans who were vocational trainees at the Ohio Mechanical Institute.

The meeting confirmed that many of the questions raised at the Christmas Party were valid. Vocational training was mismanaged—

medical and hospital care a disgrace—compensation program broken down—and everything was snarled in red tape because of the many different Government Bureaus that were involved.

Confronted by this situation, the disabled veterans who took part in the Christmas and Ohio Mechanical Institute gathering, resolved that an organization with a single purpose—to help the wounded and disabled veteran solve his problems—should be formed immediately.

In a meeting in May of 1920, a committee was appointed to draw up a constitution and formulate by-laws for a national organization of disabled veterans, as well as for a local chapter. A Cincinnati Chapter was formed and it kept in close touch with similar units forming throughout the nation.

After much correspondence with friends and other clubs throughout the country, a National caucus was called in Cincinnati. No record has been kept of the number attending but it is believed that between 200 and 300 disabled veterans, mostly from the midwest, attended this meeting.

At the caucus a provisional Constitution and By-Laws of the Disabled American Veterans of the World War was adopted. This Constitution and By-Laws was to serve until a national convention could be called for the purpose of forming a national organization and electing officers.

Judge Robert S. Marx was elected President of the DAVWW to serve until the first convention.

One of the most important events in the forming of the DAVWW occurred during 1920. Judge Marx was assigned to travel with Franklin Roosevelt during the 1920 political campaign. From all stories and accounts it appears that Judge Marx spent as much or more time making talks, to disabled veterans about the new organization that they were forming, as he did on Roosevelt's campaign.

Each time the train would stop, Marx would quietly slip away and attend a meeting of disabled veterans that he had managed to arrange prior to arriving in the town. He usually worked through contacts that he already had—or through some friend of a present member of the DAVWW.

During the remainder of 1929 and during early 1921 much work was going on across the nation, by many individuals, to organize the DAVWW.

The first National Convention was called for June 27, 28, 29, and 30, 1921 in Detroit, Michigan. The National Headquarters Hotel was the Hotel Tuller.

This Convention was marked with many lively debates, many differences of opinion, but it was a working convention. The 1,000 men in attendance did adopt a National Constitution and By-Laws and elect a slate of National Officers. The first National Commander was Judge Robert S. Marx. They chose Cincinnati, Ohio to be the National Headquarters.

With the purpose of the DAVWW established as rendering service to disabled veterans through a rehabilitation program, the DAV National Service program was begun at the very first convention.

Judge Marx was a consummate showman and he proved it at this first convention by massing all of his troops, some 1,000 of them, and marching them through the streets of Detroit. The parade was truly a DAV parade. It was a parade of people, some of whom coughed violently from TB, some hobbled unsteadily on new limbs, blind men were led by those who could see better and those who could not walk rode in cars or wheelchairs. The parade was escorted by the police and troop of cavalry—and it was raining. The DAV carried the flag of their country as they marched proudly in the rain of Detroit. Men and women who watched dabbed back the tears of memory for loved ones who had not returned from the war. They took their hats off when the flag passed—and did not put them back on in tribute to the proud men who marched behind. The crowd lifted their chins and smiled proudly as they saw the determination of the Disabled American Veterans of the World War. Judge Robert S. Marx marched his troops into the heart of the American citizen.

This was the beginning of the DAV—with little funds—little influence—but a determined spirit to help fellow disabled veterans. The men, who had attained their military objectives on the battlefields of France, resolved to win even a greater battle in their determination to rehabilitate themselves and secure proper consideration and adequate benefits for thousands of their buddies more battle-scarred than they themselves.

Through the efforts of a young and energetic member named Harry Wentworth, San Francisco was chosen as the site of the second DAVWW National Convention. By this time, 1922, the DAVWW was already working hard as a national organization in the field of legislation, and were prime pushers for the consolidation of the many different government agencies into one Veterans Bureau. Many steps had been taken in the direction of helping correct abuses in the administration of veterans' affairs.

The most important event to take place at this convention was the forming of the DAVWW Women's Auxiliary by the wives, daughters and mothers of the nation's wartime disabled veterans. The mothers of war dead also were admitted to the Auxiliary.

The second convention also authorized the publishing of the "Disabled American Veterans of the World War Weekly" newspaper. Each member agreed to be assessed an additional fifty cents a year in dues to cover the cost of publication and mailing. It was strongly felt that the membership needed a publication to keep its members informed of the problems of the disabled and what was being done about them.

Money on which to run the National Headquarters, the Service Program and other affairs of the organization was an early problem. Many methods of fund raising were examined. An early decision was made to use a blue flower called the "Forget-Me-Not". The National Organization would derive its funds from a percentage of the money raised by local chapters. In later years, it was decided that National would derive its funds through the sale of the flower to the local chapters rather than from a percentage of their efforts.

The Knights of Columbus were very generous to the DAVWW in the early years. They gave over $100,000 to the organization.

Madame Schumann-Heink, an opera star who had lost sons on both sides of the war, gave a number of benefit performances for the DAVWW. She was loved by the members whom she called her sons and they returned her love by calling her Mother.

The DAVWW was so broke at the 1927 convention at El Paso that the New National Commander, William Tate had to borrow $10,000 from a man whose claim he had just processed.

The 1928–29 year was a better one financially for the DAVWW and the National Service Fund Foundation was formed. This group was to raise money to ensure the ongoing of the service program.

In November of 1929, the DAVWW and the International Historical Society entered into an agreement. The Society would sell a book called "Progress of Nations" and the DAVWW would get a percentage of the sale. The DAVWW was now on the road to success both financially and in its service program.

1932 was a significant year for the DAVWW. Congress recognized that the DAVWW was giving outstanding service to disabled veterans and was the only group devoted exclusively to the cause of the war-disabled. On June 17, the DAVWW was given a Federal Charter as the "official voice of the nation's wartime disabled".

The Life Membership Fund was begun in 1939. The first year, there were 10,325 Life Members. This program, where a member could buy a lifetime membership for a stated amount, has now grown to a fund of over 5,000,000 and 112,820 life members.

The DAVWW issued their first IDENTO-TAGS, miniature license plates, to American motorists in 1941. Since that time nearly a billion tags have been mailed and over 2,000,000 sets of lost keys have been returned to their owners free of charge. Donations from those who receive the IDENTO-TAGS have become the financial base for the DAV program of service.

The DAVWW Charter was amended in 1942 to admit members of World War II and members of any future wars in which this country might become engaged. The name of the DAVWW was shortened to Disabled American Veterans at this time.

Having only a three week term, National Commander, William Dodd gave the shortest report ever to the 1943 National Convention when he said, "I submit it (the National Commander's Report) as follows: I have had an awfully good time working with and for you. That's all." He received a standing ovation.

The National Service Officers formal training program was begun on October 16, 1944. The men who enrolled in these early courses have become today the nucleus of the DAV's professional staff of National Service Officers. They were trained at American University and Catholic University in such courses as: counseling, guidance, legislation, adjudication, law, physiology, psychology and presentation of medical evidence.

In 1945 the DAV bought much of the equipment and all rights to the exclusive manufacture and issuance of the IDENTO-TAG. This purchase made it possible for the DAV to realize much more money from the program. It was decided at the outset that disabled veterans or their dependents, where possible, would be used to manufacture these tags.

An important milestone was reached in 1946 when membership in the Disabled American Veterans reached an all-time high of 105,034.

In 1948 General Jonathan Wainwright was elected National Commander. He served with distinction and helped the Disabled American Veterans greatly.

Jimmy Stewart starred in a short movie entitled "How Much Do You Owe?" in 1949. This ten minute movie told the dramatic story of the Disabled American Veterans.

"On Stage, Everybody" starring eighteen paraplegic veterans and Bob Hope was released by the DAV in 1950. Hope explained that the movie should make it apparent to the public and to industry in general that disabled veterans can and must be given work—not only because of its therapeutic value but because the disabled are well able to serve industry in many types of jobs. The eighteen wheelchair veterans were featured in a lively musical revue.

In 1955, blind Marine Corps General Melvin J. Maas was elected National Commander. His stature and visible disability did much to strengthen the national image of the DAV.

1959 saw the DAV pass another significant membership milestone. The organization reached a total of 208,867 members including 68,342 life members.

Since 1922, the DAV has been publishing a newspaper. In 1960, a magazine replaced the newspaper as the "Official Voice of the Disabled American Veterans".

In 1962–63 the organization devised a program to raise funds called the "DAV Luggage Tag". This program was to do the same thing for luggage as the Idento-Tag did for keys. Unfortunately, this program did not work out and was discontinued.

1966 was a banner year in the DAV's public relations programs. A 25 minute movie entitled "Walk With Me" was released. It

showed why the DAV is needed, what the DAV does, how it functions and answered many of the questions the public had about the DAV.

In the halls of Congress, another significant event took place on June 17. Congress held a "DAV Day on the Hill" in recognition of the organization's 34th anniversary of the granting of its Federal Charter.

On November 11, 1966, the hopes, expectations and dreams of nearly fifty years came to pass when the Disabled American Veterans dedicated their new modern National Headquarters on Alexandria Pike, in Cold Spring, Kentucky. This new building was functionally designed with the needs and peculiar manufacturing requirements of the Organization in mind. It is a building that all members can be proud of.

In the summer of 1967 a new formal training program of National Service Officers was begun. These men would fill vacancies created by deaths and retirement of many of the original Service Officers.

The DAV sold its old Washington, D.C. building and moved into a new and modern leased space in the fall of 1967. It was found that leasing space could be less expensive than the upkeep of the old building that it had purchased many years before.

In 1968, the DAV set up a National Scholarship fund to help defray expenses of members' children who could show ability and need. The Disaster Fund was also created this year to help members who were victims of natural disasters.

The Boy Scouts of America and the DAV began a joint program in 1969. The DAV is giving support and technical assistance to the BSA program of scouting for handicapped boys. Nothing is more natural than for men who have overcome the disabilities of war to teach boys who have natural handicaps how to overcome them.

Because of new and updated management procedure—new equipment—and the gradual public recognition that the DAV is serving a vital function, 1969 was the best year in the financial history of the organization.

Beginning at the 1970 Los Angeles National Convention, the DAV will celebrate its "Fifty Years of Service to the Disabled Veteran". This celebration will culminate at the 50th Annual Convention in Detroit in 1971—the site of the First Annual National Convention.

This has been a brief review of the history of the organization. The history of the DAV has been complicated and tumultuous. Nothing as important as the objectives of this organization is ever easy. The DAV has had its hours of trial—its moments of hopelessness—its time of glory—its periods of riding the crest of the wave. But the important thing to the organization itself, and to the American public in general, is that through all this it has determinedly stuck to its single purpose—that of aiding the wartime service connected disabled veteran return to civilian life in a competitive position with his peers. That he and his family can face the future with confidence knowing that his medical, rehabilitation and employment requirements will be met.

No greater purpose can be served by any organization—no greater challenge can be accepted by any group—no greater privilege is requested by the Disabled American Veterans.

Mr. HUMPHREY. Mr. President, I yield to the Senator from West Virginia.

The PRESIDING OFFICER pro tempore. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I am gratified for the privilege of joining with the able Senator from Minnesota (Mr. HUMPHREY) and the able Senator from Kansas (Mr. DOLE), in concert with other Members of the Senate who shall express their feelings, in reference to the commemoration of the golden anniversary of the founding of the Disabled American Veterans. I salute National Commander Cecil Stevenson and his organization for their dedication to America's war wounded and their survivors. The State of West Virginia, which was born on the battlefields of the Civil War, has traditionally given her sons to defend democracy and preserve freedom. In proportion to its population, West Virginia is said to lead the Nation in the number of war fatalities suffered by its citizens. This is neither a boastful nor a shameful statistic. It indicates that the men and women of the Mountain State have, throughout our history, stood ready to serve when our Nation needs them.

Starting with the guerrilla wars beginning in 1776, America's fighting men and women have given their lives and limbs with honor.

Today there are a few who feel—and I must be careful with my words—that the Vietnam veteran should wear his scars as a badge of shame. It is this attitude that is shameful. Thankfully, the vast majority of Americans feel a deep sense of pride and appreciation to those who have become the real victims of the Southeast Asian conflict. Bullets and shrapnel do not differentiate between an unpopular or a popular cause; death is nonpartisan.

The organization we honor here today symbolizes the sacrifices that these brave men and women are still making in defense of their country.

While we discuss ideologies and accentuate our differences, I remember, as do my colleagues and others, that there is yet a doughboy of World War I who still relives the horrors of Verdun in some seldom visited hospital ward.

While we propound on global strategies, a GI still storms the Normandy beaches in his own mind, living an injured existence within an institution.

America needs to be reminded that the real toll of war is not its economic disruptions and its personal inconveniences. It is the cumulative agonies of the men and women who wage it, and the pain and suffering of those who love them.

There is always the pain and suffering for those back home who are members of the families of those men and women who have gone forth to battle. Those of us who are untouched by these facts cannot fairly judge such sacrifice. We sometimes are not the best judges of the sacrifices made by those fighting for and under the Stars and Stripes.

One splendid example of our active and constructive DAV chapters in West Virginia is Kanawha Chapter 28.

With my colleagues, I salute those leaders in the field, wherever they are stationed, such as Commander Charles Casdorph and Adjutant Everett Richardson, both of DAV Kanawha Chapter 28. Their work is not consumed in glorification of the past; they are dedicated to the painful present.

I note for the record the current activities of just one State chapter, headed by Commander Robert Dunlap and Adjutant C. W. Schamp of Parkersburg. DAV Chapter No. 6 is the oldest continuing chapter in the State. It was organized on July 1, 1929, by the late Casey Jones and Roy Hale, Sr., who is still a member now living at Long Beach, Calif. The 290 members of chapter No. 6 concentrate their activities at the Clarksburg Veterans' Administration Hospital, in providing food baskets for needy families, in providing bus fare to and from VA hospitals where veterans wish to be greeted by friends, neighbors, and families.

They promote a letter campaign for prisoners of war and missing servicemen in Vietnam. This is not a chapter in which men sit and talk about the past. In this DAV Chapter No. 6 the members also participate in all veterans events such as parades, and at present are forming a firing squad so they may more appropriately take part in the exercises when, at the graveside, their comrade is given to the earth. But most of all they are providing a very strong service program for all veterans and their families.

These unheralded labors on behalf of veterans after the battles have ended, after the headlines have faded, are a tribute to the leaders of the Disabled American Veterans. This is a tribute which I express very genuinely to such a group or groups in West Virginia of the Disabled American Veterans. They have not forgotten that the cost of war does not cease when the shooting stops.

I read again just last night, and incorporated in my remarks, Kipling's famous poem about the British Tommy which tells us much about the forgetfulness of the public in times of relative peace and affluence. Especially apt is the final paragraph, which goes:

For it's Tommy this, and Tommy that, and chuck him out, the brute!
But it's savior of 'is country when the guns begin to shoot;
An' it's Tommy this, Tommy that, an' anything you please;
And Tommy ain't a blooming fool—you bet that Tommy sees.

All over America there are men by other names who have understood and done their duty and their obligation, and the DAV has never failed these men who have gone forth.

I am gratified to join in the expression that has been given by my colleagues on this commemorative occasion.

THE DAV'S FIRST 50 YEARS

Mr. DOLE. Mr. President, today we pause to pay tribute to an organization which has distinguished itself in character, steadfast devotion to founding principle, and achievement of its highest goals. The Disabled American Veterans is marking its 50th anniversary, and it is with considerable pride that we join in expressing our individual feelings and those of our constituents of this great occasion.

Speaking personally, as a member of the DAV, I know firsthand what this organization means to the lives of the individuals and families who have been stricken with wartime disabilities. Speaking as one who has served in both Houses of Congress, I know what a diligent and tireless job the DAV does in Washington as the watchdog and advocate of the rights and benefits due to all disabled veterans.

Since its founding on Christmas Day, 1919, the DAV has faithfully served the veterans of every war which involved American Armed Forces, from the Great War to the present Southeast Asian conflict. Every time the call of duty has been answered and freedom's price paid by American servicemen. The DAV has come forward to provide assistance and a vital voice in national affairs on behalf of the disabled, their widows, orphans, and dependents.

From a modest membership of 17,486 in 1922 the DAV has grown to more than 340,000 strong. This growth in itself is powerful testimony to the effectiveness, purposes, and high ideals of its membership, for no group could hope to retain and build the support of so many members if it did not have a solid record of accomplishment and achievement.

The record includes sponsorship and endorsement of most of the legislation which has benefited disabled veterans. It includes the handling of nearly 4 million disabled veterans' claims through its professional national service officers. In 1969 alone these claims amounted to more than $186 million. The DAV's record is further enhanced each year by its representation of more than 200,000 veterans, widows, and orphans. And in addition to its service activities the DAV is actively involved in civic, community, and patriotic endeavors wherever its members are found.

As its record indicates, the major function of the DAV is service, and over the years its national service program has become one of the best organized and most effective action tools of any organization in any field. Because much of this daily work is unpublicized and unheralded, I feel it would be especially appropriate for the public to be informed of its functions and role in the DAV's total effort. Therefore, I ask unanimous consent that a brief explanation of the national service programs and operations be printed at this point in my remarks.

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

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

DISABLED AMERICAN VETERANS NATIONAL SERVICE PROGRAM

The Program is administered by the National Service Director, who is directly responsible to the National Commander. The National Service Headquarters' staff, located at 1221 Massachusetts Avenue, N.W., Washington, D.C. 20005, consists of the National Service Director, the Deputy National Service Director, the Associate Deputy National Service Director, and the National Director of Employment.

Located at 811 Vermont Avenue, N.W., Washington, D.C. 20420, is the staff of the National Appeals Office, whose duties include representation of all designated veterans and their dependents in appeals to the Board of Veterans Appeals of the United States Veterans Administration.

There are presently 146 National Service Officers located in Veterans Administration Regional Offices throughout the United States. The National Service Officers are assisted by Department Service Officers of the 47 DAV Departments and the Chapter Service Officers of the local Chapters which now number more than 1,900.

The basic function of the National Service Program is to assist disabled veterans, their dependents, widows, and orphans in obtaining all benefits to which they have legal entitlement. These include, but are not restricted to, Veterans Administration disability compensation and pension, death indemnity compensation (DIC), death pension, vocational rehabilitation and education, hospitalization and out-patient treatment, National Service Life Insurance, assistance in housing and employment, and disability insurance benefits from the Social Security Administration.

With the increased number of Vietnam casualties, emphasis has been placed on representing disabled servicemen in all military and naval hospitals where Physical Evaluation Boards are held to insure that all wounded, or otherwise disabled, servicemen receive all benefits to which they are entitled pursuant to Title 10, United States Code. These include disability retirement, or disability severance monetary benefits, plus hospitalization and outpatient medical treatment and commissary and post exchange privileges.

In addition to representation before Physical Evaluation Boards, this organization also provides counsel before all the Boards for Correction of Military Records and Discharge Review Boards.

A typical example of services rendered is shown by the following:

Veteran A receives multiple gunshot wounds while engaged in combat with the enemy in Vietnam, is hospitalized there and medically evacuated to the United States where his wounds are treated in a service hospital for many months. For one reason or another, perhaps because of the fact that his enlistment is almost completed, he is released to duty and administratively separated, rather than discharged with disability retirement benefits.

Upon return to his home town, he learns from another disabled veteran that he is entitled to many benefits from both the Veterans' Administration and the branch of service from which he was separated. Since there is a DAV Chapter in his community, he attends the next Chapter meeting and discusses his problems with the Chapter Service Officer.

The Chapter Service Officer then obtains a Power of Attorney and assists him in filing a claim (VA Form 21-526) for disability compensation with the Veterans Administration. Additionally, because his wound residuals constitute a serious occupational impairment, VA Form 1900 is completed for vocational rehabilitation.

The Chapter Service Officer forwards the completed forms to the DAV National Service Officer, who is accredited by the Veterans Administration to prepare, present, and prosecute all claims for benefits concerning those claimants who have designated the DAV as Power of Attorney. The National Service Officer, himself a disabled veteran, is well trained in the legal and medical aspects of disability and rehabilitation and acts as an attorney in fact for the claimant. Since in this particular case, the evidence discloses possible entitlement to disability retirement from the service, the National Service Officer advises veteran A to complete and submit DD Form 149, Application for Correction of Military Records, designating the DAV as counsel.

When all the evidence has been obtained, the veteran is represented by the Associate Deputy National Service Director, who takes all necessary action to insure equitable consideration of the request for disability retirement.

There are many instances in which the National Service Officers do not believe that a claim has been properly and fairly adjudicated. If there is an apparent misapplication of the laws, regulations, policies, or disability rating schedule administered by the Veterans Administration, then the National Service Officer prepares a brief and requests an Administrative Review. A staff official at National Service Headquarters will then present the claim to the Veterans Administration, Central Office, with a request for corrective action.

In those cases not involving misapplication of the aforementioned criteria, but which do involve an appeal to the Administrator of Veterans Affairs, each claimant is represented at the Regional Office level by the National Service Officer and at the Washington level by the National Appeals Officer. Both the National Service Officer and National Appeals Officer review the evidence of record and then prepare an appropriate brief in support of all valid claims. This procedure enables all claimants designating the DAV as Power of Attorney to receive more than adequate preparation and presentation of their claims.

Recognizing the need for younger disabled veterans as National Service Officers, the Disabled American Veterans has instituted a combination academic and on-the-job training program for serious disabled veterans of the Vietnam conflict. These young veterans, including 8 double amputees recently entered into vocational rehabilitation, are trained by experienced National Service Officers in various locations.

Mr. DOLE. Mr. President, the record of the DAV is truly impressive, but our attention today should also be turned to the future, because the DAV has a highly important, a crucial role to play in our society in the coming years. One of the great tragedies of our involvement in the Vietnam war is the unprecedented number of maimed and crippled young men it is returning to our shores. The airborne ambulances and hospital ships are being filled with solemn reminders both of the unusually large numbers of wounded which the booby traps and mines of a guerrilla war produce and of the tremendous advances in battlefield medicine that are saving many lives which would have been lost in earlier wars. Our Nation is faced by the dual factors of having more war injuries and disabilities inflicted upon our fighting men and at the same time having more serious battlefield casualties saved and brought home as seriously disabled.

The challenge to America is clear. We must act to insure that these men, these heroes, are provided the utmost care, counseling, and assistance our medical technological and governmental systems can provide. Every American has special obligations to insist that this country meet its responsibilities to the newly disabled of the Vietnam war. But the Disabled American Veterans has a special opportunity to insure that the people's voice is heard and our men's cause upheld. Knowing the DAV as I do, I am confident that they will meet this challenge with the courage, energy, and success which have characterized their efforts for the past half century.

Mr. President, I consider it a significant privilege to have the opportunity to take part in saluting the DAV. Other Senators and Congressmen will add their voices today in a profound and heartfelt demonstration of congressional pride and American enthusiasm in the DAV.

Another sincere tribute was paid to the DAV earlier by President Nixon. On May 6 of last year his message was sent to then National Commander Wayne L.

Sheriborn to express his regard for the DAV and its work. It reads as follows:

As the Disabled American Veterans observe the fiftieth anniversary of their organization, your grateful fellow citizens join in tribute to the loyalty and courage that have marked your service to America.

Our Nation is stronger and our heritage safer because of your determination. And your patriotism is an example to all of us. By your sacrifices you have indeed made the five decades of your history golden years for our country. Your service can never be forgotten and it will strengthen and inspire men and women for generations to come.

Mr. President, this concludes my remarks, but I could not close without taking time to wish National Commander Cecil W. Stevenson, Immediate Past National Commander Raymond P. Neal, all the officers, representatives, and individual members of the Disabled American Veterans my warmest congratulations for their outstanding first half-century of service to a great cause, and best wishes for continued contribution to their country. And I would also wish to say a sincere thanks to the DAV for what it has meant to me.

It might be well to note, in closing, that the Chaplain of the U.S. Senate, Dr. Edward L. R. Elson, was national chaplain of the DAV in 1950–51. I have worked with veterans' organizations, and I believe I understand veterans' organizations and the great contributions they have made. I personally know hundreds, and probably thousands, of disabled American veterans across the land, and I recognize some of the difficulties that these men face—difficulties that some of those who have not had any physical or mental defect may fail to appreciate.

But I pay personal tribute to the DAV because of their dedicated and unswerving loyalty to the welfare of disabled veterans, their widows and orphans. I know of no greater organization than the DAV. I am very proud and pleased to be a part of it, to be a member of it, and to be here today, praising this great organization.

I yield at this time to the distinguished senior Senator from North Dakota.

Mr. YOUNG. Mr. President, it is most appropriate, that the Senate honor the Disabled American Veterans in observance of their half-century record of achievements for disabled veterans, their widows and children.

I know of no veterans' organization, which has dedicated itself so totally, to obtaining the help, which these veterans have earned, by their services and sacrifices.

Federal expenditures for veterans' benefits, should in no way be considered either welfare or subsidies. These benefits are a direct responsibility, of our country's participation in wars, and this country has both a moral and legal obligation, to those who fight our wars.

Mr. President, my remarks in tribute to the Disabled American Veterans, would not be complete, without recounting the contributions made to this organization, and his country by the late Francis Beaton of North Dakota, who was national commander of the DAV in 1967 and 1968.

Commander Beaton, a very close and good friend of mine, passed away in 1969, shortly after he had addressed a State DAV convention, in Fresno, Calif. I never knew a more dedicated American. I was privileged to work closely with him on legislation, helping not only veterans, but many others. He was one who devoted most of his lifetime, to helping his fellow veterans and Americans everywhere.

The Disabled American Veterans of my State number about 2,200, making the North Dakota DAV, one of the largest chapters in the country. They first became active in North Dakota in 1921, and have compiled a tremendous record of achievement in behalf of their members ever since. Our present State commander, Mr. Robert Hannah of Grand Forks, is carrying on the fine tradition of the DAV.

I join with my colleagues in saluting this organization, on the occasion of their golden anniversary. I know they will continue to be effective, in not only working for their members, to whom this country is deeply obligated, but in their many other patriotic and civic activities.

Mr. BYRD of West Virginia. Mr. President, at the suggestion of the able Senator from Minnesota (Mr. HUMPHREY), and having cleared the request with the distinguished Senator from New York (Mr. JAVITS), who is to be recognized under the previous order immediately following the colloquy, I ask unanimous consent that the time to be allotted to this colloquy be extended for an additional 30 minutes, without prejudice to to the senior Senator from New York.

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

Mr. HUMPHREY. Mr. President, I yield time for further colloquy, with the consent of my distinguished colleague from Kansas, to the distinguished Senator from California (Mr. CRANSTON).

Mr. DOLE. To be followed by the Senator from South Carolina (Mr. THURMOND).

Mr. HUMPHREY. I believe the Senator from Virginia also wanted to be recognized thereafter. Is that agreeable?

Mr. DOLE. That is agreeable.

Mr. CRANSTON. Mr. President, I thank the Senator from Minnesota for yielding to me.

Last summer, in July, it was my privilege to address the national convention of the DAV on the eve of that organization's 50th anniversary year. It is a great pleasure to join in this discussion today of the DAV, of their great services to their Nation, and of our unpaid debt to them.

Last year, in my capacity as chairman of the Veterans Subcommittee of the Committee on Labor and Public Welfare, I engaged, with that committee, in a study of medical care for veterans, and the state of that medical care in our Nation at the present time. The DAV was tremendously helpful in that investigation. They rendered very helpful testimony, and helped us unearth many, many facts. They worked very closely with our committee.

The end result of that investigation, unhappily, was to reveal that we are not giving to members of the DAV and to other wounded, ill, and sick veterans the medical care that we owe them. We were not giving them that care at that time, and despite the investigation and the appropriation of some additional funds, we are still not giving them that care. We still have a task left undone, and I know that the DAV will do all within its power to help see to it that we in Congress, as well as the administration, overcome whatever obstacles stand in the path of giving to veterans the first-class medical care that they must have.

It seems totally unacceptable that veterans, who make the great sacrifices that they are called upon to make, many of whom return to our country very badly disabled, surviving in this war because of the medical care that they get on the battlefield wounds they would not have survived in other wars, then find that we give them, in many cases, not first-class, not second-class, but third-class medical care, without enough doctors, without enough psychiatrists, without enough nurses, without enough technicians, and without enough equipment to see to it that they have all the care we owe them.

This is a battle that is not yet won. It is a battle that, as a member of the new Veterans Committee of the Senate under the chairmanship of the Senator from Indiana (Mr. HARTKE), I am determined, with him and the other members, to win. We are determined to see to it that we learn all the facts and do all possible to remedy the present sad situation. I know that the DAV, with its great record of serving the needs of veterans and of our country, will join in this effort until the effort is completed. I thank them for all I know they will do in the struggle which we will launch very soon to remedy this situation.

Mr. DOLE. Mr. President, I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, 50 years ago, following World War I, a group of men saw the need for an organization to meet the problems faced by disabled war veterans and their families.

As a result of the efforts of these visionary leaders, there came into being an organization known as the Disabled American Veterans, which this year is observing its golden anniversary.

The National Government has properly recognized this celebration by issuing a commemorative DAV 6-cent postage stamp. The current national commander, Cecil W. Stevenson, of Jonesboro, Ark., is here in Washington and in the Capitol today as DAV Day in Congress is observed, and we are delighted to have him and all of the DAV members from all over the Nation who have come to Washington on this occasion. I am proud of the South Carolina members of the DAV who are here today. No other organization in my State has finer citizens as members than the Disabled American Veterans.

Those men representing the South Carolina DAV in the Senate gallery today are some of my State's most prominent citizens. The South Carolina delegation is headed by George J. Mitchell, of Columbia, present State DAV commander of the department of South

Carolina. Others in this high ranking delegation here today include: Stewart "Bill" Jackson of Gaston, S.C., past State commander; Paul H. Greer of Greer, S.C., past State commander and presently the national commander's aide; David McWhorter of Goose Creek, State junior vice commander; and Daryle Lynn of Greer, S.C., State junior vice commander.

Incidentally, our able Senate Chaplain, Dr. Elson, was national chaplain of this splendid organization several years ago.

Mr. President, this group was founded on the principle that the Nation has a duty to those men and women who became disabled as a result of service to their country. In carrying out this duty, the DAV has centered its efforts in advancing the following four goals:

First. The best possible medical care for those veterans suffering disabilities incurred, increased, or aggravated by military service.

Second. Training and education designed to enable disabled veterans to lead as normal and as productive a life as possible.

Third. The provision of necessary compensation according to the degree of disability suffered as a result of military service.

Fourth. Adequate compensation to the widows, minor children, or dependent parents of disabled veterans who die as a result of service-incurred disability.

As the Nation observes the 50th year of service by the DAV, it is most gratifying to see the dramatic gains which have taken place in this program in the past few years. Since 1962, the DAV has been fortunate in having as its national adjutant, Denvel D. Adams. He has worked closely with Charles L. Huber, national director of legislation, here in Washington as they deal with Congress and the Veterans' Administration is fulfilling the needs of their membership. The direct assistance to the disabled veteran is rendered by 146 national service officers located at VA regional offices throughout the country. Leader of this vital effort is John Keller, national service director.

Mr. President, the extent of the services rendered by the DAV is revealed in the latest accounting of the activities of this group's service officers. During 1969, service officers of the DAV reviewed 220,358 cases involving disabled veterans and participated in 108,507 rating board appearances. These efforts resulted in the award of $186,434,275 in payments for our disabled veterans.

As a veteran of World War II and a life member of the DAV—of which membership I am extremely proud—I feel a special kinship to the members and leaders of this organization. This relationship should become even closer as I carry out my duties as the ranking minority member of the newly created Senate Committee on Veterans' Affairs.

It is an honor to join with my colleagues here in the Senate today in recognizing all the men and women who are members of the DAV. The succinct description of these citizens by the late Gen. Douglas MacArthur best summarize my feelings. He said:

Membership in no group in the world carries greater honor than in the Disabled American Veterans.

Mr. DOLE. I yield to the distinguished Senator from Wyoming.

OUTSTANDING AMERICANS IN WAR AND IN PEACE

Mr. HANSEN. Mr. President, it is with great respect that we observe in the Senate today the 50 years of service of the Disabled American Veterans.

I know of no better example of the ability and the service of a disabled American veteran to his country than in the case of the distinguished junior Senator from Kansas. Our distinguished colleague made great contribution to the country and to his State of Kansas as a Member of the other body for several terms, and now he is giving to the country his great talents and his great ability as a Member of this body.

America's war disabled, in my judgment, have a record as outstanding citizens—both in the uniform of our country on the battlefields, and as useful citizens when the Nation has returned to peace. Disabled American veterans have been instrumental in proving to all people that there is great value in hiring the handicapped.

It is my belief that this Nation owes much to our disabled veterans. I do not believe that public support of disabled veterans is a welfare program. This support is a cost of war, and it must be paid and will be paid just as are expenditures for military equipment and training. I believe that this Nation must support its disabled veterans; it has a continuing responsibility to support them, and to support their families.

It is fitting that our observances here today have been entitled: "A Tribute to Quiet Courage." In my experience, I have found that disabled veterans are among the last to complain.

Attention to the needs of disabled veterans is crucial at this time. Medical evacuation procedures in the current war in Indochina have been improved greatly over the procedures used in past wars. Many of the wounded men who are successfully evacuated by helicopter and given continuation of life through speedy arrival to operating facilities and advanced surgical techniques, would have died with similar wounds in World War II, or even the Korean war. We are most thankful that many more of our valiant men who serve this Nation so well are able to continue to live. But we must not fail to be aware of our increased responsibilities to these men and to their families. Quite a few of those whose wounds would have killed them in previous wars will now survive, but they will have disabilities.

I know that most of these brave men will overcome these disabilities, as have the disabled veterans of the past wars, but they deserve the help of all Americans.

Mr. President, Senator FANNIN had hoped to participate in today's program, but he is necessarily absent. The Senator from Arizona has prepared a brief statement. I ask unanimous consent that his statement be printed in the RECORD at this point.

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

STATEMENT OF SENATOR FANNIN

No men are more precious to our Nation than those men who have sacrificed so much to keep America free. We owe a special debt to those who have suffered serious disabilities while fighting our enemies.

During the past half century the Disabled American Veterans organization has devoted itself to helping these former servicemen.

In Arizona, the DAV provided 15,000 hours of volunteer service in Veterans Administration hospitals and nursing homes in 1970.

The DAV has promoted good citizenship among young people through its Youth of the Month program and through sponsorship of Boy Scout troops for handicapped youngsters.

It has performed a number of services for ex-servicemen, including participating on the "Job for Veterans Campaign."

And the DAV also is one of the strong supporters of the drive to win humane treatment for American prisoners of war held in North Vietnam.

I am most pleased to join today with my colleagues in saluting the good work done by the DAV during these past 50 years.

Mr. HUMPHREY. Mr. President, I yield to the distinguished Senator from Utah.

DAV DAY IN CONGRESS

Mr. MOSS. Mr. President, it is a pleasure to join with my colleagues today in paying tribute to America's disabled exfighting men.

In Utah, the letters "DAV" mean not only Disabled American Veterans but also "dedication and valor." Let me cite an example of why this is so.

Salt Lake City boasts the fifth largest DAV chapter in the world. This is the James R. Thomas, Jr., Chapter with over 1,800 members. Its commander is Donald R. Murray. Under his leadership this chapter has reached an alltime high in membership. Serving as his executive committee are Ralph Albiston, Sr., vice commander; Vito Abbato, Jr., vice commander; Terrel T. Jackson, treasurer; Ben Strohm, chaplain; Bibian Rendon, past commander; and George L. Carey as the chapter adjutant.

This DAV chapter is sponsoring two Scout troops of handicapped boys—a total of 21 growing boys, who, heretofore, have been forced to watch from a distance as the other, more fortunate boys their age romped and worked in the great Scouting program. These are boys to whom the DAV has brought hope—and pride—and self-respect. Perhaps they cannot get around like the other youngsters—but now they are Scouts—and they are fiercely proud of it.

The James R. Thomas, Jr., Chapter also supports wholeheartedly the State program entitled "My Favorite Charity," which is sponsored by the DAV's fundraising project, "The Veterans' Thrift Stores." Every Easter, money raised by this project is presented to needy charities—most of which involve care of handicapped children. Though this program has only been in effect for the past 6 years, over $60,000 has been paid to these recognized charities.

Chapter Adjutant George L. Carey serves only part time; his working days—and many nights—are devoted to his duties as DAV national service officer. In this posiiton he represents Utah's disabled veterans and their widows. Last year alone, he presented more than 1,100

claims to the Veterans' Administration and won almost $2 million in benefits—at no cost to those who were so represented.

This is the story of just one DAV chapter in the State of Utath. I am proud of their accomplishments.

Their story has been duplicated again and again out across the country in the last 50 years, as the Disabled American Veterans have served America's war disabled and the communities in which they are located. It is a privilege to join in hailing this valiant organization today, on its very significant anniversary year.

Mr. DOLE. Mr. President, I yield to the distinguished Senator from Ohio.

Mr. TAFT. Mr. President, it is with a distinct feeling of pride and gratitude that I rise today to commemorate the golden anniversary of the founding of the Disabled American Veterans. It is a distinct privilege for me because it was in my hometown of Cincinnati, Ohio, that the DAV was founded some 50 years ago. Furthermore, the first national president of the DAV was the late Judge Robert S. Marx, one of Cincinnati's more prominent citizens. We are very pleased that the DAV has chosen to keep its national headquarters in the Greater Cincinnati area.

More than local pride, however, which prompts me to rise today to pay tribute to this fine organization and the men it represents. The DAV was founded by a group of disabled veterans to provide services for those fellow veterans who had become disabled as a result of their service. Not only did the group become a source of assistance to the veterans themselves, but it also provided needed aid for the dependents and widows of such veterans.

Throughout the years the DAV has continued in the finest of American traditions. They have been active in volunteer work, they have instituted scholarship programs for the benefit of disabled veterans' children, and they have handled millions of cases which have obtained over $1,600 million in benefits for the disabled veterans, and their dependents.

I have not attempted to cover all of the many services which the DAV provides, but rather to highlight their more prominent activities. Mr. President, I congratulate the Disabled American Veterans for their first 50 years of existence. We are a better country because of their presence. We must never forget those it cares for.

Mr. HUMPHREY. Mr. President, I yield now to the distinguished Senator from Indiana (Mr. HARTKE.)

Mr. HARTKE. Mr. President, today I have the honor of joining my colleagues in paying tribute to an organization which has unfalteringly served America's most cherished veterans. The Disabled American Veterans has for 50 years dedicated its energies to the premise that this Nation's first responsibility to its veteran population is the rehabilitation of its wartime disabled and the assurance of security for their dependents.

The DAV was created and is operated by disabled veterans possessing full understanding of the problems facing their comrades. It provides service to disabled veterans by disabled veterans. It exemplifies the best of man's potential humanity toward his fellow man.

Current DAV programs range from seeking enactment of veteran-oriented legislation to initiation of a letter-writing campaign to convey the views of 20,000,000 average Americans to the Government of North Vietnam regarding the prisoner of war situation.

I am sure every one of my 99 Senate colleagues has at one time or another come into direct contact with the DAV as its seeks support of legislation aimed at alleviating the suffering and the anguish inherent in the life of a war-disabled veteran.

Early this year I had the privilege of being named chairman of the new Senate Committee on Veterans' Affairs. As I more fully enter the work of this committee, I am made increasingly aware of the outstanding contributions of the DAV. I look forward to a continual exchange of ideas with this group as the committee tackles problems we all seek to resolve.

In its 50 years the DAV has adhered to its original concept—that of helping America's wartime service-connected disabled veteran find a functioning place in civilian life—to assure that he and his family have confidence to face the future by knowing that his special medical, rehabilitation and employment needs will be met.

As the DAV enters a sixth decade of service to veterans of all wars, I consider it my privilege to occupy a position which will afford me the opportunity to share in this organization's work.

Mr. DOLE. Mr. President, I yield now to the distinguished Senator from Kentuckey (Mr. COOPER).

Mr. COOPER. Mr. President, it is an appropriate thing we do today in paying tribute to the Disabled American Veterans. Unfortunately, these are days when military service is not honored as it should be. Whatever the views of some people may be about the present war, the men and women of the services are those who accepted their duty to serve their country willingly, with devotion, and with courage. They deserve the appreciation of all American people, and not opprobrium.

Dearest of all to us are those who fall in battle and those who are disabled by wounds, accidents, or illness. They bear the badge, and will bear it always, of their service, their loyalty, and their courage. Among them are the members of the Disabled American Veterans whom we honor today.

One of the most touching marks of the DAV's service is their unselfish concern for their fellow veterans, their widows and dependents, and their insistence that they be provided adequate compensation, rehabilitation, hospital and medical care.

Congress and the country must never forget to do these things.

We must never forget our veterans.

We must never forget, as Lincoln adjured us over a hundred years ago, "to care for him who shall have borne the battle and for his widow and his orphan."

Mr. HUMPHREY. Mr. President, I yield now to the distinguished Senator from West Virginia (Mr. BYRD).

Mr. BYRD of West Virginia. Mr. President, I want to express appreciation to the distinguished Senator from Minnesota (Mr. HUMPHREY) and the distinguished Senator from Kansas (Mr. DOLE) for arranging to set aside this time for such a colloquy and, thus, to allow their colleagues to participate in this discussion with respect to the great service which has been contributed by the Disabled American Veterans to the veterans of many of the wars in which America has participated.

Mr. President, the Disabled American Veterans was founded 50 years ago to fill a very real need in our society—namely, to care for those Americans who fought for their country, and returned from the wars with lifelong scars as reminders of their service.

Today, as we salute DAV on its golden anniversary, we can point with pride to the manner in which the organization has carried out its mission of caring for our Nation's wartime wounded and disabled veterans.

Mr. President, the real origin of the DAV dates back further than 50 years—back to 1919, in fact, when Judge Robert Marx of Cincinnati hosted a Christmas Day gathering for a small group of disabled veterans. Another meeting followed in March of 1920, and, shortly after that second meeting, the organization was officially formed.

The DAV now has 300,000 members, representing all 50 States, the District of Columbia, Puerto Rico, Australia, the Philippines, and a number of foreign countries. Yet, it provides the same personal care and attention to these 300,000 as it did for the small group that formed the DAV more than 50 years ago.

Since 1920, the DAV has been in the forefront of legislation that has provided needed benefits for America's deserving veterans; it has been in the forefront in establishing vocational training programs for those men who returned from war with permanent disabilities; and it has been in the forefront in providing personal services that make readjustment easier for disabled veterans.

Mr. President, the war in Indochina, which has dealt crippling disabilities to so many of our Nation's finest young men, has once again turned the spotlight on the excellent work being done by the DAV. Over 25,000 of its members were disabled either in Korea or Vietnam.

I am proud to join my colleagues in saluting the DAV on its golden anniversary; and to join in the colloquy not only to salute the DAV but also to thank the organization for the job it has done over the past half century in representing and assisting the fighting men disabled in America's wars.

Mr. DOLE. Mr. President, I now yield to the distinguished Senator from Michigan (Mr. GRIFFIN).

Mr. GRIFFIN. Mr. President, I am pleased to join my colleagues today in saluting the Disabled American Veterans.

Those who were disabled in the service of our country deserve a daily expression of thanks from all Americans. But evoking thanks and praise for its members is not the goal of the DAV. Instead of complaining about their hardships

and disabilities, the members of the DAV devote their time and energy to the effort to help their comrades and the Nation.

This organization was officially founded in May 1920 in Cincinnati, Ohio. The DAV held its first national convention a year later in Detroit, Mich.

Its first national commander, Judge Robert S. Marx, led 1,000 delegates through the rainy streets of the booming motor city in what may have been the city's most memorable parade.

Detroit and Michigan residents watched while many a lame and shattered body marched proudly down the street. More than 1,000 disabled men of the DAV paraded that day as an organization of strength—formed to help the many others who could not march in that parade.

It was then that America first took notice of the Disabled American Veterans. Since then the DAV has made countless contributions to the Nation.

Mr. President, Michigan members of the DAV have played vital roles in the development and growth of this great organization. Three Michigan men have served the organization as national commander.

The late Vincent E. Schoeck of Detroit served as national commander in 1940. Beniface R. Maile of Grosse Point was national commander in 1950, and Douglas H. McGarrity of Allen Park served in that high post in 1963.

It is most appropriate, Mr. President, as the DAV observes its 50th anniversary that it plans to return to Michigan for its national convention. This year the convention will be in Detroit, as was the first convention in 1921.

I know I speak for the people of my State when I welcome the DAV back to Detroit and to Michigan in this, its 50th year.

Mr. HUMPHREY. Mr. President, I yield now to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I am honored to have this opportunity to join with my colleagues in paying tribute to the DAV in its golden jubilee year. No finer group of men exists and none is more worthy of our deep respect and admiration.

Throughout the life of our Republic there have been citizens who were ready and able to stand in defense of their country and the free world in time of war. Their courage and determination, along with their sacrifice, have provided a strong and lasting thread in the fabric of Ameircan patriotism.

In the front ranks of this formation of dedicated Americans stand the proud men of the DAV. It is sobering indeed to recall that peace has always been attained at a cost; with that in mind, our continuing gratitude to our disabled veterans and our obligation to them and their families inspire us to work harder for a just and durable peace in the light of what they have given and what they have done.

To all DAV members across the country, including our 8,000 in Missouri, I extend my deep thanks for your contributions to the cause of peace; and to your organization I offer sincere congratulations on 50 years of dedicated service.

Mr. DOLE. Mr. President, the Senators from Tennessee (Mr. BAKER and Mr. BROCK) are unavoidably absent. I would like at this time to read the statements of Senator BAKER and Senator BROCK:

Mr. BAKER. Mr. President, I am proud to join with my colleagues in their tribute to the many brave American men disabled in the defense of our country.

All war is a tragic breakdown of human reason. It has always been the policy of this nation to avoid war wherever possible. But on those occasions where defense of democracy and freedom made armed combat a necessity, no soldier in the history of warfare has exceeded the American in courage and devotion.

Many have paid the highest price in war: they have laid down their lives. But many thousands of others have returned home with parts of their bodies shattered in the defense of their country. The debt that the American people owes these men is limitless.

Several disabled veterans from my state of Tennessee—the Volunteer State—are in the gallery today. I am particularly proud to have them here, and I commend my distinguished colleagues, Senator Dole and Senator Humphrey, for their sponsorship of this fitting tribute.

Mr. BROCK. Mr. President, I join with my colleagues in the Senate in voicing my admiration for the members of the Disabled American Veterans on this their Golden Anniversary.

For it was men like these, and their fallen buddies who did not return, who have made it possible for this great nation to remain free.

These brave men did not sacrifice their lives and limbs to make popular the bombing of public buildings, the threatening of public officials, or the desecration of the Flag of Freedom.

They fought and sacrificed because they knew that freedom, with all its responsibilities, was the single ideal worthy of such sacrifice. They fought and sacrificed because they wanted this nation to remain a strong bastion devoted forever to the enrichment and enlargement of freedom for every man.

Each one of us should thank God for the devotion of these men who have faced the enemy in battle and resolve to do everything in our power to insure that they have not fought and sacrificed in vain.

They had a job to do, they did it and, though scarred by battle, they returned home. Now we have a job to do—to stand by these men—the country they fought to preserve—to insure that each succeeding generation can enjoy the freedom these brave men, and their forefathers fought to win.

Mr. BYRD of Virginia. Mr. President, in 1920, the Disabled American Veterans began their work on behalf of those wounded on the battlefields of World War I.

During the years since that time, this organization has worked hard and effectively to obtain medical care and employment for war veterans disabled in their country's service.

The Disabled American Veterans underwent a major expansion during World War II, and its charter was amended to make disabled veterans of all of America's wars eligible for membership.

It is a common misconception that disabled veterans automatically receive benefits from the Government. The fact is in every case a claim must be filed and legal entitlement established. The Disabled American Veterans has assisted thousands of veterans in obtaining the benefits they have earned.

The membership of the Disabled American Veterans today exceeds 300,000. Service officers of the organization are stationed in the offices of the Veterans' Administration throughout the country. They perform their duties free-of-charge.

The Disabled American Veterans has a long record of accomplishment, to which it can point with great pride.

It is a privilege to join today in the tribute to the Disabled American Veterans, who are carrying on the great work which they began more than 50 years ago.

Mr. McGEE. Mr. President, for half a century, now, a remarkable organization of men which has as the central reason for its existence the fact its members sustained disability in the service of our country has served the Nation well. It has done this by helping to insure that we, as a Nation, live up to our responsibilities toward all disabled veterans and their families.

The Disabled American Veterans, formed in the days following World War I, has assisted countless veterans, their widows and their children, not just in obtaining their rights under the laws of this land, but in finding their way in the world. Surely, the comradeship, understanding, and assistance of other men who shart a common fate has uplifted the spirits of many thousands upon thousands of men who have unfortunately tasted the ravages that war and combat can visit upon the frail body of man.

It is this spirit of helpfulness, to which the DAV has dedicated itself for 50 years, that I particularly wish to salute on this occasion. I note with great satisfaction that the men of the DAV have entered into joint enterprise with the Boy Scouts of America in order to bring their special talents and skills, not to mention their special understanding, to bear on the problems faced by handicapped youth.

This is but an example—but I believe an excellent one—of the quiet courage so exemplified by America's disabled veterans over the years. It is this spirit of sharing that has been the strength of their national organization, the Disabled American Veterans.

Unfortunately, their numbers are still being added to today, as war is a reality in this world we live in. I am sure, however, that there is no group in our Nation which would surpass the men of the DAV and the women of its auxiliary in the sincere hope that it could be otherwise. But so long as there are disabled veterans it is a good thing for them, and for all of us, that there also is an organization so dedicated and so capable to pursue their best interests. I salute the DAV, then, on its half century of service to an extremely worthwhile cause.

Mr. SCOTT. Mr. President, almost 200 years ago, a group of ragtag farmers created a tradition for this land. These simple men dared to stand up to the mightiest army of Europe and proclaim themselves free. Their decision meant hardship and danger. History tells us that they suffered mightily, but no words can truly convey the depth of their suffer-

ing. Yet, these simple men stood their ground, and they created a new Nation.

America has been fortunate in her long history that other men have stood tall to be counted when the going was hardest. American boys and men have marched to the call of war drums four times in this century. Many of these young men did not return. Thousands of their comrades returned bearing afflictions that would impair them for the rest of their lives.

The way of life that we have proudly called American for these past two centuries was protected by these young men. Our country can never truly repay the debt that we owe, but it is our duty to recognize their bravery and dedication.

Over the years, Congress has made a concerted effort to assure that the veteran gets a fair share of the affluence of the Nation that he so ably served in time of war. One of the primary concerns has been to insure that the widows and orphans of our dead GI's are adequately provided for financially. Another concern has been that the returning veteran have every opportunity to further his education.

There is another group, however, to which America owes a special debt. America must always guarantee the well-being of her disabled veterans. We must never shirk our obligation to these men.

In 1920, an organization was founded and titled simply "Disabled American Veterans." The DAV as it soon became called, had as its only goal to work for the physical, mental, social, and economic rehabilitation of the more than 300,000 wounded and disabled veterans who had returned from the battlefields of World War I.

The end of World War II swelled the ranks of our Nation's disabled veterans. The DAV was there with a helping hand for these men. For contrary to popular misconception, these injured men do not automatically receive benefits from our Government. In every case a claim must be filed, evidence secured, and legal entitlement established. The DAV has been largely instrumental in making sure that many of the veterans entitled to benefits did, in fact, receive them. Since its inception, the DAV National Service Department has handled over 4 million claims for the war disabled, their widows, and their orphans.

The DAV has also made sure that its membership was kept aware of changing rules and regulations of the Veterans' Administration. Through their national magazine and a series of newsletters, they have kept their more than 300,000 membership abreast of the changes in veterans benefits, both legally and administratively. This service alone would have been invaluable, but, coupled with the DAV's constant readiness to plead the case of the disabled veteran, the organization has presented an excellent example of true leadership in our land.

I think it fitting that we of the Senate salute this outstanding organization. Their contribution to a strong and just America has been enormous. We can only hope that so long as we have veterans, there will be a DAV to help us see to it that no disabled American veteran shall ever lack for care.

Mr. McCLELLAN. Mr. President, the 50th anniversary of the Disabled American Veterans gives us pause not only to commemorate that magnanimous organization, but to reflect upon the price paid by our fighting men to preserve the liberty we enjoy.

Since the days of General Washington's Continental Army, Americans have had to march off to safeguard our freedom. Thousands never returned, and of the millions who have, many were ravaged and broken. The brave still march to war and sacrifice in our defense. In Vietnam, since 1961, those who have given the ultimate now number over 44,500; the living casualties, almost 300,000; their loved ones, a toll of thousands more.

At Valley Forge, Gettysburg, and Chateau-Thierry, Iowa Jima, Inchon, and Chu Lao—wherever U.S. servicemen have fought and died and become lame so that their flag could wave on high—the truest measure of the Nation's greatness has been taken. Our indomitable will to survive as a democracy has been forged in the crucible of battle, tempered with the blood of our forebears, our fathers, and our sons. We owe our freedom to their supreme sacrifices.

Yes, the cost of survival has been incalculably high. That we may exist, others have given up their own existence. We shall not forget those names inscribed on the honor rolls of our military dead, nor those warriors whose quest for peace caused them such enduring pain. The patriotism under fire of all our courageous will forever remain the battle hymn of this mighty Republic and enshrine the principles for which it stands, "one nation, indivisible, under God, with liberty and justice for all."

It is, therefore, altogether fitting that Congress pay special tribute to the DAV on the occasion of its golden anniversary. For the DAV was created to serve those who so valiantly suffered that our constitutional way of life might endure.

The DAV's illustrious history bears witness to the exemplary manner in which it has fulfilled the mandate of its charter "to advance the interest and work for the betterment of all wounded, injured and disabled veterans." Spawned in the aftermath of World War I, to answer the need for veterans' rehabilitation and retraining, the DAV has steadfastly labored to provide service and assistance to the wartime disabled, their widows, orphans, and dependents.

With its corps of professionally trained service officers—each one a disabled veteran—and 2,000 local chapters throughout the 50 States, this group has rendered free assistance to more than 2 million disabled veterans. Such aid has ranged from obtaining medical care and disability compensation to help in job training and employment. The DAV is truly the champion of the wartime disabled veteran, his guardian and protector in every corner of the land.

President Coolidge once said that—

The nation which forgets its defenders will be itself forgotten.

We have no intention of forgetting our defenders. These men who have stood up against incredible odds, who have lashed out at the enemies that have threatened our democracy and who have returned to us carrying the burden of their courage beneath bandages and broken limbs, will always be a source of pride to us and to our national dignity.

Mr. President, I am proud to join Senators in tribute to these noble veterans by saluting, with deep affection and admiration, their splendid organization—the DAV.

Mr. CHURCH. Mr. President, today, due to the efforts of the distinguished Senator from Minnesota (Mr. HUMPHREY) and the distinguished Senator from Kansas (Mr. DOLE), time has been set aside to pay tribute to the Disabled American Veterans.

Upon its 50th anniversay, I know of no national organization which deserves more praise for its work than the DAV. Organized in 1920 and chartered by the Government in 1932, the DAV has become the official voice for our Nation's disabled war veterans. Today, its members number 300,000, joined together in the common effort of aiding America's disabled veterans.

Since it was first organized in 1920, Mr. President, the DAV has aided over 4 million disabled American veterans and their families in preparing claims and securing benefits to which they are entitled under our laws. Their efforts in this area are deserving of appreciation from all Americans.

In addition, the DAV has been a strong voice on Capitol Hill pressing for equitable treatment of America's disabled servicemen.

General Douglas MacArthur once stated that he felt "membership in no other group in the world carries greater honor than in the Disabled American Veterans."

The work of the DAV is to be commended, and I am pleased to join with other Members of the Senate in extending to the Disabled American Veterans my congratulations upon their 50th anniversary.

Mr. CHILES. Mr. President, throughout history golden anniversaries have been a time for reflection, an opportunity to let our hearts and memories dwell on past honors, glories, and accomplishments. That time has now come for the Disabled American Veterans organization, which has served America's war disabled so well since 1920.

Today I consider it an honor and privilege to participate in DAV Day in Congress—a tribute to quiet courage. While the distinguished Members of the Senate represent widely divergent viewpoints on almost all issues, I am sure we are fully unified in recognizing the value and service of Disabled American Veterans through these years.

We all know that were it not for this organization, many veterans, widows, and orphans would be at loss for a friendly helping hand. We must remember that while war is tragic, many times the deepest tragedy is realized in later years, the lingering effects of war injury or death. It means so much to have people who have a true, deep understanding of someone's problems working to help solve that person's problems.

Disabled American Veterans has proven it will accept such responsibilities,

that it will pursue its goals relentlessly. I am pleased to have this opportunity to commend DAV on this special occasion and to express a wish for its continued success in its quest to help those who fought and sacrificed so that this country might remain free.

Mr. TOWER. Mr. President, today we observe the 50th anniversary of service by the organization of Disabled American Veterans to America's war disabled. For half a century Americans have fought overseas. They have defended America and her allies in times of national unity and division. They have been called upon to leave their homes and families, to risk wounds and death, for the sake of others. They have borne this burden nobly.

For the half century that Americans have sacrificed their health and even their lives to fight overseas, the organization of Disabled American Veterans has fought here at home to insure that every disabled veteran, his dependents, widow, or orphans receive all benefits to which they are entitled. This is a complex and vital service, for there is a myriad of benefits open to disabled veterans or their survivors—VA disability compensation and pension, death indemnity compensation, death pension, vocational rehabilitation and education, hospitalization, national service life insurance, assistance in housing and employment, and more.

This is only half the story of service by the Disabled American Veterans. On the local level, the organization participates in numerous meritorious projects. For example, one of our chapters in Amarillo, Tex., holds special Christmas parties at their local VA hospital, and each Christmas they adopt families of needy veterans and provide them with food and gifts for the children. They are active in the local chamber of commerce and have made substantial donations to two hospital building programs in the city. They also sponsored the first Boy Scout troop in America for handicapped boys. The chapter assists in the United Fund drive every year and in the past few months has participated actively in a letterwriting campaign to try to secure the humane treatment and release of American POW's in Indochina. This represents the fine work of just one chapter of the Disabled American Veterans. The other chapters of the DAV across Texas and the Nation have labored just as diligently to enrich their communities.

But the job is becoming more difficult. Modern life-saving techniques, including helicopter evacuation, result in a larger number of young men being returned to civilian life disabled. We are all thankful for the blessings of modern medicine, but without vocational rehabilitation or disability compensation these war-wounded veterans cannot contribute their fullest to society. The Disabled American Veterans work to insure that veterans receive this training and compensation. They help these men return to a productive, satisfying civilian life. And while there can never be a way to adequately console the wives and children of our servicemen killed in Vietnam, the Disabled American Veterans help each of them receive the full compensation due them by law.

Though we may be divided on how best to end this war, we all are united on one thing. Those mer. who have sacrificed their health and their lives will not be forgotten. We will do all we can to help them return to civilian life with dignity, and to help their widows and children economically when their husbands and fathers do not survive. The organization of Disabled American Veterans is integral to this effort, and I commend them for their persistent, dedicated determination to see that justice is given to those who have suffered loss while serving their country in its times of need.

Mr. TALMADGE. Mr. President, it is a distinct pleasure to salute the Disabled American Veterans on its 50th anniversary. This is indeed an important milestone in DAV's dedicated service to veterans of the United States.

Today we honor this outstanding organization which represents and serves the finest of America's citizens. These veterans of the Armed Forces of the United States are undeniable proof of the devotion and love Americans have for their country. These brave men have placed the preservation of freedom above all else so it is only fitting that today we honor them.

On this 50th anniversary it is interesting to take notice of the organization's efforts to constantly serve its members' needs. The DAV was organized to help disabled veterans, their widows, and dependents receive the benefits to which they are entitled. The organization strives to encourage legislation by Congress that will help to alleviate the problems of these veterans.

The organization has continued to grow both in numbers and in services rendered. There are now over 300,000 DAV members nationwide. In the outstanding Georgia organization there are now 4,965 members and 58 local chapters. The Georgia DAV organization is a fine example of how veterans are served in various ways. The DAV performs its many service for all veterans and their families whether they are members or not. They have been instrumental in obtaining hospitalization, medical care, disability compensation, job training, rehabilitation, education, and employment for veterans. This year the DAV initiated a new program to deal with our service men missing in action and being held prisoner of war by Communists in Southeast Asia. It is my strongest wish that this action started by the DAV will result in increased pressure from the United States and throughout the world to force Hanoi to abandon its inhumane practice. I applaud the efforts of the organization in stirring all of us to action.

The organization's increasing efforts to aid veterans of all wars will, I feel sure, increase national awareness of their plight. We owe these heroic men and their families a debt which can never be fully repaid. As the ranking member of the new standing Committee on Veterans' Affairs, I am constantly aware of both the needs and goals of this organization. They can be assured of my continuing efforts to see that the enormous obligations of our Nation to its veterans are totally fulfilled.

Mr. MILLER. Mr. President, the Disabled American Veterans, both the organization and the men who have sacrificed so much for their Nation, are richly deserving of the tribute that Congress is paying them today.

As President Nixon said last year, "our Nation is stronger and our heritage safer," because of what they have done.

For five decades, the DAV has provided unselfish service to our veterans; it has dedicated itself to working ceaselessly in obtaining the highest level of benefits for our disabled veterans, who have given so much to their country. And the members of this association have always been among the most loyal supporters of the security of our country.

I am pleased to join with Senators in expressing appreciation to the DAV and its members for their meaningful contribution toward a better America for more than 50 years.

Mr. BUCKLEY. Mr. President, it is a pleasure to join with the distinguished Senator from Kansas (Mr. DOLE), and the distinguished Senator from Minnesota (Mr. HUMPHREY) in recognizing DAV Day in Congress. Today we in the Senate and our colleagues in the House of Representatives commemorate 50 years of service to America's war disabled by the Disabled American Veterans.

Members of Congress are all too familiar with the assistance required by many of our citizens in finding their way through the maze of Federal bureaucracy. However, with reference to the problems of our disabled veterans, particularly servicemen disabled during the Vietnam conflict, we recognize the special contribution made by the Disabled American Veterans.

Through its national service program, this organization counsels and assists disabled veterans, as well as their dependents, widows, and orphans in obtaining the benefits to which they are legally entitled. Too often it is difficult for an individual citizen to deal with such huge organizations such as the Veterans' Administration, Social Security Administration, or even smaller governmental units such as military and naval hospitals.

Fortunately for disabled veterans, for 50 years the DAV has been on hand to help them, not merely in dealing with Government, but in adjusting to civilian life.

Concern for the well-being of those wounded and disabled in the Vietnam conflict is only part of the DAV story. The Disabled American Veterans has launched a massive letter-writing campaign to convince Hanoi that an overwhelming majority of Americans view North Vietnam's treatment of our prisoners of war as intolerable. Whether or not North Vietnam honors the provisions of the Geneva Convention will depend considerably on the continued public attention given the prisoners of war in North Vietnam. I fully endorse the DAV campaign, one of many projects undertaken by interested citizens and groups

to keep the prisoner-of-war issue alive and to remind Hanoi that Americans remember the 1,500 Americans who are POW's or missing in action.

The Disabled American Veterans is financed through private solicitations. No level of government subsidizes the commendable activities of this group. The DAV exemplifies a great American tradition: Earnest citizens, operating within the private sector and without tax moneys, seeking to help their fellow citizens.

The important work of groups like the DAV continues every day without adequate public attention. The DAV, quietly and relentlessly, labors to assist our disabled servicemen. Perhaps by spotlighting its 50 years of accomplishment, we can inspire other Americans to involve themselves in such noble work.

Rabbi Michael Aaronsohn, of Cincinnati, Ohio, a combat blinded veteran who served as the first national chaplain of the Disabled American Veterans, summarized the past deeds and current mission of the DAV:

> We were then what we are now. In the beginning we were dedicated to helping war veterans who had been disabled find their way in the world. That was our purpose. That is our purpose today.

Let us hope and pray that someday we will experience the elusive goal of international peace, and that the day will come when there will no longer be a need for the Disabled American Veterans. But until that time comes, we shall depend heavily on the good and needed work of the DAV.

Mr. BELLMON. Mr. President, the men who are fighting this country's battles, and those who have done so in the past, must not be forgotten, for they have contributed to the preservation of freedom.

That is why it is fitting for those of us in Congress to take note today of the golden anniversary of an organization dedicated to remembering our soldiers.

The Disabled American Veterans have devoted great time and energy over the last 50 years to see to the special needs of soldiers who have returned home, disabled by wounds they received in the fields of conflict.

I am acquainted best with the work of those chapters of the Disabled American Veterans in my home State of Oklahoma, where nearly 340,000 veterans have returned from active duty in our wars; 52,000 with disabilities.

Theirs is a quiet courage, too easily forgotten in our turbulent world where whispered requests are often lost to noisy shouts from vocal dissidents who have never worn the bloodstained cloak of the fighters for freedom.

The mission of the DAV chapters in Oklahoma and across the country is to make neither martyrs nor heroes of our handicapped veterans. Their mission is service, helping those who have helped our country.

DAV members help veterans reap all the special compensations, pensions, and other benefits to which their service legally entitles them.

They give of themselves in a personal way as volunteer workers in Veterans' Administration hospitals and as fundraisers for needy veteran families.

They are waging an all-out letter-writing campaign to secure information about American prisoners of war being held in North Vietnam.

Most important, they serve as a strong reminder of the sacrifices that have been made for freedom. That is a most worthy contribution in itself, for we must know freedom's price to cherish it.

THE 50TH ANNIVERSARY OF DISABLED AMERICAN VETERANS

Mr. EAGLETON. Mr. President, I am pleased to have the opportunity to pay tribute to the Disabled American Veterans on this observance of their 50th anniversary.

Many of us in the Senate speak from time to time about the barbarities of war and the urgency of finding a better method of settling international disputes—and I believe rightly so.

But sometimes we tend to forget that no one knows more intimately the horrors of war than those of our fellow citizens who bear its physical and emotional scars.

This occasion serves to remind us that our dedication to the ending of war must be matched by our dedication to the care and rehabilitation of those who have already borne personally the burden of war.

The DAV has a proud record of 50 years of service to disabled veterans. It has been invaluable in assisting Congress in discharging the Nation's obligations to these men.

Mr. President, I salute the DAV—in particular its 8,000 members in Missouri—for their outstanding service to our country both in war and in the aftermath of war.

Mr. BEALL. Mr. President, today marks the 50th anniversary of the founding of an organization dedicated to serving America's disabled veterans. I believe that it is absolutely essential for all Americans to hold our disabled veterans in very high esteem. We owe a great debt to these men who have given so much in the service of our country.

The tragedy of this situation is that we often do the greatest possible disservice to our disabled veterans, we forget them. We tend to remember wars in terms of battles won or lost, causes served, or treaties signed. But after the war we fail to remember the men and women who have sacrificed so much.

I believe that this anniversary is an opportune time for us to stop, reflect, and to remember these valiant people. Our national leaders have always paused, from time to time, to recognize the valor and courage and selflessness of their soldiers. I would like to close my remarks by quoting from three former Presidents and a general of the Army:

> Abraham Lincoln, November 19, 1863: 'But in a large sense, we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above, our poor power to add or detract. The world will little note, nor long remember, what we say here, but it can never forget what they did here."
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> Theodore Roosevelt, 1917: "The man who has not raised himself to be a soldier, and the woman who has not raised her boy to be a soldier for the right, neither one of them is entitled to citizenship in the Republic."
>
> Calvin Coolidge, July 26, 1920: "The nation which forgets its defenders will be itself forgotten."
>
> General Douglas MacArthur, May 12, 1962: "My estimate of him (the American man at arms) was formed on the battlefield many, many years ago, and has never changed. I regarded him then as I regard him now—as one of the world's noblest figures . . . His name and fame are the birthright of every American citizen."
>
> "The soldier, above all other people, prays for peace, for he must suffer and bear the deepest wounds and scars of war."

Mr. BOGGS. Mr. President, it is a great honor and privilege for me to join Senators today in honoring the Disabled American Veterans on the organization's 50th anniversary.

I have been pleased for a number of years to work closely with the DAV. Its programs and efforts on behalf of those who have suffered for their valor and devotion to this country are most commendable.

It is entirely appropriate that we take time out today to honor the Disabled American Veterans on the organization's 50th anniversary. Without DAV services and help and leadership, our veterans would have had a much more difficult time adjusting to civilian life and recovering from wartime injury.

More than 4 million claims have been handled by the Disabled American Veterans in its 50 years of existence. I know that means 4 million persons and their families who have prospered because of the DAV's effort.

The national service program offers great service to disabled veterans who are confronted with the complexities of our modern bureaucracy. It serves as a semiofficial ombudsmen for these men who have suffered, and it makes certain that each disabled veteran receives every benefit to which he is entitled.

Without the national service program and its 146 national service officers, I am afraid that many a disabled veteran would fail to receive the help and rehabilitation which the Government has made available.

Of late, the Disabled American Veterans have embarked on a new program, and it is one of which we all can be proud. The DAV has set as a goal the writing of 20 million letters to North Vietnam urging the release of our prisoners of war.

This is a most important project and one which I hope the American people will embrace.

The Disabled American Veterans have performed great service for 50 years, and I congratulate them for it. I know the next 50 years will find the DAV even more for the good of all of us.

Mr. RIBICOFF. Mr. President, I am pleased to join Senators today in paying tribute to the Disabled American Veterans on its golden anniversary. All Americans owe a debt of gratitude to this fine organization for the many vital services it provides to veterans of our Armed Forces wounded while serving their country.

Particularly noteworthy is the assistance the National Service program of the DAV provides disabled veterans and their families to insure that they receive all the benefits to which they are

entitled. No less important has been the role of the DAV in seeking to improve the quality of medical care at VA hospitals. Recently, on-the-job training and academic education is also being provided by the DAV for Vietnam veterans.

Through support of the efforts of the DAV, the American people can help repay the debt owed by our Nation to our disabled veterans. Their sacrifices must not be treated as cold statistics or a chapter from our history books. The burdens these men still bear should be a constant reminder to us of the obligation we all share to pursue world peace and find an end to war.

Mr. PEARSON. Mr. President, I am certainly pleased to participate in this tribute to the Disabled American Veterans—a tribute to quiet courage. Over the past half century, the DAV has helped millions of our returning heroes recapture a measure of purpose in their shattered lives. The DAV has helped tens of thousands more receive the benefits which Congress provides in humble thanks for service beyond the call of duty.

Today we are in a troubling war—a difficult war. More than 44,000 American boys have been killed in action in Indochina. More than 300,000 have been wounded. This war is one in which we never wanted to become deeply involved, a land war in Asia which General MacArthur warned from his deathbed would be a disaster. We are leaving the Indochina war now, and will completely extricate ourselves, I am confident, within a reasonable time.

As the United States disengages from the theater of combat, and as the last units return to their families and homes, the tendency for many Americans will be to forget the war, forget the people who fought there, forget the sacrifices and the tragedies of the 1960's.

Many honest citizens—citizens who have not suffered casualties among friends and relatives in Vietnam—I fear will forget the special needs of those who have been wounded in the war. But the DAV will not forget them. The DAV has been dedicated to those disabled in our Nation's wars for five decades. And the DAV's proud record should be the envy of every nation, every organization which calls itself compassionate and just.

The DAV cares for the disabled, but that does not constitute the total DAV commitment. Because of the outrages perpetrated by the North Vietnamese, in violation of the Geneva Conventions and other international law, the DAV has undertaken a major effort to press the case of the American MIA's and POW's in Indochina. More than 5 million citizens have been urged by DAV to write directly to the North Vietnamese Embassy in Paris, demanding a list of prisoners. The DAV also has underwritten a significant television campaign to inform the Nation of the tragic plight of the prisoners and missing American servicemen.

The DAV leadership will not rest, and its members will not rest, until justice is accorded to our prisoners behind the bamboo curtain.

The individual members of the DAV are men who have sacrificed, but who have not lost their dignity as men, their patriotism as Americans, or their commitment to full participation in the social and political life of this Nation. Theirs has truly been a "quiet courage," and I am deeply grateful for the opportunity to participate in this congressional tribute to the men of the DAV.

Mr. PERCY. Mr. President, this year one of our most dedicated and patriotic organizations, the Disabled American Veterans, will celebrate its 50th anniversary. All Senators are aware that the DAV has worked tirelessly and effectively over the past 50 years to live up to the goal it established when it was founded; namely, to assist the wartime disabled and their dependents.

The origin of the DAV is rooted in the aftermath of World War I, when 300,000 GI's returned, wounded or ill, from the battlegrounds of Europe. The country hailed their homecoming, but it did not provide the kind of help with medical care, vocational rehabilitation, and job placement that they needed. Congress tried to help by passing legislation which provided certain disability benefits and training programs, but the bureaucracies set up to administer these benefits bogged down in a tangle of red tape which only confused and frustrated the veteran. It fell upon the disabled veterans themselves—who understood how best to help one another—to cut through this red tape and to organize trained professionals who could assist the veteran in obtaining those benefits provided for him by Congress.

In keeping with the American spirit of self-help and independence, the DAV selected and trained men in job counseling, legislation, and adjudication, so that disabled veterans would have someone to go to for guidance in filling out complicated Government forms necessary in applying for disability payments, or for help in obtaining proper medical care or vocational rehabilitation. The DAV established a newspaper to keep its members informed of events in Congress which might affect them, and it worked to consolidate into one agency the various Government efforts to assist veterans.

The need for the services and work of the DAV did not cease once the problems of veterans of World War I had been solved. Disabled soldiers from World War II and the Korean war returned home to face the same problems which had plagued their fathers: How to find a job when one is disabled? How to provide for one's family with the reduced income which often results from physical disability? How to get the right medical care? And, of course, young men are still coming home—this time from Indochina—with serious injuries and all the pain and suffering and financial difficulties which accompany such injuries. To these men, the work of the DAV remains highly relevant.

The DAV has worked persistently and persuasively through the years for the passage of legislation to provide just and adequate compensation for the disabled veterans and their families, and because of its work, these men now have an easier time readjusting to civilian life. The DAV should be highly commended for its excellent work in making the burden of our disabled veterans a lighter one to bear.

DAV DAY IN CONGRESS—A TRIBUTE TO QUIET COURAGE

Mr. JAVITS. Mr. President, today a distinguished record of achievement in serving America's wartime disabled is being celebrated. This is a most fitting exercise to pay tribute to the Disabled American Veterans for its dedicated work on behalf of those who bear the marks of service on behalf of our country.

Since its inception in 1920, the DAV has played a leading role in assisting the disabled veterans of World War I, World War II, Korea, and presently Vietnam in matters of medical care, job training, education, rehabilitation, and other areas of economic and social welfare. The DAV was congressionally chartered in 1932 to work toward these goals and now with over 150 trained and accredited National Service officers, the DAV has the largest free service program for disabled veterans in the country. These National Service officers are fully paid by the DAV and are stationed in regional offices of the Veterans' Administration. During the history of the DAV these Service officers have handled over 8 million cases and have obtained over $1.6 billion in benefits for the disabled veteran and his dependents.

Presently, American servicemen continue to be committed to combat, and although troop withdrawal from Vietnam may result in a lessening of combat fatalities and wounds, unfortunately, casualties continue to occur in sobering numbers. The apparently infinite capacity of man to contrive superior methods in war of injuring, maiming, and killing has been paralleled by advances in techniques of battlefield evacuation and combat medicine, so that the percentages of crippled surviving veterans are now even greater than in previous conflicts. The DAV meets these challenges with warm and understanding service and I am certain that all of our people together with the DAV will continue to assist newly disabled veterans in adjusting to civilian life and to aid the communities and the Nation in fitting these returned men into the normal life which they seek.

It is an honor to join in the tributes being paid to this fine organization, and I commend the Senator from Kansas (Mr. DOLE) and the Senator from Minnesota (Mr. HUMPHREY) for having sponsored this highly appropriate event.

A TRIBUTE TO QUIET SERVICE

Mr. BENNETT. Mr. President, today we commemorate a half century of service to America's war disabled by the Disabled American Veterans. Officially, our united congressional tribute to this fine organization is entitled "A Tribute to Quiet Courage." While fully subscribing to the meaning this portrays, I would also like to submit that "A Tribute to Quiet Service" is an equally fitting description of the DAV's work.

Following World War I, approximately 4 million men returned to civilian life in the United States after serving their country in the most devastating conflict in history. Of this number, about 300,000 were wounded, disabled, handicapped, or ill. Although the United

States attempted to assimilate these men back into civilian life, along with their more fortunate comrades-in-arms, it soon became apparent that our Government simply was not equipped to handle effectively the mammoth task.

It was at this time that a farsighted group of disabled veterans, led by a Judge Robert S. Marx, met in Cincinnati, Ohio, to discuss their common plight and that of their fellow countrymen who had returned from the war with serious disabilities. From this initial meeting in 1919, came a fledgling movement that quickly caught fire and led in 1921 to the first national convention of the Disabled American Veterans.

Throughout its history, the DAV has pursued the same goal, which is enumerated in the DAV's official 50th anniversary report, that of aiding the wartime service-connected disabled veteran return to civilian life in a competitive position with his peers. That he and his family can face the future with confidence knowing that his medical, rehabilitation, and employment requirements will be met.

In addition to working for this worthy objective, in my native Utah and elsewhere, I have seen the DAV step into the breach and volunteer service where it was most needed. For example, one DAV chapter in Salt Lake City sponsors two scout troops of handicapped boys, to give youngsters the same opportunities in this fine program as their more fortunate peers. On a national level, the Disabled American Veterans are in the forefront of efforts to call attention to the plight of our men in Southeast Asia listed as missing in action or as prisoners of war.

There is no American more deserving of the blessings of his country than that American who has served it unselfishly in its hour of maximum need. As we honor the 50 years of DAV service not only to disabled veterans but to all of their countrymen, it is a fitting time to rededicate ourselves to the high ideals and worthy goals of the Disabled American Veterans.

Mr. President, I should like to enumerate further some of the activities of the DAV in Utah, which boasts the fifth largest chapter in the entire Nation. This particular chapter, the James R. Thomas, Jr. Chapter No. 6, located in Salt Lake City, is the group which sponsors the two Scout troops of handicapped boys. In detailing some of this chapter's exemplary work, I pay tribute to each of the 14 DAV chapters located in my State, and the hundreds of others throughout the United States.

The James R. Thomas, Jr. chapter has some 1,800 members. Its commander is Donald R. Murray, of Murray, Utah. Under his leadership the chapter this year has hit a record high in membership. The executive committee of the Thomas chapter also includes Ralph Albiston, Sr., vice commander, Vito Abbato, Jr., vice commander; Terrel T. Jackson, treasurer; Ben Strohm, chaplain; Bibian Rendon, past commander; and George L. Carey as the chapter adjutant.

Mr. Carey is also a national service officer. In this capacity he does an excellent job of representing Utah's disabled veterans and their widows. Last year alone he presented some 1,100 claims to the Veterans' Administration and secured almost $2 million in benefits for them—at no cost to those represented.

The Thomas chapter also supports the State program, "My Favorite Charity," sponsored by the DAV's fund-raising project, "The Veterans' Thrift Stores." Under this program, every Easter eve they themselves present checks and urge others to do likewise, in support of needy charities—most of which involve care of handicapped children. Recognized charities have received more than $60,000 through this program during the 6 years it has been in effect.

Mr. President, these are just a few of the activities of one chapter of the Disabled American Veterans. Similar accounts could be told of the great work of DAV chapters in every part of the Nation, including the other 13 in Utah. The latter are located in Provo, Logan, Ogden, Murray, St. George, Orem, Magna, Tooele, Layton, Kamas, Price, Brigham City, and an additional one in Salt Lake City.

I salute the work of these and other segments of the Disabled American Veterans and extend the sincere hope that their accomplishments will be as extensive and rewarding during the next half century as they have been during the last.

Mr. HART. Mr. President, as a member of the Disabled American Veterans, I am perhaps guilty of a conflict of interest when I make an admiring statement about the organization.

It is distinguished as an organization because its membership is unanimous in an earnest hope that the outfit will become extinct for lack of qualified applicants to its ranks.

We are all aware, I think, of the DAV's decades of service to those who have become maimed in the service of their country. The organization has certainly been a strong force for improved hospital care, sophisticated therapy and job training.

But the DAV is also a living reminder that war is a thoroughly unwholesome pursuit and we must not ask men for a measure of the quiet courage we honor today unless the national interest demands it.

Every day in Indochina sees more men become eligible for DAV membership, something that does nothing to gladden the hearts of us older members.

In many ways, it was easier for us. The national interest was easy to define in World War II.

Everyone knew precisely who the good guys were and who the bad guys were, and there was plenty of documentation to prove it.

But we are compelled to ask what essential national interest is being served now—today—as a new wave of DAV eligibles is being generated. If the quiet courage being expended today in Indochina does serve some totally necessary national purpose, then that purpose is difficult to perceive.

No one has ever adequately explained it. The explanations, it seems, all begin with the ritual words, "Well, after we were once in Indochina and had made our commitments."

Meanwhile, the DAV's membership and constituency—because it serves all disabled servicemen—continues to grow. It grows, to the increasing dismay of those already on the rolls.

Mr. President, I should like to include in this address a letter that my staff and I received from a friend in a military hospital.

This young man, an Army lieutenant, was employed in the Senate under my patronage while simultaneously attending Georgetown University. Then he entered the service, was sent to Vietnam, and was seriously burned about the head and upper body in an accidental fuel explosion.

I invite Senators to read it. More eloquently than anything I have uttered, more distinctly than anything I have heard or read in this city, it describes what this war is doing to the spirit of our young.

I ask unanimous consent that it be printed in the RECORD.

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

DEAR SENATOR HART AND STAFF: My burns have healed and the staph infections have all disappeared. In fact, I feel so healthy I'm afraid that friends, after looking at me, are going to think I spent the last five weeks at the beach getting a sunburn.

But the month or so in military hospitals enabled me to see one of the most tragic aspects of the Vietnam war, a result that most people tend to note and then to forget—the soldiers that make up those casualty statistics. I'm not speaking of the person who like me heals in a short time, then goes home to resume a normal life. But rather the one who has to spend months or years in the hospital before he can return home.

That first day, the doctor looked at me and told me how lucky I was. I would suffer no lasting damage, and I would heal without scarring. He neglected to tell me about the mental scarring one sustains when one is in a military hospital, something that begins that first day.

The process starts when you spend a night next to a young soldier who is missing one of his eyes, one of his arms and both of his legs. He is able to smoke a cigarette while talking to you as they change his dressings. Where that man can get the courage to live is beyond my understanding.

The process continues when they bring a young man into the burn ward back in Japan. He has 3rd degree burns on his face, back, groin and legs. Both legs were broken with the bones exposed (they couldn't set the fractures because of the burns), he also has a collapsed lung and kidney trouble. You would have to have been burned yourself to imagine the pain he was in. He spent that night crying out, "Why do I have to die?" and later, "God, please let me die." Nobody on the ward slept very well that night.

Then there is the black Lt. who was in the room across the hall at Great Lakes Hospital. He is missing a quarter of his brain—there actually is a large cavity in his skull where that portion of the brain was. The right side of his body is paralyzed and he can neither hear nor speak. It happened in November and it is still too early to tell whether the rest of the brain can pick up the missing functions. While talking to his wife, I learned that they would have been celebrating their first wedding anniversary

this week. I wonder if she feels his sacrifice in Vietnam was worth it—I wonder how she will feel ten, twenty, thirty years from now?

Mr. Nixon and Mr. Laird say there will be no combat operations after 1 May. Unless they mean no American is going to step outside their compound, injuries like the above will continue to take place. I was injured 30 yards outside our wire and the trip flare that set off the fire could just as easily have been a VC booby trap, though the booby trap would not have been a trip flare but rather something like a 25 lb. anti-tank mine. All the people I've talked about in this letter were injured by enemy booby traps.

The irony of Vietnam is that not only would the American people have been better off, but the majority of the Vietnamese people would have been better off if we had never gotten involved. Although my tour in Vietnam was short, it is hard not to see the effects of six years of concentrated American military presence.

People driven by the war from their homes in the countryside live in shacks built from the garbage of the dumps they live on. I saw that scene while driving on Rt. 1 between Long Binh and Saigon, sections of which would rival anything the L.A. freeways have to offer—both in the way of smog and traffic jams. The desperation of these people is shown by the necessity of families seeing their sons become thieves and their daughters prostitutes so that they can have enough money to live on. It is difficult for a family to live in a countryside where their crops are sprayed by herbicide.

Having worked in Washington, I realize that the name of the game is compromise. But Mr. Nixon can't be allowed to wind the war down to a level where we will be taking "acceptable" American casualties. There should be no such thing as a level that Americans will accept. These people all have names and faces. They all have wives and mothers and fathers. These people should not have to forgo life just so someone can say, "America has never lost a war." For of these people it cannot be said, "They did not die in vain"—for in fact they have and will continue to do so.

Sincerely,

JERRY MCGOWAN.

Mr. FULBRIGHT. Mr. President, I am pleased to join in paying tribute to the Disabled American Veterans on the occasion of the organization's 50th anniversary.

The DAV has been highly effective in working in behalf of those who have been wounded in the service of this Nation. The organization has provided a valuable service through its efforts to assure rehabilitation of disabled veterans.

According to a DAV publication, its objectives have remained unchanged throughout the 50 years:

To obtain fair and just compensation, adequate and sympathetic medical care, and suitable gainful employment for those war veterans who had been disabled in the service of their country.

I have, through the years, been pleased to support many legislative measures favored by the DAV and designed to insure that our veterans receive the best possible care and benefits.

Mr. President, I take particular pride in saluting the DAV because that organization has chosen as its leader in its 50th anniversary year Mr. Cecil Stevenson, of Jonesboro, Ark. I ask unanimous consent that an article about Mr. Stevenson, published in the Arkansas Gazette on August 13, 1970, be printed in the RECORD.

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

DAV COMMANDER BELIEVES SERVICE IS ORGANIZATION'S MAIN CONTRIBUTION

JONESBORO.—Cecil W. Stevenson of Jonesboro, who has been elected the new national commander of the Disabled American Veterans, has carried his sense of duty beyond his time in military service.

"I don't know if they would want to call me a flag-waver or not, but I want to do a little bit of good." Stevenson said, "I think that this organization [DAV] does a great deal of good."

Stevenson was elected to his new post at its annual convention recently at Los Angeles.

Among the services the DAV offers is legal counseling provided by service officers trained in veteran's claims. Stevenson said the DAV spends $2 million a year on attorney fees for veterans.

SUPPORT SOUGHT FOR PRISONERS

The DAV also is seeking to get more public support for Americans held prisoner by North Vietnam. Stevenson said the DAV planned to mail 50 million letters encouraging persons to write Hanoi and "exert such an influence on the powers in North Vietnam that they will be forced to reveal more about our boys who are in captivity."

He said that besides helping veterans with their problems, the DAV also has service programs with the Boy Scouts and other young people.

VIETNAM VETERANS OBJECT OF PROGRAM

The DAV under Stevenson is starting a special program to recruit Vietnam war veterans into the organization.

"Many of them may be boys in age, but they're men now," Stevenson said. "We want to give them every break that it is possible to give and I think we can be a great service to them."

The DAV membership is presently 300,000. It is the third-largest veterans organization in the world.

He said the organization was nonpolitical and he didn't want to comment on politics, including the Vietnam war, except to repeat the DAV's statement adopted supporting President Nixon.

SAYS FULBRIGHT HELPS VETERANS

Asked about his thoughts on Senator J. William Fulbright (Dem., Ark.), a critic of the war, Stevenson said, "I couldn't say Senator Fulbright doesn't support our president. I'm sure he is very knowledgeable about the situation."

He said Fulbright had been friendly to veterans organizations and had sought more money for them.

About campus strife he said, "I think it's a disgrace, personally. Maybe some of [the protesters] do have a complaint, but I don't think they should tear up and burn down their campuses. I think many students feel the same way about it and I know it's a minority which causes the trouble."

He said the country has many problems and listed campus unrest, Vietnam and the "dope situation."

"The nation is big enough and large enough to overcome its problems. Times change and people change with them. We will correct our biggest problems," he said.

Stevenson said he thought much of the trouble with the young people could be blamed on parents "sparing the rod and spoiling the child."

"I don't attribute all the unrest to the young people. A great deal relates to parents. Instead of taking them to Sunday School, they have tried to send them," he said.

Stevenson said he traveled to the East and West coasts and many states to get acquainted with people in his campaign for the DAV presidency. The commander's job is full-time without pay, but Stevenson said this wouldn't be too unusual to him.

"I've taken off without pay to work for the DAV and I've used my vacation time," he said.

Stevenson has held DAV posts of state senior vice commander, state commander, national first junior vice commander, national executive committeeman, national finance chairman and national senior vice commander.

"I've sort of worked my way through the organization," he said.

Stevenson graduated from Jonesboro High School and joined the Navy in February of 1944. A gunner's mate, he was wounded in combat during the invasion of Saipan while manning a machine gun, housed on a turret. A safety stop malfunction caused the weapon to swing around, narrowly missing his face as it continued firing.

He suffered powder burns on his eyes, face and arms and as a result has defective vision and must wear glasses.

After the war he worked as a civilian employe of the Air Force at Tinker AFB, Okla. He then attended barber school and barbered at Jonesboro. In 1954 he started work with the Bono Post Office as a rural carrier, a job he still holds.

He and his wife, Lillian, have a son and two daughters.

Stevenson will leave August 29 for Vienna, Austria, to attend a worldwide meeting of veterans. He will be there for two weeks.

THE DAV—A HALF CENTURY OF CARING

Mr. McINTYRE. Mr. President, more than a century ago, Abraham Lincoln exhorted his countrymen:

To bind up the Nation's wounds: to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations.

This moving appeal was made, of course, at the close of the War Between the States.

But a half century and another war later, 300,000 American soldiers returned to civilian life disabled by wounds, illness, or accidents, and a Nation was caught wholly unprepared to respond to their needs.

Compensation was slow, irregular, and inequitable. Medical treatment was deplorable. Rehabilitation efforts sporadic, chaotic, and ineffective.

Into this breach stepped one of the greatest self-help efforts in history—an organization founded by disabled veterans for disabled veterans.

This year the Disabled American Veterans celebrates its golden anniversary, marking the 50th year since its inception in Detroit, Mich., and the first declaration of its continued purpose:

To advance the interest and work for the betterment of all wounded, injured and disabled veterans, their widows and dependents . . . to cooperate with all federal and private agencies devoted to the cause of improving and advancing the conditions, health and interest of wounded, injured or disabled veterans.

In all those 50 years—in the aftermath of World War I, World War II, the Korean conflict, and now Vietnam—the DAV, led by such men as Judge Robert S. Marx, Gen. Jonathan Wainwright, Gen. Melvin J. Maas, and many other distinguished national commanders, has never wavered from that path, has never lost sight of its goals.

There is no doubt in my mind, Mr.

President, that the Disabled American Veterans, through their national service program and their national legislative program, has been the critical catalyst in converting a Nation's concern and compassion into on-going programs of medical care, counsel, rehabilitation, and vocational training for the thousands and thousands of American servicemen who gave part or all of their physical capabilities in the cause of freedom and democracy * * * and for the survivors of those who made the ultimate sacrifice.

Today, with 30,000 more veterans requiring care than required it 5 years ago, the mission of the Disabled American Veterans is more crucial than ever.

In this, the organization's golden anniversary year, it behooves all American citizens—veteran and nonveteran—to pledge their unstinting—and continued—support to this great movement and to salute its truly magnificent accomplishments.

Mr. ROTH. Mr. President, "Bravery," wrote Thackeray, "never goes out of fashion." These words might well serve as a text for this golden jubilee year of the Disabled American Veterans, whose quiet courage offers to us all an inspiring example of what true love of country means. Fifty years ago, in the aftermath of the First World War, the war-disabled veterans of America, seeking just recompense from the Nation they had served so well, organized the DAV as the first and only veterans' organization exclusively dedicated to the cause of those wounded and disabled in service to their country. In 1932, the DAV was recognized by Congress and chartered to further its lofty goals of care and rehabilitation for disabled veterans and their dependents. During the Second World War that charter was extended to include all the war disabled.

Today, after five decades of existence, the DAV is still in the forefront of service to the wounded and disabled veterans of America with a most impressive and rewarding record of accomplishment. In this anniversary year, the members of the DAV may take special pride in the fact that their organization has been associated with every significant legislative enactment during the past half century designed to bring better care to our disabled veterans and to their loved ones. The DAV has been an invaluable source of counsel and support to Congress in communicating the needs and concerns of the disabled veterans.

It is a privilege for me to add my commendation to the work of the DAV on this occasion, and to associate myself with the goals which the DAV has so splendidly championed in the past and will continue to champion in days to come, goals which all Americans respect and support.

THE DAV: 50 YEARS OF DISTINGUISHED SERVICE

Mrs. SMITH. Mr. President, today the Senate formally recognizes 50 years of Disabled American Veterans to our Nation. In doing so, we pay tribute not only to the DAV but also to those who answered their country's highest call to honor.

There is no greater obligation of citizenship, nor is there any greater proof of patriotism, than a willingness to offer life and limb in the defense of America. The quiet service of the DAV and its public support bear witness to this truth.

Born in the aftermath of World War I, the DAV was created to help some 300,000 men who were wounded, disabled, handicapped or ill as a result of their wartime sacrifices.

Since then, each succeeding conflict, has seen the DAV come to the aid of those maimed, orphaned, or widowed through military service to the Nation.

The ritual of the DAV states in part:

> Remember that our mission as a Disabled American Veterans organization is not fulfilled until our country's war-time disabled, their widows and their dependents have been adequately cared for.

Here on the Senate floor today a grateful America acknowledges the mission is being fulfilled and respectfully says "Thank you."

Mr. CURTIS. Mr. President, it is most fitting that we pay tribute to the Disabled American Veterans organization on this anniversary of its first half century of service.

This organization has rendered great service to our disabled veterans of all wars in this century.

Ponder with me for just a moment what this service has been.

Except for faith, no greater blessing can accrue to a human being on this earth than to be whole of mind and body.

The terrible wars in which our Nation has been involved in for a little more than a half century have taken a high toll not merely in deaths but also in damage to human minds and bodies, and to the human spirit as well.

Think of it—the First World War, followed by the Second World War, followed by Korea and Vietnam in that order.

We grieve for the dead, honor them, pray that they shall not have died in vain. But there we stop, for the act of death is irreparable by human hands. The maiming of mind and body in man's cruelty to man is another thing. Here we can repair, rebuild, in some cases completely restore. We have made great accomplishments in this task, and the DAV is one very large part of the reason.

Because of what we have accomplished in taking care of the disabled veteran and in many cases restoring him to productive citizenship, we have not lost faith. We have kept the human spirit alive. We have kept alive the hope of mankind for a better world in which man can live in peace.

And this brings me, Mr. President, to the plea which I wish to make on this 50th anniversary of the DAV. This is a plea that goes beyond the direct service rendered by the DAV or any other organization. It is a plea that comes from the heart and goes to the hearts of people everywhere.

My plea, Mr. President, is that all of us—every Member of Congress, every American—vow on this day to do something more than he has ever done before to bring peace to mankind. Think about it, pray about it, do something about it. And in this way perhaps we can prevent some of the deaths and the maiming of bodies and minds in the future. Only in this way it is possible to render a higher and greater service to mankind than the DAV has been able to perform in the past.

Mr. GURNEY. Mr. President, I associate myself with the views of my friends, the distinguished Senator from Kansas (Mr. DOLE) and the distinguished Senator from Minnesota (Mr. HUMPHREY). The Disabled American Veterans is an honorable and effective organization dedicated to serving the thousands of Americans—members and nonmembers alike—who have been wounded, injured, or disabled in the service of their country. We are today saluting 50 years of service by the DAV—service to our country and our heroic veterans.

It has been my privilege and honor to know personally many DAV's in Florida, and I salute Florida members for their splendid interest and work not only in veterans causes but for our Nation in general.

I pay special tribute to the work of the DAV on the prisoner-of-war problem. We have had disputes on the conduct of the war in Vietnam, and there are essential differences of opinion on the war in this Chamber. But I know of no difference of opinion here on the POW question: we are all properly outraged at the treatment American prisoners of war have received, and we are all determined that our men shall be repatriated. I applaud the efforts of the DAV to awaken and mobilize public opinion regarding our prisoners of war, and here, again, I think we have an example of the kind of service and patriotic activity that has made the DAV so useful and so needed. The DAV deserves our respect and support.

Mr. MATHIAS. Mr. President, it is an honor for me to add my voice to the expressions of tribute which Congress is directing on this day to the distinguished organization, Disabled American Veterans. "DAV Day in Congress—A Tribute to Quiet Courage" was set aside in order to honor those Americans who have made profound sacrifices in defense of their country and to honor those dedicated veterans who have joined in an organization to help them.

I believe that it is particularly fitting that we express our gratitude at this time when we in Congress and indeed the entire Nation are sorely divided on the wisdom of our military involvement in Southeast Asia. Let us therefore take particular pains to sweep away the confusion that may arise in the minds of some of our citizens between that conflict and the act of military service. For even as we ask our young men to risk their lives, a large number of our citizens have come to scorn military service, claiming that if we were to lay down our arms, other nations would immediately do the same. Sadly, this is not the case. As in the past, the price of liberty is still eternal vigilance. And it is still necessary for us to call upon citizens to defend their country and safeguard its sacred rights.

But at the other extreme, there are a number of citizens who equate honest dissent with betrayal. In the name of patriotism, they declare as disloyal those

who exercise the right of dissent—the right that our men are fighting for. This, too, is wrong. Indeed, we betray our fighting men if we do not exercise this right, for we owe them, and the entire country, the fullest measure of our energy and judgment if we are in conscience to ask them to defend their country.

But, even more, we owe them our most profound homage and respect. For as they put their lives at stake for the rights and freedoms we enjoy, the simple eloquence of this act pales our words and transcends all rhetoric.

I am therefore deeply honored personally to express my debt to the Americans who, in risking their lives, returned disabled. I express my profound admiration and gratitude, also, to the DAV which assists these men and helps them to cope with their disabilities and to exercise useful, productive professions. I shall continue to support the DAV as one of the most dedicated, purposeful and worthy organizations in America today.

Mr. GOLDWATER. Mr. President, even a deeply grateful Nation such as ours may occasionally let the passage of time dim its memory of the outstanding sacrifices made by American fighting men on the fields of battle.

One group in our society, however, never forgets, and it is with a great honor that I join today in paying tribute to that group—the Disabled American Veterans—on the occasion of their organization's golden anniversary.

As the Members know, this day is called "DAV Day in Congress—A Tribute to Quiet Courage." And it is set aside for us to pay our respects to one of the Nation's finest veteran groups.

In my State of Arizona, the members of DAV are nearly 4,000 strong. We are proud of these men and of the enormous contribution they make to the development of a better society.

Arizona, of course, is not one of the largest States; consequently, we do not have as many DAV members as some others. However, I should like to salute the Arizona DAV's today on the following activities which they have carried out:

First, the expenditure of 15,000 hours of volunteer service in Veterans' Administration hospitals and in nursing homes which house VA patients. This was all done in the year 1970.

Second, sponsorship of a youth of the month program which recognizes the efforts of young people who show good citizenship through scholastic and community service.

Third, an alliance with the National League of Families of Men Missing in Action or Prisoner of War in Southeast Asia to aid in the solicitation of petitions and letters.

Fourth, promotion of Boy Scout troops which are geared to scouting for the handicapped boys.

Fifth, active participation in the "Jobs for Veterans" campaign on State, county, and local levels.

Mr. President, I have here listed only a few of the more outstanding activities of our DAV chapters in Arizona. This is one of the truly fine and worthwhile organizations striving to make a better life for the less fortunate among us. So, again, I take great pleasure in adding my voice to those of other Senators in saluting the Disabled American Veterans on occasion of their first half century of service to the United States.

Mr. CASE. Mr. President, I am most pleased to join my colleagues in Congress in honoring the Disabled American Veterans on the occasion of this organization's Golden Jubilee Year.

The theme selected for this day in Congress—a tribute to quiet courage—expresses the special debt of gratitude which we all owe to these men who have given so much to the service of this country.

Such a debt cannot be fulfilled by a simple acknowledgment of sacrifices made, but rather represents an obligation on the part of all of us to insure that these veterans can live in the dignity and security which is their due.

In this task, the DAV serves a unique and invaluable function. Although it brings together those who share a special bond, the DAV is far more than a fraternal organization.

The DAV national service program to insure that disabled veterans and their families receive all the benefits to which they are entitled serves as a valuable adjunct to the Federal veterans program That the Veterans' Administration has accredited the DAV to represent individual veteran claimants is testimony to the professionalism and worth of this program.

In this and in other ways beyond number, the Disabled American Veterans organization has truly distinguished itself in its task of representing the cause of all veterans. I am indeed happy to be able to extend my most sincere congratulations.

Mr. ALLOTT. Mr. President, it is a solemn privilege to participate today in this "tribute to quiet courage" honoring the Disabled American Veterans.

Today is "DAV Day in Congress," a fitting tribute to this splendid organization in its 50th year.

Founded half a century and too many wars ago, the DAV has served, in war and in peace, the needs of those whose sacrifices in battle secured the Nation's life and sacred honor, and the needs of the dependents of these heroes.

Of course the dedicated men and women of DAV would like nothing better than to have their organization become unnecessary. They who have seen so much of the sad cost of war know better than most the blessings that would flow from what the President is so diligently working to achieve—a full generation of peace.

But as long as Americans are called upon to make sacrifices in this dangerous century, DAV will serve valiantly. In a sense, as long as such sacrifices are needed, DAV can take a kind of solemn gratification from its burdens. After all, a disabled veteran has been spared the greatest sacrifice—his life—and, with the help of DAV, can lead a comfortable and productive life.

John J. Keller, national service director of DAV, says this:

History reveals that in World War I the rate of survival of wounded soldiers was extremely low. The rate increased to 70.7 in World War II, 73.7 in Korea, and is currently 81.3 percent in Vietnam.

Who but the Disabled American Veterans can readily appreciate and recognize the many and varied implications of these sobering statistics?

Improved evacuation capabilities and medical technology have enabled DAV to serve a large number of American soldiers. The range of DAV services is impressive, and the gratitude it earns is the finest tribute any organization can earn.

Recently the DAV, acting with customary competence, has taken up another urgent duty. It has given generously of its infinite energies and finite resources to secure the prompt and safe return of all American military men currently held as prisoners of war by the North Vietnamese.

DAV's aim is to stimulate a 20 million letter avalanche that will inundate the North Vietnamese Embassy in Paris. In DAV's judgment—which I think is correct—the North Vietnamese are intransigent on the POW issue because they cannot believe that a great nation really cares deeply about the lives of a mere 1,500 men. DAV understands that the North Vietnamese must be convinced that the safe return of our men is a matter on which we are intransigent.

When our POW's do return—and I am sure they will—DAV will deserve a significant share of the credit. The DAV will be able to attach to its standard a ribbon denoting selfless service in another humane campaign.

Mr. DOMINICK. Mr. President, as we commemorate 50 years of service and dedication of the Disabled American Veterans, it is difficult not to reflect upon the hardships and agonies which have befallen our fighting men during the two World Wars of this century, the Korean conflict, and now the Vietnamese war. Some of these men have come home from the war with bright hopes for the future. Others have come back anticipating long term suffering resulting from physical disabilities gained in combat.

Disabled veterans who fully understood the difficulties of others trying with great obstacles to adjust to civilian life led the way in founding the DAV. The founding of DAV came at a critical time, when many of the men who were entitled to compensation were receiving nothing, and veterans' hospitals were so overcrowded that many patients slept on floors.

The objectives of DAV have never wavered and continue to be the advancement and betterment of all injured veterans, as well as their orphans, widows, and dependents, in obtaining all benefits to which they are legally entitled. Having helped many young servicemen with hardship and disability appeals over the years, I know how difficult this can be.

One need only visit Fitzsimons General Hospital in my own State of Colorado to see the determination and will with which disabled servicemen fight to return to a normal life. For these men, the DAV provides the necessary guidance and legal muscle before physical evaluation boards and helps after discharge in contacting regional offices to line up educational and job opportunities. Through

their national service program, the DAV also trains disabled veterans to become service officers themselves in various locations around the country.

More recently, the DAV has become active in pressuring Hanoi to release information and provide better treatment for our prisoners of war in North Vietnam. Through radio, television, and leaflets by the thousands, combined with letter writing campaigns by individual chapters, the DAV has literally deluged North Vietnamese leaders with pleas for adherence to the Geneva agreement on POW's.

The Disabled American Veterans deserve the gratitude and thanks of all Americans, and in taking time out today to honor their efforts and effectiveness, let us commit our own efforts to reaching the day when we will no longer need such an organization.

Mr. BAYH. Mr. President, deserved public recognition and tribute are being paid today for the many contributions of the Disabled American Veterans. While the organization of the DAV began in 1919, its first national convention was held in June, 1921, at Detroit, Mich. Since that time the DAV has actively sought to provide for the welfare of disabled veterans and their dependents who have suffered casualties during military action. In the last half century this group has done much to better the lives of disabled veterans, and it has been very active in making claims for compensation, hospitalization, medical care and vocational rehabilitation.

It is gratifying today to join with Senators in paying tribute to the members of this fine organization on the occasion of its fiftieth anniversary. Although America is not now involved in a declared war, we are nonetheless experiencing all the human tragedies of a long and costly war. The need to assist those who have suffered injuries in this conflict is very great. While this is primarily a responsibility of all Americans, organizations such as the Disabled American Veterans can and will do much to assist in this important task. The Vietnam experience has left a large scar of casualties upon the Nation's young, but fortunately the rate of survival for wounded soldiers in Vietnam—81.3 percent—is higher than either World War I, World War II or the Korean conflict. The activities of the DAV in assisting the needs of these servicemen deserve our deepest gratitude.

This year the Disabled American Veterans Convention will again return to Detroit. This action will symbolize the completion of fifty years of serving the victims of war. It is to this effort that we today focus our attention and convey our deep respect.

Mr. SCHWEIKER. Mr. President, the objective of the Disabled American Veterans since its founding has been to advance the interest and work for the betterment of all wounded, injured and disabled veterans, their widows and dependents . . . to cooperate with all Federal and private agencies devoted to the cause of improving and advancing the conditions, health and interest of wounded, injured or disabled veterans. The founders of the DAV also resolved that the organization shall stimulate a feeling of mutual devotion, happiness and comradeship among all disabled veterans.

A noble tradition has developed from these objectives and for 50 years the Disabled American Veterans has served well its members. In 50 years, this organization has dealt with over 8,000,000 veteran cases and has obtained over $1,600,000,000 for veterans. Its membership has grown to a total of over 290,000. This record has been achieved through the DAV's National Service program. There are presently 146 National Service officers located in Veterans' Administration Regional Offices throughout the United States. The National Service officers are assisted by Department Service officers of the 47 DAV Departments and the chapter service officers of the local chapters, which number more than 1,900. Thus, this network of disabled veterans working in behalf of their fellow disabled veterans, has been the mechanism through which millions of disabled veterans, their dependents, widows, and orphans have received all the benefits to which they are entitled. This service requires the tribute of the Congress.

At the present time, the DAV is undertaking a major effort in behalf of the more than 1,500 men who have been reported as missing in Southeast Asia. The organization, through all its chapters and its entire membership, is active in bringing the plight of the prisoners of war and missing in action to the attention of the American public. Letter writing campaigns have been organized in order to bring public opinion to bear on the North Vietnamese Government. Television and radio spot announcements have been produced and distributed to over 700 TV stations and 6,000 radio stations. These announcements urge Americans to petition the North Vietnamese to abide by the provisions of the Geneva Convention which they signed. The DAV goal is 20,000,000 letters to North Vietnam.

Other current projects in which the DAV is active is a scholarship program to defray expenses of members' children who show ability and need; a disaster fund to help members who are victims of natural disasters; and a joint program with the Boy Scouts of America to start Scout chapters for handicapped youths.

Certainly Vietnam has had a major impact on the DAV. The DAV's attitude is best expressed by the comments of its national commander, Cecil W. Stevenson, who said:

I don't know anyone who likes the Vietnam war. The DAV doesn't like the war. I don't like the war. And many of the men who fought in the war didn't like it either. But they went. They deserve our respect for that.

He has acknowledged that the nature of this war, with the high rate of wounded and injured, has placed a special responsibility upon the DAV.

The Disabled American Veterans has an honorable record of over 50 years' service to disabled veterans. It is appropriate that we formally observe the organization's golden anniversary. Also, it is appropriate that we take note of the preamble to the DAV constitution:

For God and Nation, and for our commonweal, we former members of the armed forces of the United States, having aided in maintaining the honor, integrity, and supremacy of our country, holding in remembrance the sacrifices in common made and drawn together by strong bonds of respect and mutual suffering, solemnly and firmly associate ourselves together in creating the Disabled American Veterans, the principles and purposes of which shall be supreme allegiance to the United States of America, fidelity to its constitution and laws; to hold aloft the torch of true patriotism; to strive for a better understanding between nations that peace and goodwill may prevail; to cherish and preserve the memories of our military association; and to aid and assist worthy wartime disabled veterans, their widows, their orphans and their dependents.

The historical review, in the annual report of the DAV, contains the following comment, which best states the history of the past 50 years. It is a suitable tribute:

The history of the DAV has been complicated and tumultuous. Nothing as important as the objectives of this organization is ever easy. The DAV has had its hours of trial—its moments of hopelessness—its time of glory—its periods of riding the crest of the wave. But the important thing to the organization itself, and to the American public in general, is that through all this it has determinedly stuck to its single purpose—that of aiding the wartime service connected disabled veteran return to civilian life in a competitive position with his peers. That he and his family can face the future with confidence knowing that his medical, rehabilitation and employment requirements will be met.

FIFTY YEARS OF SERVICE OF THE DISABLED AMERICAN VETERANS TO AMERICA'S WAR DISABLED

Mr. CANNON. Mr. President, today we join the Nation in celebrating the 50th anniversary of Disabled American Veterans. Since 1921 this organization has rendered invaluable service to America's disabled, and thus to us all.

Many of us here in the Senate Chamber today have seen times of war, have seen what it can do to men and the toll it may take. Most men are lucky enough to escape physically unscathed. But there are countless others who are not so fortunate. And though our memories of war and the courage it inspires may be short, the disabled and their families must have a special courage, a courage to last past the time of fighting. They must learn to live productively with what can be a constant reminder of the horrors of war.

Fifty years is a long time, a time filled with the heroism and sacrifice of countless Americans. They have served at a moment's notice when danger threatened, to give their blood in the name of freedom. And when they are back in "the world" they are indeed lucky to have the DAV to help them. It is a true and sympathetic friend. Through its long and illustrious history, with a wisdom gained from experience, it has helped all veterans, members and nonmembers alike, to become once again productive members of our society.

The DAV, with no Federal financial assistance, has compiled a tremendous record of achievement. Its more than 300,000 members have joined in the common cause of helping America's disabled, their wives and their children re-

cover the full benefits due to them under our laws. Through its legislative services, it has worked effectively toward achieving new and improved laws for the disabled and their families. Nearly all effective legislation benefiting the disabled has had sponsorship, if not creative initiative by, DAV.

In many other areas, the DAV has shown its interest in the soldier's welfare. Through the efforts of DAV, other organizations and millions of concerned Americans, the North Vietnamese have released more information than ever before about the American prisoners of war being held by the Communists. They also have a scholarship program for children of disabled veterans and a program of starting Boy Scout chapters for handicapped youths using disabled veterans for leadership.

Thus, for all they have done for America and its brave soldiers, I am sure all Americans will join me today in saluting this organization and its members, for whom not just March 3, but every day, is DAV Day.

DAV DAY IN CONGRESS—A TRIBUTE TO QUIET COURAGE

Mr. PASTORE. Mr. President, as our voices are raised on this March 3, 1971, in commemoration of 50 golden years of service rendered by the Disabled American Veterans, it seems fitting to remember that the genesis of the DAV is truly a Christmas gift to America.

It is a Christmas gift to all America—to the conscience of our Nation—awakened to the debt of gratitude to those prepared to make the supreme sacrifice—and, indeed, suffering the enduring scars of service in the wars America has waged for human freedom.

Those whose memories can reach back for half a century will remember an America recoiling from World War I.

It was an America aghast at the cost in human lives—an America appalled as 300,000 of its finest youth returned wounded, disabled, handicapped, ill.

It was an America unprepared to cope with catastrophe—with their care—with their conversion to gainful employment—an America at a loss how to rehabilitate and compensate these men who had given so much and received so little—if, indeed, anything at all.

Out of that Christmas gathering of disabled veterans—out of that Christmas party in Cincinnati in the long ago—was born the idea of the DAV.

It was the idea of an organization of disabled veterans themselves—with a will to concentrate concern for the disabled—a program to eliminate the confusion and profusion of government agencies—seemingly working at cross purposes. For, out of their conflicts, care for veterans had broken down.

I shall not here attempt to record the problems and progress—the difficulties and achievements of the DAV through these 50 years. But it could well be required reading for students of history—political science—foreign relations—America's responsibility to the free world—and America's responsibility to those who bear the personal risks when this Government of ours must decide between war and peace.

We of the Congress are keenly aware of the ceaseless, day-by-day commitment of the DAV to the well-being of the Nation's war disabled—his widow and his orphans.

We are proud to cooperate in the legislation that recognizes a people's responsibility.

We are especially conscious of and grateful for the immediate and personal dedication of service organizations throughout the States that we represent.

We know how human—how helpful they are.

That gratitude, indeed, could be the simplest and sincerest explanation of our presence here today and our participation in this tribute to the DAV on its 50th anniversary.

Today—March 3—seems particularly appropriate for the observance of an anniversary of patriotism.

For this is another patriotic anniversary.

Forty years ago today—by act of Congress—the Star Spangled Banner officially became our national anthem.

So this is an anniversary steeped in love of country.

It is a day on which we do well to speak our appreciation of veterans who have paid the patriotic price—who have preserved by their personal service and suffering what we proudly proclaim in our anthem—"the land of the free and the home of the brave." We salute the DAV.

Mr. FONG. Mr. President, as a citizen of this great Nation, a Member of the U.S. Senate, and a veteran of World War II, I wish to pay tribute to the organization which, for 50 years, has watched out for the needs of those less fortunate than myself who returned home from war injured.

Thousands upon thousands of patriotic men and women who, in serving their country, were wounded or otherwise disabled have turned to the Disabled American Veterans organization for help, and that help has always been forthcoming.

Today, DAV marks its golden anniversary, and it is a privilege and pleasure for me to laud the accomplishments of this great organization.

For 50 years, DAV has worked tirelessly in behalf of returned injured service men and women. In addition to its day-to-day duties in arranging proper medical care and treatment for those who require it, insuring that adequate compensation was available to the disabled, or to widows, minor children, and dependent parents, and encouraging the disabled in rehabilitation programs, DAV has taken the initiative in what I consider another important program.

DAV has been very active, particularly in recent years, in building a scholarship program for children of disabled veterans. It is a lesser known but most important project. In addition, DAV has begun Boy Scout chapters for handicapped youth, utilizing disabled veterans for leadership. These are just two fine additional programs instituted by DAV and which I feel are worthy of recognition on this, the 50th anniversary of DAV.

For these, and all other accomplishments, I wish to congratulate the Disabled American Veterans organization. DAV is to be commended for its devotion to the welfare of our Nation's disabled patriots.

DAV DAY IN CONGRESS—A TRIBUTE TO QUIET COURAGE

Mr. BURDICK. Mr. President, today is DAV Day in Congress; 1971 is also the golden anniversary of the Disabled American Veterans organization.

I am hopeful that all Americans today, and everybody, pause and pay proper tribute to all veterans who have fought for freedom and human dignity.

The late Francis J. Beaton, past national commander of DAV in 1967, was from my hometown of Fargo, N. Dak. Francis used to say that "nothing as important as the work of DAV is ever easy." Since knowing Francis, and several other DAV members, dedicated and devoted to the cause of improving and advancing the conditions of our injured or disabled veterans, I have deepened my admiration for those who have served their country in uniform.

Let us remember, on this day of remembering, that it is only because of the courage and the sacrifices of those who have fought for America and freedom that Americans are free today. May all Americans on this day honor our fighting men and their families who have given so much for the good of their country.

THE DAV—AN OUTSTANDING RECORD OF SERVICE

Mr. PELL. Mr. President, I am pleased today to join with Senators in commemorating the 50th anniversary of the Disabled American Veterans oragnization.

As we commemorate this occasion, we cannot but pause also to think of the members of the DAV, the men who seek though their organization to be of mutual assistance in pursuit of rehabilitation and just compensation for this Nation's wartime disabled.

Every war, sadly produces its disabled men. At this time, our Nation has a large number of returning war veterans who cannot easily return to civilian life. The need for an organization to help these young Americans is great. Fortunately, the DAV stands ready, and for 50 years has stood ready, and able to meet this need.

We are all deeply aware of the responsibility and obligation our country has to provide rehabilitation, training, compensation, and medical care to our disabled veterans. The DAV serves a vital function in helping to see that these obligations are fulfilled and these services are delivered.

In my own State of Rhode Island, the DAV, with 22 chapters, is recognized as an important asset in the effort to give each disabled veteran the assistance he needs and so richly deserves.

I congratulate the Disabled American Veterans, its members and officers, on 50 years of outstanding service.

Mr. INOUYE. Mr. President, today marks the 50th anniversary of the founding of the Disabled American Veterans organization. On this occasion I

wish to pay respect to that organization and to its members. I do so at the specific request of Oahu Chapter No. 1, my chapter, and its 610 members, and the Jose F. Jiminez Chapter 1, Guadalajara, Jalisco, Mexico.

This latter chapter is named after the first alien member of the U.S. Marine Corps to have been awarded the Congressional Medal of Honor, awarded posthumously for his gallantry in Vietnam in 1969.

There are those who feel that to pay tribute to the gallant men who fight our Nation's wars is to glorify and perpetuate war as an instrument of policy. I do not agree.

Our opposition to war is not magnified by belittling the sacrifice of those who fight our Nation's battles. It is possible to honor heroes and to pay homage to the brave men who have given of their life and limb in the services of our country without glorifying war. Indeed, I would suggest that we honor these men most by our efforts to bring an end to armed conflict and to the resort to arms.

The Disabled American Veterans are as cognizant as anyone—and far more than most—of the horrors of war and its terrible cost. They more than almost anyone else, come in daily contact with the lifelong problems which may ensue from valiant service; problems affecting not only the individual veteran but his family as well.

I wish to pay my respects then to an organization which carries the burden of continuous concern for the welfare of the men who serve in a time when the public acclaim for the soldier's service may have dimmed and scarcely stir the patriot's breast.

Mr. President, in paying my respect to the Disabled American Veterans, I ask unanimous consent to have printed in the RECORD the tribute of Samuel Crowningburg-Amalu, Honolulu Advertiser columnist, to the most recent winner of the Medal of Honor from my State, Cpl. Terry Kawamura. I think his words express most eloquently our thoughts on this day.

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

[From the Honolulu Star-Bulletin & Advertiser, Feb. 21, 1971]

THE LIFE AND DEATH OF AN ISLAND BOY

(By Samuel Crowningburg-Amalu)

It is not merely years that make the man, not age nor experience. Manhood comes in a moment, sometimes of glory, sometimes of great suffering. Sometimes even in a moment of shame. But when manhood comes there is no denying it. There is no evading it. One moment, you are but a child. And the next, you are a man. Then and then only will the world look upon you and know you for what you are. A man. And O my God, these are few and far between.

He was only a boy. Just a kid when you come to think about it. But he did what had to be done. When it had to be done. And he did it without thinking, without contemplating the inevitable end of it. He did it as a man would do it, merely on impulse. And because there was nothing else that he could do, for his own manhood had come upon him in that last and dread moment. Where he had been but a boy, he had become a man with his last full breath. And so he died.

He was an Island boy. Born right here at Tripler. Bred of our skies and of our seas, Of our high mountains and of our deep valleys. Upon him blew the gentle winds of Hawaii. They caressed his infant days and kissed the hours of his childhood. He was one of our own, born amongest us and reared with us. He was a child of Hawaii, a blossom of these island. He was one of us. And one early morning, he reached up into the highest of heavens and plucked a star. Let stand the rainbows over this land; let fall the tender raindrops; let roll the thunder and echo over the hills for a child of Hawaii is no more. Yet he went as a warrior is wont to go, as a warrior must. Blow not a bugle over his grave. Blow only the soft notes of the conch that once blew for our ancient kings. And let him sleep in our Earth again that we may hold him to our hearts who knew him not when he lived.

High in the uplands of Oahu lies the little town of Wahiawa. Here the race of the Wa took their last stand against the invading Kena, the same who became the Hawaiian people of today. Here the Wa died in their myriads. Here in these cold lands rest their long dead bones. And here it was that he was raised as a child. Here he played the games that all children play. Here he laughed his infant laughter; here he wept his infant tears. Here too, he went to school. To Leilehua. Once he sold papers in his little hometown. Once he worked in the pineapple fields O yes, he did most of the things that most kids do who live in Wahiawa. But one day, he placed upon his own shoulders the uniform of his country. He took an oath. And he went to war. And in some strange land, some alien soil far, far away, he died.

It is lonely to die far away from home, far away from everyone you love and everything you hold most dear. He was not even twenty when he died. But life is lived in many ways, and it is not really so much how long you live as it is how well you live. If this be the criterion by which you measure the worth of a life, then his life had meaning. There was a purpose for his living and for his dying. The years he lived were few, but he lived them well. And when his hour to die was called, he went as a man should go, unsullied and unafraid. He laid down his life for his countrymen and for his friends, for his comrades who were beside him. No heart can bear a greater love than this. Well worth the short hours of his living and well worth the moment of his passing. He died a man, doing what a man must do. And no fairer fate than this can any man ask of destiny.

I listened to the voice of his mother as she spoke of him. I listened to the tape of her voice for I knew full well that I would never be able to stand before her without tears in my eyes and my heart. I wanted only to hear what she said. I dared not watch her as she said it. And her words were simple.

"I'll make you the proudest mom in the whole world." These were the words he spoke to her before he went away. "But if I don't come back, don't feel bitter; don't think that I died for nothing."

What else does a soldier say to his mother; what else can he say? And he died in a way that should make her proud. But what price such pride. He did not come back to her or to his homeland. And I am sure that she must often wonder whether the price he paid was worth it. Or whether that it was indeed in vain that he died. Was it for nothing that he lived, for even less than nothing that he died.

Without even the furthest hope of bringing comfort to her nor even with a chance to assuage the pain that she bears for the loss of him, I would tell her now how it is with a soldier. This is the way the world is made, and this is the way we men are fashioned. With a brass button, a drum, and a slogan, we men will go to the ends of the world to fight an enemy we do not hate, to kill men we do not know. Men who have done us no harm. We will rise out of the comfort of our hearths and journey over mount and foam to do battle. As it was when we lived in the trees, as it was before we emerged from the caves, so is it still today. We are men. And this is the way we live. And this is the way we die. Some are not as fortunate to die in so brilliant a blaze of glory. But die we must as we have always done. Nor question why. Nor ask the reason for it.

I need not plead the cause of the soldier. He pleads it well enough for himself. By his living and by his dying. Call the soldier blind if you will. And foolish. But on just such blindness and on just such foolishness were thrones upraised and empires erected. On such did we span the mighty American continent from ocean to ocean and raise the power of our country to the mightiest in all the world. By such blindness and such foolishness have we survived to this day.

Mourn not to me the plight of those who will not bear arms for conscience's sake. Those who eat the fruits of a land and take up no cudgels to defend her orchards are parasites. Those who reap the blessings of America and turn from her in her need can expect no laurels from me. I doubt that he ever wanted to kill. I know that I do not want to kill. But if kill we must at our country's behest, how can we gainsay her command? I have sipped the rich wine of this nation, and my life is of little worth if it cannot be spared to protect our vineyards. I say this to his sorrowing mother—no soldier has ever died in vain. No soldier has ever given his life for nothing. Death comes to each man; this sovereign destiny he can never escape. And if it come to all men, how can it be evil? So what matter that a man dies; he must die anyway. It matters only how he dies. How he has lived. Terry Kawamura was a soldier. He died as a soldier. In the warrior tradition of his own fathers and of the chieftains of this land he called his own, Terry Kawamura died as a warrior would want to die. He did not question why. His was but to do and die. This is the tradition of the warrior and the soldier. By this stern code he lived. By it he died. How could it ever have been in vain?

Terry Kawamura was a corporal. And on the 20th of March 1969, he gave up his life in order to save the lives of his comrades in arms. He did this in spite of the fact that he knew he could escape the peril that faced them. Greater love hath no man than this. And for this, a grateful nation has awarded him the highest honor within its province to bestow. In this republican hour, we can do little more than this. But he is an Island boy, and we should not forget this. In a more ancient time, we would have borne his corpse to the high altars with chanting. We would have raised the royal kahili about his bier. We would have sung his name and the glory of him. And we would have called upon the ancient gods to receive him who was their child.

I have heard his mother say that Terry Kawamura was a Japanese. But how can this be? He was born an American. But more than that, he was born an Hawaiian. Born of us and bred of us. Our kings were his kings and our princes his also. These were his hills and his valleys. These were his skies, his emerald seas. He is one with us in death as he was in life. We are not twain, he and I. We were born of the same soil. We drank from the same springs. We wove garlands for our neck out of the same flowers. His heritage is mine, and mine is his. We are one people in these islands of Hawaii. We are all Hawaiian. And to that end, so are we all American. Too long, too long have we stood apart each from the other. There must be no more of this. Our roots were watered in a common soil, and we are one people. Terry Kawamura is not a Japanese. He is Hawaiian. And Hawaiian in the very finest sense of the word.

We live today in difficult times when

change for the mere sake of change and experiment with the exotic are the spells that enthrall us. The tested tools of civilization are being daily tried and discarded by the hordes of barbarians that we have produced in our midst. And there are those abroad who would infest this land with invidious creeds that preach a fond utopia but offer nothing else in reality but restriction and a loss of freedom. We are divided in this land today, divided by race, by generation, by class, by achievement. We welter on a troubled sea.

But this was not always so. Once we were a land of simple people. A nation of builders. And we built an empire out of a wilderness and flung mighty towers against the skies with our bare hands. We were a simple people with a purpose in life. With this simple purpose, we freed our slaves with our very blood and nearly tore our country apart in the process. We opened for man a new nuclear age. We sailed about the Moon and walked upon her surface. Perhaps now, our new sophistication insists we discard our former simplicity and evolve into something else than what we were. This is the trend of the times, and we go with it.

In our new preoccupation with change, we must still be comforted with the knowledge that there are still some simple hearts left to us. Simple men in whom the old virtues are still alive. Terry Kawamura, a corporal in the United States Army and a boy from the little town of Wahiawa, was one of these. He lived his few short hours and then he died. And never once did he swerve from those ideals that made America great. So we have bestowed upon him and upon the memory of him the highest gift that we as a nation can offer, our Congressional Medal of Honor. It is fitting. It is meet.

He was only a boy, an Island boy, one of our own. But he died a man. No fairer epitaph than this can any man want.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to have printed in the RECORD a statement by the Senator from Iowa (Mr. HUGHES) on the 50th anniversary of the DAV.

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

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

DAV—A VITAL SOURCE OF COMPASSION AND COMRADESHIP

(Statement of Senator HUGHES)

Mr. President, my colleagues here in the Senate are today engaged in conferring praise and honor on the Disabled American Veterans organization for its 50 years of unstinting service to those veterans who bear the scars of war. I wholeheartedly join with the other Senators in this richly deserved tribute to the DAV.

In this century, more than one and a quarter million American men and women, who answered a call to arms, returned home wounded or disabled.

We owe them a great debt, and to a certain extent, we have acknowledged our indebtedness. The Congress, in trying to express the gratitude of the nation, established a myrid of federal programs to provide returning veterans with medical care, educational opportunities, rehabilitation, job opportunities, and disability and indemnity compensation.

But the birth of such programs does not constitute full payment of the debt. There is also the need for providing unrestricted access to the programs, for delivering the benefits efficiently and effectively. There is the need for counseling and personal assistance in applying for benefits. And there is need for sympathetic public understanding of the disabled veteran, his aspirations, and the requisites of his altered life.

In assisting the government—officially, as a chartered organization—the DAV has helped the nation pay its debt to these men and women. In assisting hundreds of thousands of disabled veterans and their families, the DAV has been a vital source of compassion and comradeship.

From its inception in 1920 in the aftermath of the first great war, the DAV has grown to include a membership of 300,000 veterans of four wars—World War I, World War II, the Korean War, and the War in Indochina. Over the past five decades, DAV has handled more than four million claims for veterans benefits.

From the standpoint of sheer experience, DAV is equipped to discern the needs of the disabled veteran and attune the nation to his sacrifices.

Mr. President, just one year and one week ago, Raymond P. Neal, then National Commander of DAV, in testifying before the House Committee on Veterans Affairs, reminded us:

"We are engaged in a costly war in Vietnam, and we are calling on a small minority of our citizens to bear for us the heavy burden of securing the freedom of another nation.

"We must not forget the sacrifices that are being made for us daily."

We have not forgotten, Mr. President, but it is evident that we, as a nation, have had too many lapses of memory. Over the years, federal programs for meeting the needs of handicapped veterans have been allowed to deteriorate. Last year, the sad state of our veterans hospitals and the poor quality of medical care available in some of them became a national scandal.

Gratefully, I can say now that great strides have been taken toward correcting these deficiencies. Under the inspired leadership of the distinguished Senator from California (Mr. Cranston) and others, the Congress concluded that first-quality medical care was of paramount importance, whatever the inflationary effect.

If we are willing to take great risks to secure military advantage in a distant war, we must also be willing to risk the difficulties inherent in providing for the care and well-being of war's disabled survivors.

If we are willing to make huge expenditures on sophisticated weapons systems and sheer destructive power, we must certainly be willing to make equivalent investments in the human resources we commit to these ends.

UNANIMOUS-CONSENT AGREEMENT

Mr. AIKEN. Mr. President, in spite of the fact that the senior Senator from New York is to be recognized immediately following this colloquy, I ask unanimous consent that I be recognized for 2 or 3 minutes, which will not displace him in any way.

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

FORMULATION OF FOREIGN POLICY

Mr. AIKEN. Mr. President, in view of the discussion which took place on this floor yesterday relative to the position of the Secretary of State and White House staff members in the formulating of foreign policy, I feel that I should make this statement.

Secretary Rogers is highly respected and generally well liked by most, if not all, the members of our Foreign Relations Committee.

We realize, however, that the final decisions in foreign policymaking rest with the President.

I realize too, that much of the work of the State Department consists of carrying out foreign policy as determined by the President and approved by the Congress.

As far as Secretary Rogers is concerned, I feel sure that no decisions are made by the President in the field of international relations without consultation with the Secretary of State.

To substantiate what I am saying, I now ask consent to insert with these remarks a letter addressed to me by President Nixon under date of February 9, 1971.

I have the approval of the White House for making this letter public at this time.

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

THE WHITE HOUSE,
Washington, February 9, 1971.

HON. GEORGE D. AIKEN,
U.S. Senate,
Washington, D.C.

DEAR GEORGE: Some recent statements have suggested misunderstanding about the role of Secretary Rogers in formulating our policies, and this is just a note to set the record straight.

Bill Rogers takes part in every step of the planning and discussion associated with foreign policy. He and I are in constant touch, and while the responsibility for the final decisions must be mine alone, as Secretary of State and as a long-time friend and close associate whose counsel I value very highly, Bill Rogers knows and understands my thinking and my decisions, and I want to assure you that he has my complete confidence.

With warm regards,

Sincerely,

RICHARD NIXON.

Mr. AIKEN. Mr. President, I know how easy it is to become embittered when one is attacked by a member of another branch of Government, and neither the executive nor legislative branch of our Government can be held fully blameless in this respect.

I am satisfied that Secretary Rogers is one of the more conscientious members of the executive department and that he is working constantly in the interests of his country, your country, and my country.

It is my hope that recriminations will give way to constructive ideas and constructive action which will improve our position in the important arena of world affairs.

The old saying "least said, soonest mended" is fully applicable at this time.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that I may be recognized for 2 minutes pending the arrival of the Senator from New York (Mr. JAVITS).

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

Mr. GRIFFIN. Mr. President, I commend the distinguished Senator from Vermont, the dean of the minority Members of the Senate, for his comment concerning the remarks delivered yesterday by the distinguished Senator from Missouri.

In connection therewith, I believe the

views of the President of the United States, as transmitted yesterday through his press secretary, were most appropriate. In order that information concerning the President's strong feelings and views concerning Secretary of State Rogers and his role may be available to all, I ask unanimous consent that the complete text of a news conference yesterday, at which press secretary Ron Ziegler delivered a statement for the President and answered questions, be printed in the RECORD.

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

NEWS CONFERENCE AT THE WHITE HOUSE

(With Ron Ziegler, Mar. 2, 1971)

Mr. ZIEGLER. As many of you may recall, this morning I indicated that I was not going to brief this afternoon. Jerry was going to handle it. But the President has asked me to brief this afternoon because he wanted me to make a couple of points to the members of the press this afternoon, and was quite firm in having me make the following points. They relate to Senator Symington's remarks today before the Senate.

In Senator Symington's remarks before the Senate today some impressions were left. The impressions that were left in Senator Symington's remarks today regarding the Secretary of State, I would like to say that it is the President's view, and it is our view, that they were misleading, totally inaccurate, and unfair.

As many of you know, the Secretary of State—and the President wanted me to emphasize this to you—is a valued member of the President's Cabinet and a man he values as his chief adviser on foreign affairs.

The President went on to tell me that he has known the Secretary of State longer than any other member of the Cabinet and has valued his friendship for 24 years.

He went on to tell me to tell you, gentlemen, and you can quote this directly, that President Nixon has the utmost confidence in the Secretary of State and in the judgment of the Secretary of State.

The President wanted me also to say to you that the Secretary of State is the President's chief adviser on foreign affairs. He will remain that. And he told me that people who think otherwise are misleading both themselves and others; in other words, those who may have the impression that the Secretary of State is not the President's chief adviser on foreign affairs are misleading themselves and others.

The President went on to say that he understood that it is oftentimes traditional here in Washington by those who are politically motivated to attempt to drive a wedge between key advisers and the President.

He went on to say that he knows better than anyone the contribution that the Secretary has made to this Administration in foreign policy, and that he has complete confidence in the Secretary and his judgment and that he will continue to rely heavily in the future, as he has in the past, on the advice and the judgment of the Secretary of State.

I would just like to add to that, that in the course of the discussion with the President about this, I made an observation to the President. I know that the President during the course of the day—this is virtually every day—talks to the Secretary by phone; the President, most of the time, initiating the calls to talk with the Secretary of State about foreign policy and other matters.

Also, because foreign policy is a very important matter of consideration within this Administration, as it is in other Administrations, the President probably sees the Secretary of State more than any other member of his Cabinet.

So, to conclude, I would just like to say that the impression that is left by Senator Symington's remarks today about the Secretary, as I said at the outset, are misleading, unfair, and totally inaccurate.

Q. Is the whole speech?

Mr. ZIEGLER. I would refer to the wire service stories that have moved and other stories—I don't want to single out the wire services—but the stories that have moved on Senator Symington's speech today and the impressions that were left by that speech regarding Secretary of State Rogers. And it is that impression that the President wanted me to address myself to today.

Q. How did it come to the President's attention?

Mr. ZIEGLER. From the wire services, from the stories that have moved regarding Senator Symington's speech.

Q. Has he started reading wire service tickers?

Mr. ZIEGLER. No. It is a normal course that members of the President's staff discuss the happenings in the world with him frequently throughout the day.

Q. Ron, you mentioned that the President, I believe you said, sees Secretary Rogers more than any other member of the Cabinet. That would include the Attorney General. Has a check been made on how much time he has spent with these Cabinet members? Are you certain of that?

Mr. ZIEGLER. This is one of the points that the President made to me. Of course, he sees the Attorney General often, too. But he indicated that he thought he saw the Secretary of State as much, if not more than any other member.

Q. As a follow-on to this, you don't mean to leave the impression that he sees the Secretary of State as much as he sees Dr. Kissinger?

Mr. ZIEGLER. Dr. Kissinger is a member of the White House staff here on a daily basis. He sees him on a daily basis. I am not trying to draw a parallel between Dr. Kissinger in his role as the National Security Adviser and the Secretary of State as a member of the Cabinet.

Q. It seems to me very pertinent here for the President to give us a differentiation of the two roles of the two men and to give us also a description of how he sees Dr. Kissinger's duties.

Mr. ZIEGLER. Let me just say that in the Foreign Policy Message, and previously, I think, this has been addressed, Sarah, and I think going beyond what I have given you, the President would welcome questions, direct questions, from members of the press in future press conferences and we intend to have one very soon on this matter.

Q. We ought to have this today. We ought to clear this up today with a follow-up right now on what does the President consider Dr. Kissinger's duties to be.

Mr. ZIEGLER. That particular position has been addressed, Sarah, in the Foreign Policy Message. It has been addressed frequently in the past.

Q. I mean insofar as a differentiation between these two.

Mr. ZIEGLER. I will say it very clearly to you. The Secretary of State is the Secretary of State and the President's chief foreign affairs and foreign policy adviser. Henry Kissinger is the President's National Security Council Adviser and is involved in the management of the NSC system and, of course, advises the President on foreign policy also. The precise role is spelled out in the Foreign Policy Message.

Q. Did the President read the text of Senator Symington's statement?

Mr. ZIEGLER. No, he has not had an opportunity to read the entire text of the speech.

Q. I am a little puzzled as to why you haven't addressed yourself to what Senator Symington said about Dr. Kissinger. He called it the Kissinger syndrome. What does the President think about that particular expression?

Mr. ZIEGLER. I will have no comment on the other portion of his speech. I am addressing myself to an impression here that was left regarding the Secretary of State and that is what I am addressing here.

Q. Is your intention not to show equal defense for another key member of the President's staff as you have shown for the Secretary of State?

Mr. ZIEGLER. Quite obviously that is not my intention. My intention also is not to address the other portions of the Senator's speech.

Q. Ron, you brought up the question of which Cabinet member sees the President most often. Dan asked you about whether Dr. Kissinger talks with the President more often than Secretary of State Rogers.

You said you wouldn't draw the parallel.

Mr. ZIEGLER. I know what you are going to say. I am just saying it is not relevant. Obviously, Dr. Kissinger is a member of the White House staff and sees the President as he manages the NSC system and deals with the President on a day-to-day basis on matters of foreign affairs very regularly.

He sees him daily. I see the President daily, many times a day, too. That does not say that I am going to draw a parallel between myself and members of the Cabinet. That is the point I am making.

Q. Aside from the relevance of my question, isn't it true—

Mr. ZIEGLER. I think I have addressed myself to the question of relevance of your question.

Q. —isn't it true that the President does talk with Dr. Kissinger more often than he talks with the Secretary of State about foreign policy affairs?

Mr. ZIEGLER. He probably sees Dr. Kissinger—that is a normal course of events, being a member of the White House staff—but he sees him on a daily basis. However, I would like to point out to you, and I am not trying to draw a checklist of who sees the President more often, but I think it goes to the point I made earlier about the role of the Secretary of State as the key adviser to the President on foreign affairs.

Q. Why do we need two advisers on foreign affairs?

Mr. ZIEGLER. I think the system has been spelled out, Sarah. We will give you a copy of the foreign policy message.

Q. I know you have spelled out that we have it. But I say why do we need two?

Mr. ZIEGLER. The position of the National Security Adviser has been clearly stated. There have been national security advisers on the White House staff in previous Administrations. The President has upgraded the National Security Council system in this Administration.

We have addressed ourselves to that in the President's foreign policy message.

I am addressing myself, Sarah, not to a lecture on how the National Security Council system operates. We have talked about that before. What I am addressing myself to is an impression that was left regarding the Secretary of State by the Senator's remarks today.

Q. I do think we should point out here that this has arisen in other Administrations. This isn't the first Administration to have this problem. Therefore, why do we need two advisers on foreign policy?

Q. This whole question of just who is preeminent in advising the President on foreign policy is nothing new. It goes back to the days very soon after the appointment of Secretary Rogers.

I am wondering if the President has as this controversy has surfaced from time to time—speculative stories—previously expressed himself in disfavor of that kind of public debate?

Has he previously expressed some concern

about this question of the Kissinger versus Rogers role?

Mr. ZIEGLER. The President from time to time has addressed himself to that. I think my remarks today, which I am relaying to you, clearly give you the President's point of view about this matter.

Q. Is the President angry about this?

Mr. ZIEGLER. I would hesitate to use that term. The President was most insistent that I come out here today at the 4 o'clock briefing and make absolutely sure that I convey to you his feeling about the impression that was left as a result of Senator Symington's speech in the Senate today.

Q. So we can nail this down, and there is no misunderstanding, when you say the Secretary of State is the President's chief adviser on foreign policy, does that mean that the Secretary of State's word carries more meaning with the President than Dr. Kissinger's.

Mr. ZIEGLER. It means precisely what it says, that the Secretary of State is the President's chief adviser on foreign affairs as Secretary of State.

The President, of course, has other advisers within the Administration. He has more than one adviser. I assume you would expect that. He draws on the advice of other members of the Administration when it comes to foreign affairs.

The Secretary of State is the President's chief adviser on foreign affairs.

Q. Ron, there is an impression about that the President's recent state of the world report other than his own input, that the principal input into that was Dr. Kissinger's. If the Secretary of State is indeed, in fact, what is named, the President's chief foreign policy adviser, why was his input into the State of the World so small, or was it?

Mr. ZIEGLER. I think Dr. Kissinger talked about that himself on the record to this very group the day we released the foreign policy message. On that occasion, he indicated there was very close consultation on the development of the foreign policy message with all members of the Administration, including the State Department, the Secretary of State, and the Defense Department. He also referred I think to CIA.

Secretary of State Rogers was very much involved in not only the finalization of the President's foreign policy message, but indeed was involved in it from the standpoint that he has contributed substantially both in advice and the President has relied upon him substantially for his judgment in the formulation of the foreign policy that was discussed in the foreign policy message.

Q. Ron, has the Administration decided to change its practice and have Dr. Kissinger testify on Capitol Hill or will it remain the way it has been?

Mr. ZIEGLER. The Administration intends to follow the procedures regarding members of the White House staff that have been followed for many years regarding that matter.

Q. Did the President demonstrate in any way, aside from the statement today, that the Secretary of State is in fact his chief foreign policy adviser?

Mr. ZIEGLER. Why don't you ask him at his next press conference?

Q. When is that next press conference?

Mr. ZIEGLER. Very soon.

Q. How soon is "very soon"?

Mr. ZIEGLER. Quite soon.

Q. Can we go home tonight? (Laughter)

Mr. ZIEGLER. You can go home tonight.

Q. Will it be this week, Ron?

Mr. ZIEGLER. I will let you know tomorrow.

Q. Did the President get in touch with Secretary of State Rogers after this speech?

Mr. ZIEGLER. I don't know if they have talked on this subject today. I know he has talked to the Secretary of State several times today, yes. But I don't know if it was on this matter.

Q. Ron, why is it that you make this subjective decision to volunteer comment on the Secretary of State's portion of the Symington speech and then refuse to comment on the other portion involving Dr. Kissinger? What is the logic behind that?

Mr. ZIEGLER. I haven't quite figured out the logic of Senator Symington's statements.

Q. I am talking about your logic about not commenting.

Mr. ZIEGLER. My logic for coming out here today is the President called me over to his office and told me to come out here and tell you just what I have told you.

The PRESS. Thank you, Mr. Secretary.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there may be a quorum call without prejudice to the able Senator from New York (Mr. JAVITS) under the previous order.

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. 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.

RECOGNITION OF SENATOR JAVITS

Mr. BYRD of West Virginia. Mr. President, I ask that the able Senator from New York be recognized under the previous order.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York for 15 minutes.

NEW HOPE FOR ENDING THE TRADE DISPUTE WITH JAPAN

Mr. JAVITS. Mr. President, my purpose in addressing the Senate today is to note at a timely moment a situation which has been festering with us, and that is the situation of trade relations with the world. I am convinced particularly that what we do in the Congress in terms of quota bills, such as the bills we considered in the last Congress, is likely to determine the fate of trade for the whole world for a very considerable period of time. The issue is whether trade will continue on a base of accommodation and liberalism toward the end of stimulating and expanding world trade, which is especially critical for the developing countries of the world, or whether the developed countries of the world will engage in trade wars, touched off by American protectionism.

It is important now, in my judgment, that we deal intelligently with the major questions—to wit, textile and shoe import problems—in such a way as to take the steam out of the drive for protectionist legislation and make such legislation unnecessary even in the eyes of those pushing it so hard.

After 2 years of impasse, it seems that a breakthrough is possible on the textile dispute with Japan, and if we make such a breakthrough I think that would be the greatest rebuttal to the need for any protectionist trade legislation. According to press reports from Tokyo, it appears that the Japanese textile industry is on the point of accepting a suggestion put forward by Chairman WILBUR MILLS of the Ways and Means Committee voluntarily to restrain their textile exports to the United States.

It is particularly significant that the Japanese textile industry is contemplating this step at this time. Within the next 2 weeks the President of the United States will make a decision on the recommendations of the Tariff Commission regarding the injury that shoe imports are causing our domestic industry. In the United States our textile and shoe industries were in the forefront of last year's protectionist drive. If the problems imports are causing the domestic textile and shoe industries are mitigated by the combination of Presidential action and voluntary Japanese industry restraint, the prospects for the United States to maintain its traditionally liberal trade policies will have been greatly enhanced. And, in turn, a U.S. move toward protectionism and isolationism will have been averted.

Reaffirmation of the U.S. commitment to an open trading world is particularly important at this time since the negotiations toward expanding the European Common Market are reaching a critical stage and the decisions made in these negotiations are extremely important to the United States. A U.S. move toward protectionism at this time could adversely influence these negotiations and push European policymakers toward the adoption of inward-looking trade restrictive policies. This would not be in the interest of our consumers, our farmers, the workers engaged in our export industries, or in the interests of freedom in the world.

Chairman MILLS is to be commended for his initiative, and it is my hope that the Japanese textile industry will develop a realistic and acceptable formula of voluntary restraint. Such a formula could then serve as the model for parallel restraint decisions by other textile exporting nations.

That is very important because restraint by the Japanese alone will not be enough unless it is joined in by Taiwan, Korea, Hong Kong, and other textile exporting countries. It is generally believed that whatever Japan might lead in, these countries would follow.

Voluntary restraints must be multilateralized to include all principal supplying nations if they are to be effective. It is further my hope that the U.S. textile industry will likewise find such a compromise formula acceptable.

The concern of our domestic industry is that the establishment of an overall restraint ceiling without specific individual quotas by categories will result in exporters shifting their exports from one category to another without restraint. I have the following suggestion which addresses itself to this legitimate concern. I use the word "legitimate" because we have the past example of the voluntary steel restraint where such shifting did take place.

If a unilateral voluntary restraint formula is agreed to that is responsive

to Mr. MILLS suggestion, the respective industries in the United States and Japan should consider the establishment of a Joint Industry Committee nominated by the Governments of both countries to clarify and police the agreement. This Joint Industry Committee would be charged with insuring that disruptive shifting of imports from one category to another would not take place during the life of the agreement. Over the life of the agreement, the committee could be made responsible for the preparation of quarterly reports indicating the growth in exports per category shipped so that the Congress could easily review the working of the agreement and blow the whistle as necessary.

I would also call industries' attention to the recent record of the Tariff Commission and to the fact that the President—in the case of shoes—has referred industrywide problems to the Commission for study and resolution. Thus, through the mechanism of the escape clause findings of the Tariff Commission, a remedy is at hand, which is the counterpart of a temporary restraint remedy.

And looking ahead, I am almost certain that by the time that this proposed voluntary restraint formula expires, the U.S. Congress will have passed legislation liberalizing the application of the escape clause by cutting the link with past tariff concessions as well as liberalizing the amount of adjustment assistance that can be made available to workers and firm adversely affected by imports; and precisely such a provision is in the bill sponsored by Senators HARRIS, MONDALE, and myself.

The decision of the Japanese textile industry voluntarily to restrain their textile exports to the United States will not be an easy one. It is a decision which will have an adverse effect on the profit margins of the Japanese industry and it will have an effect on the future growth of the industry. The difficulty of making such a decision—even if the decision is influenced by the prospect of even more adverse U.S. congressional action—should not be underestimated, and they should be given full credit for it.

However, if the Japanese industry does make this decision, they will have contributed to the defusing of one of the most difficult trade issues existing in the free world—which could be more beneficial for Japan, than temporary textile profits. They will have helped insure that the 1970's has a reasonable prospect of enjoying trade peace rather than trade war. And they will have recognized that the rules of the game for an economic great power such as Japan are different from the rules of the game of an economically weak Japan emerging from the destruction of World War II.

It is my hope that if realistic leadership is forthcoming by the Japanese textile industry, such leadership will be emulated by those European leaders responsible for the administration of the restrictive trade policies of the European Common Market, such as the Common Agricultural Policy and the trade exclusive policies of proliferating preferential trading agreements between the Common Market and other states. If the textile issue is defused, these issues—to wit, preferential arrangements and European Common Market for agriculture respecting Central Africa particularly—will be No. 1 on the agenda of the free trading world.

Western Europe is at the point of emerging as a superpower in its own right, particularly if the expansion of the European Common Market is successful. In my view, the low rate of economic growth of Great Britain—no doubt a contributing factor to the failure of Rolls Royce—makes clear the interest of Great Britain in joining an economic grouping such as the Common Market, which would afford the products of British industry a wider market area.

The great choice facing the European Common Market is whether the Common Market will be a narrow, inward-looking bloc or an open, outward-looking system. Today, the Common Market is well down the road toward a preferential trading system, especially with states bordering on the Mediterranean and with selected African states. This system is in open violation of the principles of most-favored-nation treatment and is in contradiction of the nonreciprocal generalized preferences scheme for the developing countries. If the Common Market persists in this course, it will trigger a response in the United States—by the executive branch or by the Congress—that would be regional at best and protectionist at worse. In my view, the prompt ratification of the generalized preferences scheme with its inherent commitment to do away with reverse preferences on a bilateral basis is the better way and will be an important step toward the maintenance of a relatively open trading world.

It is my hope that the sentiments of European leaders such as Jean Monnet, Willy Brandt, and Edward Heath will prevail when the final decisions shaping the European Common Market are made.

Prime Minister Heath stated before the General Assembly last fall that—

> I have always rejected the idea of Europe as a closed continent, using its wealth and relative stability only to insulate itself from the rest of the world. Regionalism has its dangers as well as its attractions. If regionalism means prejudice and intolerance, exclusiveness and hostility towards other, then it is a poor thing.

West German Chancellor Willy Brandt made a statement expressing similar sentiments on February 28, when he noted that certain Common Market regulations are generating serious difficulties for the world's trade and that "the growing economic strength of the Common Market imposes on the EEC an increasing responsibility toward the third countries and forces the community to pursue liberal trade policies." According to press reports Chancellor Brandt also emphasized the desirability of the future partnership between the United States and Western Europe.

In terms of our own international economic policy, the United States maintains a commitment to the idea of an open trading world not characterized by competing regional blocs. Toward this end, the U.S. Government has joined the other developed nations of the world in seeking the ratification or legislative approval of a scheme designed to bridge the widening and highly explosive gap between the have and have-not nations by extending nonreciprocal, generalized trade preferences to these nations.

However, partly as a response to proliferating preferential trading arrangements being negotiated between the Common Market and neighboring nations, U.S. policymakers are holding in reserve the policy option of entering into preferential trading relationships with only those developing nations which do not have special trading ties with the European Common Market. In turn, if the talks between the United Kingdom and the Common Market do not succeed—and it is my expectation that they will—the United States, Great Britain, Canada, Mexico, and perhaps other Latin American states should carefully explore the possibility of establishing closer regional trading ties. In this eventuality, the world must go that way and the path may then be opened for a Western Hemisphere and an Atlantic Free Trade Area.

It is clear that 1971 will be a year of crucial choices which will have the effect of shaping the world for the rest of this century in terms of trade. The Japanese textile industry is on the point of making a critically important decision. Equally critical decisions are those of President Pompidou on the terms he will insist upon for United Kingdom entrance into the Common Market and the policy former Prime Minister Wilson and the Labor Party will adopt in the United Kingdom on the question of United Kingdom entry. And then the U.S. Congress will have to make its wishes known on upcoming Nixon administration trade proposals which will include extending generalized preferences to the developing world.

The possible breakthrough in the textile dispute between ourselves and Japan offers grounds for optimism that other pending trade issues can also be amicably settled.

Mr. PERCY. Mr. President, will the distinguished Senator yield?

Mr. JAVITS. I yield.

Mr. PERCY. I should like to commend the distinguished Senator from New York for once again, creatively and imaginatively and realistically, facing this situation. I feel that we are in a very critical stage now. We are on the brink of a possibility that we can move forward by this voluntary agreement, which would be policed in the manner suggested very imaginatively by the Senator from New York, which would be necessary and desirable, and I think we could avert a trade war which would be disastrous to the free world.

I cannot think of anything that would be more important to the future economy of Japan than the decision she is about to make. I cannot imagine anything that would be of possibly more importance to our economy, because imports have a great effect on holding down inflation. Exports affect the jobs of the future, in our being able to send goods to the greatest growing markets, and certainly we need to protect that.

What we have today is a condition in which, if we do not reach some agree-

ment, the possibility of a whole floodtide of quota requests is irresistible.

I would only say this, and I would hope to be supported by my colleague: that if this voluntary agreement can be reached, if the Japanese will agree to the point where it would take the President off the hook of the commitment he has made, I would say chances of having restrictive trade legislation in this session of Congress will be greatly minimized.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent with the concurrence of the Senator from West Virginia (Mr. BYRD), that we have 5 more minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, I am going to object. If the able Senator would be content to wait until we get into the morning hour, we could do it then.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of routine morning business, with statements therein limited to 3 minutes.

The Chair recognizes the Senator from Illinois.

Mr. PERCY. To continue as long as we are not going to change the rules anyway, and as long as the rules of the Senate are such as to enable one Senator or several Senators to prevent legislation from passing that we think would be disastrous to the country, if this voluntary agreement can be reached, I feel that we could virtually assure that there would be no crippling quota trade legislation that would impede the free flow of goods around the free world.

Therefore, the speech this morning of my distinguished colleague from New York is an exceedingly important one, a message to which I trust the Japanese Government will listen very carefully, and I pledge my full support for restraining in every way possible the imposition of quota and restrictive trade legislation if this voluntary agreement can be reached.

Mr. JAVITS. Mr. President, the Senator from Illinois, who has assumed here the stature, in this field, certainly, of his predecessor, former Senator Douglas, who was a great figure in the trade field, is making a very important commitment himself. I certainly welcome it. I think it is absolutely essential, to effectuate the purpose I have in mind, to have the support of the distinguished Senator, from a great Middle Western State, in the way he has just described. His support is indispensable, I am very grateful to him, and the country should be grateful.

I should like to add these points, Mr. President:

Assuming, first, that the President of the United States will handle wisely the matter now in his hands respecting shoes—and I am sure he will—fortified by the findings of the Tariff Commission, which give him freedom of action to give them some relief, because many of us have thought that the case for shoes was much stronger than the case for manmade textiles, and the Tariff Commission bore that out—I hope, and this is very important, the Japanese having decided that to pick up the Mills suggestion, that they will do what people ought to do when they decide to do a statesmanlike act: be generous about it. They know what will be acceptable to the American textile industry, or should be, better than anyone else, and better than we do. They also know how important it is to have some administrative mechanism such as I have suggested.

So if they make their unilateral proposal for voluntary restraint in the real fullness of their hearts and experience, it will work. But if they are going to be cute about it, it is not going to work. I think this appeal that we are making today is premised upon those two concepts, that both will happen, and I have every reason to believe they will, but I think it is necessary to say it.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON FUNDS OBLIGATED IN CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law a secret report on funds obligated in chemical warfare and biological research programs (with an accompanying report); to the Committee on Armed Services.

REPORT ON THE U.S. ECONOMY IN TRANSITION

A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a Prelude to the Fifty-Seventh Annual Report of the Board of Governors of the Federal Reserve System on "The U.S. Economy in Transition (with an accompanying report); to the Committee on Banking, Housing, and Urban Affairs.

PROPOSED HEALTH MANPOWER ASSISTANCE ACT OF 1971

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Public Health Service Act so as to provide for new health manpower educational initiatives, increase the level of financial assistance to health professions schools and other institutions training health personnel, improve the distribution and increase the supply of health personnel, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

PROPOSED HEALTH MAINTENANCE ORGANIZATION ASSISTANCE ACT OF 1971

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

REVISED REPORT OF EXPORT-IMPORT BANK OF THE UNITED STATES

A letter from the Secretary, Export-Import Bank of the United States, transmitting, pursuant to law, a revised report of the actions taken by the Bank during the quarter ended December 31, 1970 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

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, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. DOLE:

S. 1089. A bill for the relief of Robert Rexroat. Referred to the Committee on the Judiciary.

By Mr. MANSFIELD (for himself and Mr. CHURCH):

S. 1090. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands. Referred to the Committee on Interior and Insular Affairs.

By Mr. THURMOND:

S. 1091. A bill for the relief of Ionnis Theofanis Siokos. Referred to the Committee on the Judiciary.

By Mr. TAFT:

S. 1092. A bill to amend part I of the Interstate Commerce Act in order to revise the procedures for the abandonment, discontinuance, or change of operations or services, and for the establishment or revision of rates, fares, and charges for the transportation of property, by common carriers by railroad. Referred to the Committee on Commerce.

S. 1093. A bill to amend the Railway Labor Act to promote railway efficiency, to provide increased compensation for railway employees, to decrease the possibility of the disruption of railway transportation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS:

S. 1094. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans and grants to certain cooperatives serving farmers and rural residents, and for other purposes. Referred to the Committee on Agriculture and Forestry.

S. 1095. A bill to exclude from the mails obscene material sold or offered for sale to minors. Referred to the Committee on Post Office and Civil Service.

By Mr. BENNETT:

S. 1096. A bill for the relief of Margaret B. Thompson and Thomas Weldon Thompson; and

S. 1097. A bill for the relief of John C. Bonner and Marian K. Bonner. Referred to the Committee on the Judiciary.

By Mr. SPONG:

S. 1098. A bill to authorize the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact to establish a multistate authority to operate the Washington-Baltimore metropolitan area's airports, and for other pur-

poses. Referred to the Committee on the Judiciary.

By Mr. McINTYRE:

S. 1099. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MANSFIELD:

S. 1100. A bill to amend the Gun Control Act of 1968 to provide for certain exceptions for persons who test firearms. Referred to the Committee on the Judiciary.

By Mr. JACKSON:

S. 1101. A bill to authorize the purchase, sale, and exchange of certain lands on the Kalispell Indian Reservation, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 1102. A bill to increase the lease term to 99 years on Indian allotment No. MA–10, commonly known as Wapato Point. Referred to the Committee on Interior and Insular Affairs.

S. 1103. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket numbered 125, the Upper Skagit Tribe in Indian Claims Commission docket numbered 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket numbered 93, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

S. 1104. A bill to provide for the disposition of funds arising from judgments in Indian Claims Commission dockets numbered 178 and 179, in favor of the Confederated Tribes of the Colville Reservation, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

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

S. 1105. A bill to authorize the Commandant of the U.S. Army Command and General Staff College to award the degree of Master of Military Art and Science. Referred to the Committee on Armed Services.

By Mr. PASTORE:

S. 1106. A bill for the relief of the Welsh Manufacturing Company. Referred to the Committee on the Judiciary.

By Mr. BAYH:

S. 1107. A bill for the relief of Theresa Scissura and Carlo Scissura. Referred to the Committee on the Judiciary.

By Mr. GRIFFIN:

S.J. Res. 62. Joint resolution to authorize display of the flags of each of the 50 States at the base of the Washington Monument. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MANSFIELD (for himself and Mr. CHURCH):

S. 1090. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands. Referred to the Committee on Interior and Insular Affairs.

Mr. MANSFIELD. Mr. President, on behalf of my able colleague, the senior Senator from Idaho (Mr. CHURCH), and myself, I introduce legislation which would authorize the Secretary of Interior to protect, manage, and control the free roaming horses and burros on public lands.

The status of the rapidly disappearing wild horses has generated a great deal of concern throughout the West. These unfortunate animals have been subjected to all kinds of harassment and inhumane treatment. It is unreasonable to expect any kind of living animal to be hunted down by airplane and thrill seekers.

The number of wild horses roaming the plains of the West is not large in number. This legislation will give the Secretary of Interior the necessary authority to manage these wild horses; protect them and maintain their numbers in manageable quantities. It is not intended that such a program would infringe on existing grazing leases now held by ranchers. It is what I consider to be a necessary step to protect a rapidly disappearing species of animals.

Mr. President, I ask unanimous consent to have the text of this legislation printed at the conclusion of my remarks.

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

S. 1090

A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West and it is the policy of the Congress that bands of free-roaming horses and burros shall be protected as a national heritage.

SEC. 2. As used in this Act, (a) "Secretary" means Secretary of the Interior, and (b) "free-roaming horses and burros" refer to all unbranded horses and burros on public lands administered by the Secretary through the Bureau of Land Management except those to which private owners can establish their title to the satisfaction of the Secretary.

SEC. 3. All free-roaming horses and burros are hereby declared to be under the exclusive jurisdiction of the Secretary for the purposes of management and protection under the terms of this Act. The Secretary is hereby authorized and directed to establish and maintain ranges for the protection and preservation of such bands of free-roaming horses and burros which he deems susceptible and worthy of protection as a national heritage. The Secretary shall manage such ranges and such bands to achieve and maintain a thriving ecological balance among all fauna and flora on the range, and an environment within which such horses and burros may freely roam. Free-roaming horses and burros found in excess of available habitat may be disposed of by the Secretary, except that they may not be disposed of knowingly for commercial products.

SEC. 4. The Secretary is authorized to enter into cooperative agreements with other landowners and with the State and local government agencies and may issue such regulations as he deems necessary for the furtherance of the purposes of the Act.

SEC. 5. The Secretary is authorized and directed to appoint an advisory board of not more than seven members to advise on any matter relating to free-roaming horses and burros and their management and protection. He shall select as advisers persons who are not employees of the Federal Government and whom he deems to have special knowledge about protection of horses and burros, management of wildlife, animal husbandry, or natural resource management.

SEC. 6. Any person who violates the regulations issued by the Secretary pursuant to this Act or who processes or permits to be processed, into commercial products, in whole or in part, any free-roaming horse or burro, whether lawfully acquired or not, shall be punished by a fine of not more than $1,000 or imprisoned for not more than one year, or both.

SEC. 7. Any person who allows a horse or burro to run with, or takes possession of, or molests, free-roaming horses or burros on ranges established by the Secretary under section 3 of this Act or who allows a horse or burro to graze upon other public lands without an appropriate authorization shall be punished by a fine of not more than $1,000 or imprisonment of not more than one year, or both.

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. TAFT:

S. 1092. A bill to amend part I of the Interstate Commerce Act in order to revise the procedures for the abandonment, discontinuance, or change of operations, or services, and for the establishment or revision of rates, fares, and charges for the transportation of property, by common carriers by railroad. Referred to the Committee on Commerce.

S. 1093. A bill to amend the Railway Labor Act to promote railway efficiency, to provide increased compensation for railway employees, to decrease the possibility of the disruption of railway transportation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. TAFT. Mr. President, I today introduce two bills which I hope will revitalize the Nation s struggling railroad industry. I ask that the bills be appropriately referred, and asked unanimous consent that they be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER (Mr. STEVENSON). The bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD in accordance with the Senator's request.

(See exhibits 1 and 2.)

Mr. TAFT. Mr. President, the American railway industry is in deep trouble. The bankruptcy of the Penn Central simply illuminated some very basic problems within the industry. Railroads are not as efficient as they should be and not all railway employees are receiving a proper level of compensation.

Net railway operating income for Class I railroads declined from $1,542,300,000 in 1955 to $765,500,000 in 1969. Federal income taxes paid by Class I railroads declined from $414,299,000 in 1955 to $106,653,000 in 1969. Even more alarming is the fact that net working capital for these roads fell from $922,800,000 in 1955 to a deficit of $316,600,000 on September 30, 1970, while debt due within 1 year increased from $389,100,000 to $647,000,000.

In 1969 the railroads' rate of return on net investment was only 2.36 percent. In that year gross capital expenditures for additions and betterments exceeded cash flow by $696,500,000. Yet, there is a shortage of railway equipment and credit for the railway industry.

There has been considerable congressional attention given to the short-term problems of the railway industry. These

have included emergency strike legislation, passenger service, and proposals to extend loans or Federal credit to the railway industry. Proposals have also been made to relieve railways from local property taxation and to nationalize the rights-of-way.

Rather than attempt a series of stopgap measures, I believe that it is imperative for us to address ourselves to the fundamental long-term problems of the railroad industry.

It is my conclusion that problems of equipment shortages, inadequate capital, inadequate borrowing power, and inadequate earnings are the results rather than the causes of the railway problem. Unfortunately, the railway industry does not appear ever to have established priorities for its return to an efficient, competitive, and self-sustaining posture.

Unquestionably many of the railway industry's problems are of its own making. For years we have been anesthetized into believing that if the railroads could be relieved of their passenger losses, they would become financially sound. It just was not true.

In my judgment the fundamental problems of the railway industry are its required operation of unproductive branch lines, its irrational rate structure and inefficient work practices.

Today I am introducing two pieces of legislation which are designed to meet these problems. The first is the Modern Railway Transportation Act and the second is an amendment to the Railway Labor Act. These bills are predicated upon the following premises: That railroads are inefficient in their operation, that operating railway employees should have their pay increased to reflect increases in railway productivity, and that the American people do not want to nationalize the railroads.

These measures are consistent with the proposed abolition of the Interstate Commerce Commission as set forth in S. 649 introduced by Senator MANSFIELD and of which I am a cosponsor. This legislation is also consistent with proposed amendments to the Railway Labor Act to permit selective and partial work stoppages.

The railroads which are in the greatest financial difficulty are in almost every case those which are saddled with the operation of hundreds or thousands of miles of unproductive branch lines. The financial problems of the granger roads are not unrelated to their vast unproductive or parallel trackage.

The required operation of unproductive branch lines places a drain on equipment and working capital, involves costly maintenance, and results in higher charges to shippers and consumers.

Should we require America's railroads to operate branch lines which hold forth no possibility of ever generating a profit? On one branch line the cost of maintaining the bridges alone exceeded the gross revenue of the line.

The trustees of Penn Central said in February this year that 40 percent of the Penn Central's 20,000 route miles should be eliminated. The trustees contended that because current route-elimination procedures required long tortuous litigation before the ICC, railroads should be granted a subsidy for operating uneconomic lines until the ICC authorizes abandonment.

The difficulty of abandoning all unproductive branch lines under current procedures can be illustrated by the following statements from the ASTRO Report:

> The ill-fated New Haven railroad offers an emphatic example of the rigidity of the Commission's position in this respect. In 1960, a special ICC investigation into the stricken carrier's financial condition revealed, among other deficiencies, that the New Haven was being burdened by the operations of a "maze of small branch lines." With one-third of the mileage operated carrying some 80 percent of freight revenues, the Commission urged the New Haven to cut plant to conform with shrinking traffic.
>
> While the bankrupt road was losing over $128 million between 1961 and 1968, its trustees found abandonment applications still governed by a business-as-usual policy. Delays of over three years were encountered in obtaining abandonments of less than ten miles. In one case the bankruptcy court was forced to authorize $40,000 to keep a 19-mile line open pending an abandonment application which was granted shortly thereafter. Faced with a regulatory insistence that each line be treated one-by-one, the trustees finally concluded that a comprehensive program could not be carried out in time to be of help.
>
> By the end of the New Haven's operation as a separate railroad, it had been able to shed only 235 miles of line. In 1961, the ICC itself had suggested that 1,200 miles of light density lines be reviewed as possible candidates for pruning.

The Modern Railway Transportation Act would give railway management the unilateral right to abandon unproductive branch lines. If abandonment is desired the railway must give 90 days' notice to the public and to the Secretary of Transportation. Upon receipt of such notice the Secretary of Transportation may stay the abandonment of that facility, with or without a hearing, if he determines that the continuing operation of that line is essential to the national economy, the regional economy, or the national defense. In the event that he stays the abandonment, the Department of Transportation shall reimburse the carrier for all out-of-pocket losses incurred in the operation of such line during the period of the stay. The act protects the workers by providing that no employee's employment shall be terminated as a result of the abandonment except by attrition.

The protracted nature of regulatory proceedings in the past justifies the elimination of a hearing as a requirement for the Secretary's action. Hearings have become field days for lawyers and should not be required for the elimination of unproductive branch lines. If it is determined that the continuing operation of these lines are essential to the public, the public should pay for their continued operation.

We cannot expect railroads to have their shippers subsidize inefficient operations and at the same time expect them to provide good service to the publice and high wages to their employees.

The second major problem with the railway industry is its rate structure. The ICC was created in large part to prevent arbitrary and discriminatory rates. The record shows that the ICC has sometimes done exactly the opposite. Rates vary not only as to the commodity shipped, but as to the direction in which the freight moves.

A study made for the Toledo-Lucas County Port Authority several years ago illustrated the irrational results of this rate policy. It cost less to ship farm tractors from Springfield, Ill., all the way to New York City than it cost to ship them to Toledo, Ohio. Road graders made in Indianapolis, Ind., could be shipped to New York for less than they could be shipped to Toledo, Ohio. Excavating machines made in Peoria, Ill., could be shipped to Norfolk, Va., for one-third less than they could be shipped to Toledo, Ohio.

An importer of sugar in Columbus, Ohio, could have it shipped from Norfolk, Va., for less money than from next door in Toledo. A buyer of chrome ore in Calvert, Ky., could have it shipped from New Orleans, La., for about one-third as much as from Toledo, Ohio. Iron ore could be shipped to Ashland, Ky., from Baltimore, Md., for only about half as much as from Toledo.

Rate hearings are long, protracted and expensive. The results are irrational and the consumer is the one who suffers.

In the "Big John" case, consumer savings on meat, bread, butter, and milk, were estimated at $30 to $40 million annually under rates proposed by the Southern Railway. It took over 2 years, however, for the Southern to obtain permission to lower its rates and two more before final approval was received.

At a speech before the New York State Bar Association on January 28, 1971, the Honorable Richard McLaren, Assistant Attorney General, Antitrust Division, Department of Justice, made these observations about ICC rate regulations:

> Regulation has led to high value-of-service freight rates with little relationship to the lowest cost available in transporting a given commodity. Under ICC ratemaking proceedings, rates generally are allowed to rise to the level of the highest cost carrier in the market. For the most part, only inefficiency is rewarded in this protective atmosphere and in the long run the nation's resources are seriously misallocated.
>
> Shippers, consumers, and carriers all pay the cost of high rates and inefficiency. ICC rate maintenance is estimated to account for 400 million to 1 billion dollars of the nation's annual freight bill. Artificially high rates discourage interstate commerce and—as the recent experiences of the railroads vividly demonstrate—do not lead to increased profits for the carriers. Instead, operating revenues are devoured by higher costs in overcapacity and inefficiency. Some observers of the regulatory scene point out that the railroads would now be in a much better shape if they had been able to price competitively.

He concluded by stating that—

> Of one thing I am sure, competition as a regulator has a far better track record than the administrative agencies.

The Modern Railway Transportation Act divests the ICC of all ratemaking authority. The act allows each carrier to establish its own rates in the competitive market structure subject to the following limitations:

First. There shall be no rate discrimination as to the identity of the shipper, the direction in which the shipment moves, or the value of the cargo.

Second. There shall be no rebates made to any shippers and,

Third. There shall be no agreements between carriers with respect to rates or charges.

The act would permit rates to be based upon the weight and cubic volume of the shipment, the need for special equipment or special switching, the distance traveled and whether the cargo was general merchandise or a bulk commodity. Rates could also be lowered for unit train shipments and multiple car shipments.

These rate provisions could be enforced in the U.S. district courts upon complaint of the Secretary of Transportation or any party in interest.

This act is designed to eliminate the discriminatory, cumbersome, complex, arbitrary, and irrational rate structures existing in the railroad industry today. The shippers and consumers will be protected by the antidiscrimination provisions of this act. In short, this bill is intended to protect the public rather than the practitioners before the ICC who seem to be the principal beneficiaries of the existing law.

The third fundamental problem in the railway industry is the existence of unproductive work rules.

On February 11, 1971, the trustees of the Penn Central said that 10,000 of the Penn Central's 94,000 employees were retained solely because of arbitrary and archaic work rules. They indicated that these jobs cost the company $120 million last year, which cost will increase to $165 million in 1972 because of higher wages rates.

At the present time railroads have to change crews and, in some cases, cabooses every 100 miles. This rule owes its origin to the days of the steam locomotive and is ill suited to the contemporary equipment of America's railroads.

Switching limits restrict the area where yard crews and road crews can operate. In 1951, it was agreed that, if a new industry located within 4 miles of an established switching limit, a yard crew could cross the boundary and serve that industry. However, these crews could not serve industries located prior to 1951 in the same area. The result is that for 20 years new industries have received better service than old established customers of the railroads in the same areas.

Existing rules restrict the use of radio communication among railroad employees. Radios are used for communication among airplanes, ships, taxicabs, and TV repairmen, but certain railway employees cannot use radio communication without additional pay. It is difficult to see how the Nation's transportation policies can be promoted through rules allowing communication by the use of flags, hand signals, and written messages instead of radio communication.

If the crew of one railroad takes cars on to another railroad for interchange, it cannot pick up the cars returning to its own line. That crew must return light and a crew from the other railroad must be employed to interchange the other cars.

If two tracks are designated for the interchange of cars some rules provide that one must be filled to capacity before the second track is used at all.

These restrictive work practices do not promote efficient railroad transportation, and are not in the long-range interests of either the employees or the general public.

The bill which I introduce today to amend the Railway Labor Act would allow work rules to remain a matter for collective bargaining. If, however, an individual carrier wished to amend or abolish a work rule affecting operating employees, without resort to collective bargaining, it could do so upon the following conditions:

First, any cost savings realized as a result of such change would have to be shared equally by the operating employees of that railroad; and second, any reduction in the number of operating employees contemplated by such change would have to be accomplished by attrition.

Under this bill railroads would have the flexibility to adopt efficient work practices and at the same time no existing railway employee would lose his job as a result of work rule changes. This legislation would permit railroads to become more efficient and give better service to the American public. At the same time an equal division of cost savings with operating employees would assure increased compensation for the operating employees of America's railroads. This legislation passes the ball to the management of the Nation's railroads. They will be confronted with the hard choice as to whether to remove a given work rule from collective bargaining on the condition that they make a perpetual payment to the operating employees equal to one-half of the cost savings.

These added payments to operating employees would be made within 4 months after the close of each fiscal year. In the event of a dispute between any railroad and the unions as to the amount of the cost savings, there is provision for the mutual appointment and compensation of independent accountants to make a final and binding determination.

This legislation for the first time, would give railroad employees a direct financial stake in the efficiency of the carriers. It will prevent management from blaming poor service upon outdated work rules, and protect the jobs of all existing operating employees.

The American economy is dependent upon a sound and efficient rail transportation system. The bills which I am introducing today will give the railway industry the means for its own internal rejuvenation without the necessity for nationalization or major subsidy.

EXHIBIT 1

S. 1092

A bill to amend part I of the Interstate Commerce Act in order to revise the procedures for the abandonment, discontinuance, or change of operations or services, and for the establishment or revision of rates, fares, and charges for the transportation of property, by common carriers by railroad

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 "Modern Railway Transportation Act".

SEC. 2. Part I of the Interstate Commerce Act is amended by striking out section 13a and inserting in lieu thereof two new sections as follows:

"ABANDONMENT, DISCONTINUANCE, OR CHANGE OF OPERATIONS OR SERVICES

"SEC. 13a. (a) Except as provided in subsection (b) and subject to the requirement of subsection (c) of this section, and after ninety days following public notice and notice to the Secretary of Transportation, any carrier by railroad subject to this part may abandon, discontinue, or change, in whole or in part, the operation or service of any train or ferry operated by such carrier notwithstanding the constitution or laws of any State or the order of any State agency or court.

"(b) (1) If the Secretary of Transportation finds, after receiving any notice pursuant to subsection (a), with or without public hearing at the discretion of the Secretary, that the continued operation of the train or ferry proposed to be abandoned, discontinued or changed is essential to the national or any regional economy or to the national defense, he shall prior to ninety days following such notice (A) order the continued operation of such train or ferry without change, and (B) contract with such carrier to make payments to such carrier in the amount necessary to reimburse the carrier for losses suffered as a result of such continued operation ordered by the Secretary. Any such contract may be made for such period or periods, and may be renewed, as the Secretary determines. At any time the Secretary determines that such continued operation is no longer essential under the provisions of this subsection he shall terminate such payments, and authorize such abandonment, discontinuance or change, effective on a date which is at least ninety days after public notice is given of such abandonment, discontinuance or change.

"(c) No employee's employment with a carrier shall be terminated as a result of an abandonment, discontinuance or change authorized in subsection (a), but a carrier may, after any such abandonment, discontinuance or change, reduce by attrition its total number of employees by an amount equal to the number of employees made unnecessary by such abandonment, discontinuance or change.

"(d) (1) The Secretary of Transportation shall administer the provisions of this section and shall promulgate such regulations as may be necessary for such administration.

"(2) The district courts of the United States shall have jurisdiction upon complaint of the Secretary of Transportation, or any party in interest, alleging a violation of any provision of this section, to issue such writs of injunction or mandamus as may be necessary to restrain violations of, or compel obedience to, the provisions of this section.

"(e) There are authorized to be appropriated such amounts as may be necessary to make payments contracted for by the Secretary of Transportation pursuant to subsection (b).

"RATES, FARES, AND CHARGES FOR THE TRANSPORTATION OF PROPERTY

"SEC. 13b. (a) Any provision of this Act which is inconsistent with the provisions of this section shall not apply after the effective date of this section to carriers by railroad subject to this part or to rates, fares, charges by, or activities of, any such carrier which are established or carried out pursuant to this section. After such effective date rates, fares, and charges established pursuant to this section shall be just and reasonable charges for the purposes of this Act.

"(b) Any carrier by railroad subject to this part may establish or revise rates, fares, or charges, and classifications applicable thereto, for the transportation of property, subject to the following requirements:

"(1) No such proposed rate, fare, charge, or classification, or revision thereof, shall be made effective until after thirty days following public notice thereof and notice to the Secretary of Transportation, and all effective rates, fares, charges, and classifications by each carrier shall be maintained in print and open for public inspection.

"(2) No discrimination shall be practiced in such rates, fares, charges, and classifications with respect to the identity of the shipper, the direction of the shipment, the value of the property shipped or for any other reason other than may be expressly authorized by the provisions of this section or other provisions of this Act.

"(3) No rebates shall be made to shippers.

"(4) No agreements shall be made between carriers with respect to rates, fares, charges, or classifications.

"(5) Rates, fares, or charges may be varied, or classifications may be made, on the basis of—

"(A) bulk shipments and general merchandise shipments;

"(B) weight;

"(C) cubic volume;

"(D) the need for special equipment to transport the property;

"(E) special switching services necessary to transport the property;

"(F) distance; and

"(G) providing a lower weight to mileage rate for longer than for shorter shipments, for unit train shipments, and for multiple car shipments.

"(c) Any carrier by railroad, or any officer or other agent thereof, who knowingly violates the provisions of paragraph (2) or (3) of subsection (b) of this section shall upon conviction thereof be punished by a fine of not more than $10,000 for each violation.

"(d)(1) The Secretary of Transportation shall administer the provisions of this section and shall promulgate such regulations as may be necessary for such administration.

"(2) The district courts of the United States shall have jurisdiction upon complaint of the Secretary of Transportation, or any party in interest, alleging a violation of any provision of this section, to issue such writs of injunction or mandamus as may be necessary to restrain violations of, or compel obedience to, the provisions of this section."

SEC. 3. The amendment made by this Act shall be effective after ninety days following the date of enactment of this Act.

EXHIBIT 2

S. 1093

A bill to amend the Railway Labor Act to promote railway efficiency, to provide increased compensation for railway employees, to decrease the possibility of the disruption of railway transportation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 10 of the Railway Labor Act (45 U.S.C. 160) is amended by inserting "(a)" immediately after "Sec. 10," and by adding at the end thereof the following new subsection:

"(b)(1) Notwithstanding any other provisions of this Act, whenever any carrier proposes a change in rules affecting operating employees as contained in agreements made in accordance with section 6 of this Act, the carrier may make such change effective as proposed, if (A) any cost savings realized as a result of such change affecting rules will be shared 50 percent each by the operating employees of such carrier and (B) any reduction in the number of operating employees of such carrier contemplated by the proposed change affecting rules will be accomplished by attrition.

"(2) It shall be unlawful for any carrier to lock out any of its employees or any class or craft of its employees or in any manner to terminate its transportation service in consequence of any dispute subject to the provisions of this subsection.

"(3) It shall be unlawful for the employees of any carrier to strike or engage in any other work slowdown in consequences of any dispute subject to the provisions of this subsection.

"(4) Nothing in this subsection shall be construed to prevent carriers and representatives of the employees from entering into an agreement affecting work rules.

"(5) For the purposes of Clause (A) of paragraph (1) of this subsection, the term 'operating employees' shall be defined to include all engineers, firemen, hostelers, outside hosteler helpers, conductors, trainmen and yard service employees.

"(6) For the purposes of Clause (A) of paragraph (1) of this subsection, payments to operating employees shall be on a per capita basis and shall be made not later than 4 months following the end of the fiscal year. In the event that any employee was not employed by a carrier for the entire fiscal year preceding the payment date, the payment to such employee hereunder shall be prorated to cover the period of employment.

"(7) In the event that any representative of affected employees contests the amount of cost savings as determined by the carrier under Clause (A) of paragraph (1) of this subsection, said representative and the carrier shall mutually designate and compensate a certified public accountant, whether an individual, partnership, or corporation, which accountant shall make a determination of the cost savings, which determination shall thereupon be final and binding."

(b) The heading of section 10 of such Act is amended to read as follows:

"UNRESOLVED DISPUTES"

SEC. 2. (a) Section 201 of the Railway Labor Act is amended by inserting "section 10 (b)" after "section 3".

(b) Section 202 of such Act is amended by inserting "section 10 (b)" after "section 3".

SEC. 3. Nothing in this Act shall be construed to prevent the right of any employee to resign from his position of employment.

SEC. 4. This Act shall take effect upon its enactment and shall apply to any proposed change in agreements affecting rules regardless of when any such proposal was initiated.

By Mr. MOSS:

S. 1094. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans and grants to certain cooperatives serving farmers and rural residents, and for other purposes. Referred to the Committee on Agriculture and Forestry.

Mr. MOSS. Mr. Speaker, Congress has, during the past 10 years, made a number of improvements in the loan authority of the Farmers Home Administration. In every instance, these improvements represented long overdue steps to close a critical credit gap for family farmers and other rural families.

We have greatly expanded the agency's farm ownership loan program to enable many more young and small farm operators to become efficient farmowners.

We have created a rural housing program that can, if properly funded, enable us to eliminate the some 3 million substandard homes in rural areas and give rural families the same opportunity in housing enjoyed by the rest of the Nation.

We have provided credit for rural communities so they can have basic community facilities such as water and waste disposal systems and outdoor recreation areas. We have made considerable progress in closing many credit gaps in rural America.

But in spite of this progress, there still remains a number of areas in our agricultural and rural economy where serious credit deficiencies still exist and unless steps ar taken to shore up these credit gaps, family farmers can never hope to attain any semblance of effective bargaining power nor can there be full development of our rural resources.

One of the more serious credit gaps that exists is the total lack of adequate credit for many of our farm cooperatives. This lack of credit prevents the creation of many new and urgently needed cooperatives in many areas of our agricultural economy, and it prevents many existing and worthy farm cooperatives from borrowing the necessary money they need to expand and improve.

It cannot be emphasized too strongly the vital importance of more and stronger cooperatives within our farm family type of agriculture. In recent years there has ben much talk and growing support for the idea of providing legislation that will give our farmers real, effective bargaining power as the answer to our farm problem.

Farmers must be given the opportunity and the tools to bargain effectively for price and income just as other segments of our economy do, and not be solely and forever dependent on artificial props and the whims of Congress and, perhaps, an unsympathetic administration.

Every proposed farm bargaining bill submitted to Congress in recent years and every farm bargaining study made by our land-grant colleges are based on the use of a strong, expanding, and effective cooperative system within agriculture. This means cooperatives across the board such as marketing cooperatives, purchasing cooperatives, and processing and distribution co-ops.

It is folly and shear nonsense to talk about giving farm families a program of effective bargaining power unless, first we give them the credit resources to build the one essential tool necessary to attain an effective bargaining position—strong cooperatives.

The bill which I am introducing will amend the Consolidated Farmers Home Administration Act of 1961 and would permit the extension of financial assistance to both existing and new cooperatives which serve or will serve rural families when such cooperatives are unable to obtain needed credit from other sources. In other words, this legislation will fill a serious credit gap in our rural economy. It will encourage the development of new cooperatives, help strengthen existing ones, and generally accelerate the development of all our rural resources. It should be made clear just where this credit gap exists, so there will be no confusion or misunderstanding of the purpose and objective of this bill.

Currently, under title III of the Economic Opportunity Act, the Farmers Home Administration has authority to make loans to organized rural groups to

provide processing, marketing, and purchasing services for their members and patrons. But these rural cooperatives are not eligible for this type of economic opportunity loan unless two-thirds of its family members are in the so-called poverty class.

This has been an outstanding program in fighting poverty in our rural areas. The program filled a crying credit need. These economic opportunity co-op loans have resulted in creating many more adequate processing, purchasing, and marketing facilities for poverty-stricken rural families. And this program must be continued.

It has now apparently been determined that the funding of the economic opportunity program will be terminated after this present fiscal year.

This leaves a still unsatisfied need on the part of economic low-income operators for credit to organize into viable marketing, purchasing, processing, and distribution cooperatives. This bill would enable the Farmers Home Administration to step into the breach to continue the assistance begun by the OEO program.

The experience of the Farmers Home Administration with cooperatives funded through the OEO program has disclosed that in some cases a badly needed cooperative faces discouraging obstacles imposed by existing economic, geographic, or cultural circumstances. The people in need of the cooperative have fallen behind in the race for economic equality often through no fault of their own. In such cases, it is heartbreaking to see them try to form an organization which will be required to meet with instant success. Our system of loan repayment demands that such a cooperative must move into the economic mainstream at full speed and thereafter keep up with the procession. This bill would authorize the Farmers Home Administration to take an important step essential to the success of many of these cooperatives by giving them grant assistance when needed at the beginning of their operations.

At the other end of the farm co-op credit spectrum we have the Farm Credit Administration's bank for cooperatives which also provides substantial credit resources for farm co-ops. The bank for cooperatives has, over the years, made an outstanding contribution to the growth of farm cooperatives. It is still doing a good job. Currently, it is carrying on a most effective public education program in informing farmers and the public of the need for stronger and bigger cooperatives as a means of attaining more effective bargaining power.

But, the people in the Farm Credit Administration and the officials in the banks for cooperatives are the first to admit that they are unable to meet the credit needs of many existing cooperatives and unable to finance the establishment of many new ones. Primarily, this is because the banks for cooperatives operate under rigid banking policies and unless a cooperative can meet the requirement of assets, net worth, and management experience, then they are not eligible for credit assistance. This is in no way an indictment of the bank for cooperatives. It is just a fact of life. Neither can the bank of cooperatives provide the vital close supervision that smaller and new cooperatives must have to get ahead and expand.

Thus, between the co-op loan program which is restricted solely to rural patrons of a very low-income level and the credit resources of the banks for cooperatives which are limited primarily to successful and long-established cooperatives whose members are mostly higher level income farmers, you have a large segment of agriculture—the in-between rural groups—which does not have adequate credit resources to develop and expand its own cooperatives. This large in-between group needs a credit program of intensive and constant advice and assistance on the local level if they are to be succecssful and if their co-ops are to provide the kind of economic muscle needed for bargaining purposes.

The Farmers Home Administration is admirably suited to carry on this type of credit program. In Senate hearings on a similar bill of mine officials of the Farmers Home Administration testified the agency could easily absorb such a program without much additional administrative expense. The Farmers Home Administration has the local county offices and the experienced personnel to make such a credit program work. Their people can provide the necessary supervision that can make these cooperatives successful and this program would in no way overlap or duplicate the credit programs of the Farm Credit Administration.

By Mr. MOSS:

S. 1095. A bill to exclude from the mails obscene material sold or offered for sale to minors. Referred to the Committee on Post Office and Civil Service.

Mr. MOSS. Mr. President, as you and my other colleagues well know, on February 1, 1971, a Federal law became effective which is intended to stop the mailing of pornographic advertisements to those persons who do not want to receive them. The new law also provides that all envelopes containing such material must be labeled plainly on the front "Sexually Oriented Ad."

If an individual does not wish to receive such advertisements, he need only to go to his local post office and complete PS form 2210. A person who is unable to go to the post office may request the form from the postmaster.

Under the new law the Postal Service will prepare a list of all of those who fill out such a form, and any mailer who sends a "sexually oriented advertisement" to a person whose name has been on the list for 30 or more days will be subject to 5 years imprisonment, a fine of $5,000 or both.

Mr. President, this law, which Congress passed as a part of the Postal Reorganization Act of last session, should go a long way toward keeping citizens who do not want pornographic literature from finding it in their mailboxes. It will be a difficult and cumbersome law to administer, because the problems of compiling and maintaining such a list are enormous, but scrupulous administration should most certainly put a crimp in the activities of smut peddlers all out across the country.

The new law does not, however, keep a smut peddler from mailing obscene materials to our young people in the first place, or from continuing to send them if no one stops the mailings. This, I think we must certainly do also.

I am, therefore, again introducing a bill which, I believe, would curb the flow of printed or audio objectional and obscene materials, and sexual devices and the advertisements for them, through the mails to America's young people.

This bill will make it illegal to use the mails of the United States to send anyone 19 years of age or younger any printed material, photographs, phonograph records, devices or advertisements of a sexual nature which are clearly obscene as defined by the bill, and are, therefore, inappropriate for the young. The bill would also make it illegal to send through the mails such material unsolicited to an adult with young people under 19 years of age residing in the household.

In 1957, the U.S. Supreme Court said, in Roth against United States, that obscenity was not within the area to be protected by speech or press. But the standards that the Supreme Court established in that case made it practically impossible to curb the increasing flow of pornographic materials. Since that time pornography has become a billion-dollar business. About 2,000 companies in the country produce pornographic books, magazines, and films, and total sales range upward from $500 million a year.

Now, however, the Supreme Court has given clear indication that constitutional restrictions on the smut industry are at hand. In Ginsberg against New York, the Court held that it was constitutional for the State of New York to restrict the access of young people to very clearly defined classes of printed and other pornographic material. In its opinion, the Court made it very clear that the State has the power and responsibility to provide a healthy environment for its youth, and that material which would not be obscene under the standard for adults, could constitutionally be restricted by a State as unfit for its youth.

The Ginsberg decision has logically led Members of both Houses of Congress to the conclusion that, by analogy, the Federal Legislature would have the same constitutional power and responsibility to establish a higher standard for youth in the area of obscenity. As a result of the Ginsberg opinion, Members of Congress of both parties and in both Houses support legislation to preempt completely for the Federal Government the power to restrict distribution of obscene material to youth. I believe this approach would encroach on the power of the States and is, therefore, unwise. For this reason I have introduced this bill which deals with material sent through the mails only.

I hold that it is completely proper for the Congress of the United States to stop the ever-increasing flow of obscene material through the mails, but I prefer to see local government legislate local distribution processes. It is the prerogative of the States, cities, and towns to decide, for example, what standards they want to establish in their areas.

As Salt Lake County attorney, I prosecuted a number of pornography cases, and I assure you from my experience that control of the newsstand sales and other local distribution of objectionable material should be left in the hands of the local authorities. Only the local officials truly know the standards of the community; only they know the vigor with which the people in their cities and towns desire control measures to be enacted and enforced.

In my view, Mr. President, the Supreme Court, in the Ginsberg case, did not intend to indicate that obscenity control should be monopolized by the Federal Government. What they did in fact say was that the State of New York had the constitutional power to act in this area. I, for one, believe that Congress should limit its jurisdiction over pornography control to the interstate use of the mails. My bill does this.

Mr. President, the Supreme Court has given us the constitutional method whereby distribution of pornography can be firmly and effectively controlled for the segment of our society which more than any other must be protected from the smut peddlers; the youth of our Nation.

We in the Congress, have the duty affirmatively to respond to the Court's lead.

I hail the progress we made last session in the control of smut with the enactment of Public Law 90-375, but I feel we have more work to do. I have had hundreds of letters from parents in Utah who have the floodtide of pornographic literature reaching their young people, and I feel we must do more than we have done if we are to be fully successful in curbing the tide of obscene material offered for sale to minors.

By Mr. BENNETT:

S. 1097. A bill for the relief of John C. Bonner and Marian K. Bonner. Referred to the Committee on the Judiciary.

Mr. BENNETT. Mr. President, I am introducing a bill today for the relief of Mr. and Mrs. John C. Bonner of Salt Lake City, Utah, to recover damages for the wrongful death of their son, Steven C. Bonner.

An action was commenced in the U.S. District Court for the District of Utah on behalf of the Bonners. However, it was ruled that even though there was possibly a wrong committed by the Government, there is no available remedy for those aggrieved by that wrong. Since the courts have ruled that the U.S. Government is not subject to suit for even gross misconduct, the only hope for a remedy in this matter is through the legislative branch of Government by way of special legislation.

For the information of my colleagues, I ask that the bill be printed in full at this point and that it be properly referred.

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

S. 1097

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John C. Bonner and Marian K. Bonner of Salt Lake City, Utah, the sum of $150,000, in full satisfaction of their claims against the United States for compensation for the death of their son Steven C. Bonner who, while serving as a member of the United States Army, took his own life as a consequence of the negligence of the United States Army in removing the said Steven C. Bonner from an environment in which he was receiving competent psychiatric treatment and confining him in a prison at Fort Leonard Wood, Missouri, without providing appropriate medical and psychiatric treatment.

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

By Mr. SPONG:

S. 1098. A bill to authorize the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact to establish a multistate authority to operate the Washington-Baltimore metropolitan area's airports, and for other purposes. Referred to the Committee on the Judiciary.

Mr. SPONG. Mr. President, I introduce today, for appropriate reference, a bill to authorize the transfer of National and Dulles Airports to a regional airport authority or to the State of Virginia. This bill is only a slightly modified version of S. 3128 which I introduced in the 91st Congress and on which hearings were held by the Aviation Subcommittee of the Senate Commerce Committee. Since that time, the administration has indicated its desire to sell these airports and I am hopeful that this bill authorizing such a transfer will be acted upon promptly.

Washington National and Dulles International are the only federally owned and operated airports in the country. They are also the only airports that are not in some way responsible to the community of which they are a part.

Thirty years ago, when the Federal Government first got into the airport business, this was not a major concern. Washington was a smaller community then, less densely developed, and less affected by the limited operations at National Airport.

Since then, however, there have been dramatic changes both in the development of the region and the growth of its air traffic. No longer are airports something off to themselves. In their impact on the environment, their burden upon local ground facilities, their contribution to the area's economy, their performance of vital transportation services, and in a dozen other ways, airports today are an integral part of the urban complex they serve.

It is an anachronism that in the National Capital region, airport planning and development should continue to take place in a vacuum without reference to other community plans or desires.

A case in point was the decision to permit stretch jets to operate at National Airport. In the judgment of the FAA's own experts, that decision would change the entire pattern of growth of aeronautical activity in the Washington region and compound the burden which National Airport places upon access roads and other facilities in the area. Yet, so far as I have been able to determine, the only outside group which was consulted about the decision was the airlines.

The community interest is also directly involved in the FAA's proposed expansion and modernization of National Airport facilities under a plan drawn up by Kling & Associates. The program recommended by the FAA involves among other things, major changes in the access roads and utilities serving the airport. But, again, has anyone asked the city of Alexandria or the county of Arlington what they thought about it or how the Kling report fits in with their own development plans?

One of the major purposes of my bill (S. 3128) is to give a voice to the communities which are affected by the operation of these airports. The interests of the airlines and the flying public have long been represented in the decisions of the FAA. It is time that we concerned ourselves as much with the views of those who must live with the consequences of those decisions.

The second major purpose of the bill is to assure that the region's airports themselves are developed on an orderly, systematic, regional basis.

The Washington Metropolitan area is fortunate in being served by three major airports. It is probably the only urban center in the country today with such a surplus of airport capacity. Yet, at the same time, it suffers from airport congestion as severe as any I know of.

There is a simple explanation for this paradox. The development of the airports in this region has simply been left to the forces of the marketplace. And in that situation, the airlines have continued to expand the use of National to the point where that facility now handles about 65 percent of all passengers in the region.

When Dulles Airport was constructed at a cost of $110 million to the taxpayers, the FAA concluded that a proper distribution of the region's air traffic would be Dulles 45.8 percent, National 33.9 percent, and Friendship 20.3 percent. Today, the FAA's projections for the same year are Dulles 19.6 percent and National 52.1 percent.

For many years, the Civil Aeronautics Board has regarded Washington and Baltimore as a single, hyphenated point for purposes of certifying air carrier service. Unfortunately, that is as far as the regional concept has advanced. Once certified, airlines generally have discretion within the limits of FAA safety requirements to use any of the three airports—National, Dulles, or Friendship. There is no long-range plan or program for the balanced development of these facilities nor is there any mechanism for centralizing or coordinating their management.

It is particularly appropriate that we begin to move in the direction of regional planning now at a time when rapid progress is being made toward improving access to Dulles. The construction of the Three Sisters Bridge and connecting freeways on both sides of the Potomac will reduce travel time to Dul-

les to less than a half hour. The addition of a rapid rail link to Dulles will further enhance the convenience of using the airport. Studies are also underway for improving access to Friendship.

Five years ago, it may not have been practicable to urge the more balanced use of the area's other airports. Today, it is not only practicable but essential that this be done.

I want to emphasize that National Airport should continue to play an important role in the area's air transportation picture, primarily as a short-haul airport. Regional planning and development, however, should result in a leveling off of traffic at that facility and the more reasonable scheduling of flights at Dulles and Friendship.

Specifically, S. 3128 authorizes the States of Maryland and Virginia and the District of Columbia to negotiate and enter into an interstate compact establishing a Washington Metropolitan Area Airport Authority. The compact must be approved by the Congress and by the State legislatures concerned before it has the force of law. This is only the necessary first step in the journey toward a sound airport policy for the National Capital region.

I might say that this approach is consistent with Public Law 86–154, enacted by the Congress in August 1959, granting consent in advance to States that wish to enter into interstate airport compacts. Unfortunately that law did not apply to the District of Columbia and that is one reason for my proposed legislation.

While I believe that a regional airport authority would be the most efficient way to operate the airports, I do not believe we should foreclose other alternatives such as transfer of the facilities to the State of Virginia or to a Northern Virginia regional agency or to some existing interstate regional body. For that reason I have made specific provisions in this bill for those other alternatives if circumstances so dictate.

The second and more important reason, of course, is that the bill contemplates transfer of National and Dulles Airports from the FAA. It would make little sense to begin negotiations until the Congress has given some expression of approval to the proposed transfer.

Mr. President, my bill does not attempt to spell out the exact form or detail of the proposed airport compact. Those are matters that can only be resolved through negotiations among the parties concerned—Virginia, Maryland, the District of Columbia, and the Federal Aviation Administration.

My hope is that this legislation will result in the appointment of negotiators by the parties involved to begin finding answers to these questions and to make a start in getting the Federal Government out of the airport business. Beyond that, my own position is quite flexible, I am willing to listen and to consider every suggestion for improving the legislation.

Mr. President, regardless of who takes over these airports, I believe two considerations should be foremost. First, the residents of this area or their elected representatives should have an effective voice in airport policy. Second, steps must be taken to improve access to Dulles Airport and to greatly improve the flight schedule at that facility. Unless, these things are done, no mere change of ownership will mean very much and we will not have progressed toward meeting the serious airport problems this community faces.

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

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

S. 1098

A bill to authorize the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact to establish a multistate authority to operate the Washington-Baltimore metropolitan area's airports, and for other purposes

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

(1) airport traffic in the Washington-Baltimore metropolitan area will increase threefold by 1980;

(2) the Washington and Baltimore regions constitute a single air transportation market which is served by commercial airlines certified by the Civil Aeronautics Board to use any one of the three major airports—National, Dulles, or Friendship;

(3) there now exists no means of coordinating the use of existing airport facilities in such area with the result that about 65 per centum of all traffic is accommodated by one airport;

(4) there will be a need for new and improved airport facilities and areawide planning and development is the most efficient and economical way of meeting the need;

(5) there are serious environmental problems associated with airport operations in such area and there exists no effective mechanism for dealing with them; and

(6) the jurisdictions served by such area's airports should have a voice in their operation and no agency now exists for that purpose, and such area is the only metropolitan area in the Nation without some control over its own airports.

SEC. 2. (a) The consent of Congress is given to the States of Virginia and Maryland and to the District of Columbia to negotiate and enter into a compact for the purpose of establishing a multistate authority to operate all of the Washington-Baltimore metropolitan area's major airports or the civil airports currently owned and operated by the Federal Government in such area.

(b) The Secretary of Transportation shall as soon as practicable invite such States and the District of Columbia to send representatives to meet with representatives of the Secretary for the purpose of initiating such negotiations. Thereafter the Secrtary shall take such action as may be appropriate, including furnishing and requested assistance, to encourage the completion of such negotiations and the drafting of such compact.

(c) Such compact shall not be binding or obligatory upon any of the States involved or upon the District of Columbia unless and until it has been ratified by the legislature of each such State and approved by the Congress of the United States.

SEC. 3. Upon approval by the Congress of any compact entered into pursuant to this Act the Secretary of Transportation is authorized to convey to the multistate authority established pursuant to such compact all right, title, and inerest of the United States, in, and all control over, Washington National Airport and Dulles International Airport, except for such interests or rights as the Secretary may reserve for the purpose of carrying out his functions under the Federal Aviation Act of 1958 or any other laws of general application relating to aviation.

SEC. 4. Nothing in this Act is intended to prevent the Secretary of Transportation from conveying Washington National Airport and Dulles International Airport to the State of Virginia or to an existing interstate agency prior to the approval by Congress of the compact described in section 2.

By Mr. McINTYRE:

S. 1099. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes. Referred to the Committee on Labor and Public Welfare.

HELP FOR AREAS OF MEDICAL PERSONNEL SHORTAGE

Mr. McINTYRE. Mr. President, I introduce for appropriate reference a bill designed to encourage new physicians, dentists, optometrists, and other medical personnel to begin their practice in areas where there is a critical need for them.

We have a crisis in the supply of health resources and manpower. According to figures, we are short 48,000 doctors in the Nation. The same shortages exist for dentists and other medical personnel.

I believe this Congress is going to pass some form of health insurance. This is going to bring about a betterment of health care, but it is also going to enlarge the need for medical personnel.

This need is going to be greatest in the nonmetropolitan areas of the country. It is in these areas where the need is greatest now. Many of our younger people are leaving the rural areas. Those remaining are older citizens and their medical needs tend to be greater.

At the same time, medical personnel seem to be leaving rural areas at a great rate. The exodus of doctors is, in many cases, faster than the exodus of the general population. In my State of New Hampshire, which is essentially a rural State, each doctor must care for 15 percent more persons than he did 20 years ago and 10 percent more patients than 10 years ago. There is only one doctor for every 826 people in the State today.

The bill I am introducing would provide Government repayment in full for the education debt of any physician, dentist, optometrist, or other critically needed health specialist who will agree to practice for at least 3 years in these areas where the need is great. This would make it possible for these graduating health specialists to begin their practice without the burden of enormous debt in areas where their need is vital.

I believe that passage of this legislation will provide at least 3,500 new medical personnel in needed areas within 3 years at the cost of a couple of daily newspapers for each person in the country. This, Mr. President, I believe, is a small price to pay for a needed number of doctors, dentists, optometrists, and other health specialists.

This same legislation has been introduced in the other body under the leadership of Congressman NICK GALIFIANAKIS, of North Carolina. I am happy to say that more than 120 members have joined

him there. I hope an equal proportion will join here in the Senate and this bill can be enacted during this Congress.

By Mr. MANSFIELD:

S. 1100. A bill to amend the Gun Control Act of 1968 to provide for certain exceptions for persons who test firearms. Referred to the Committee on the Judiciary.

Mr. MANSFIELD. Mr. President, at the close of the last Congress I introduced a bill which would, in my judgment, correct a serious inequity that has arisen with respect to the gun crime law of 1968. I introduce the same bill today and ask for its appropriate reference. It is really of a technical nature and would permit bona fide writers for sporting journals and magazines to be exempt from the transportation provisions of the gun law—the provisions that cover the shipment of firearms.

The Secretary of the Treasury would be authorized to issue regulations that would carefully limit this exception. This group of professionals seeks firearms to test them and then to reduce to writing their impressions of the weapon's technical performance for publication in sporting magazines or journals. That is all. The Secretary of the Treasury is empowered to issue regulations requiring that the individual establish that he is a bona fide member of this category, that he is legitimately employed in this occupation or profession, that his interest in obtaining a weapon is based solely upon a twofold professional objective: The testing of the firearm and the writing of the results for publication. The Secretary would make certain as well that the disposition of any such firearm is carefully controlled.

I should point out that just as a particular hardship exists for legitimate collectors, certain Army personnel and others under the gun law for which special consideration was provided, so, too, has an unjust burden been placed upon the special category of professionals known as the outdoor writer for whom consideration should be given. In large part, his livelihood is dependent greatly upon his ready access to weapons and it is for this reason that I seek here to modify the law. I understand that there are not many persons existing in this category across the land.

In this regard, the plight of the outdoor writer was brought to my attention by Mr. Norman Strung, a member of the Outdoor Writers Association. I think his case, and the case of all those who share his particular professional endeavor, was stated clearly and convincingly in a letter to me of September 14, 1970. I quote from that letter:

> I don't want to compete with local gun dealers who have to make a living through sales, and who have a great deal of overhead tied up in their places of business. In other words, I think I have a perfectly legitimate reason to have a firearms permit, yet that permit was denied me. As a result, my job as an outdoor writer is just a little tougher, and will prove a lot more expensive. That sir, seems to be unfair and inequitable "gun control". . . hardly in the interest of public safety, and detrimental to my legitimate business and the gun-owning public.

Mr. President, I agree with that statement. I hope to correct this inequity with this bill.

By Mr. JACKSON:

S. 1101. A bill to authorize the purchase, sale, and exchange of certain lands on the Kalispell Indian Reservation, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I introduce for appropriate reference a bill to authorize the purchase, sale, and exchange of certain lands on the Kalispell Indian Reservation, and for other purposes.

The proposed legislation would permit the tribal governing body of the Kalispell Indian Reservation in the State of Washington to proceed further with land consolidation plans related to economic and social development for its members.

At the present time no authority exists which authorizes the purchase, sale, and exchange of certain lands on the reservation. The lack of such authority stands in the way of development plans for prime tourist and recreation sites and potential industrial development areas, both of which would produce employment and income for tribal members. Both Senator Magnuson and I are hopeful that the proposed legislation can be enacted into law during this session of Congress to assist the tribal group in their plans to achieve self-sufficiency.

By Mr. JACKSON:

S. 1102. A bill to increase the lease term to 99 years on Indian allotment No. MA–10, commonly known as Wapato Point. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I introduce for appropriate reference a bill to increase the lease term to 99 years on Indian allotment No. MA–10, commonly known as Wapato Point.

Mr. President this measure was introduced under my sponsorship in the 91st Congress and received a favorable report from the Interior Department. Action was deferred on the proposed legislation because of questions raised by interested citizens and public officials concerning developmental and use plans for the property involved.

The questions of these individuals, I believe, have been sufficiently answered by assurances from the Bureau of Indian Affairs that pertinent building codes and local standards and requirements relating to land use and development will be followed in the economic development plans for the area under their jurisdiction.

The bill I am introducing today holds promise for the economic advancement of the present-day Indian owners as well as the surrounding area which will benefit from the increased recreation and other activities which will derive from the developmental plans.

By Mr. JACKSON:

S. 1103. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket No. 125, the Upper Skagit Tribe in Indian Claims Commission docket No. 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket No. 93, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I introduce for appropriate reference a bill to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indian Claims Commission docket No. 125, the Upper Skagit Tribe in Indian Claims Commission docket No. 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket No. 93.

Mr. President, this measure was submitted and recommended by the Department of the Interior in the 91st Congress. The Interior and Insular Affairs Committee held hearings on this bill, it was reported favorably with an amendment to the Senate and passed the Senate on September 1, 1970. The bill I am introducing today contains the amendment recommended by the Interior Committee and adopted by the Senate last year.

I regret that this legislation was not acted upon by the House prior to adjournment of the 91st Congress and hope that action can be taken in the 92d Congress to move the bill toward enactment into law as soon as possible.

By Mr. JACKSON:

S. 1104. A bill to provide for the disposition of funds arising from judgments in Indian Claims Commission dockets Nos. 178 and 179, in favor of the Confederated Tribes of the Colville Reservation, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I introduce for appropriate reference a bill to provide for the disposition of funds appropriated to pay judgments in favor of the Confederated Tribes of the Colville Reservation in Indian Claims Commission dockets Nos. 178 and 179.

Mr. President, this measure was introduced by Senator MAGNUSON and myself during the latter part of the 91st Congress. Both the Office of Management and Budget and the Interior Department were requested to report on the proposed legislation, but failed to respond before the close of the session.

The litigation involved in the settlement of Indian claims requires a long period of time because of the complex nature of the work. Indian people authorized to share in such settlement have displayed considerable patience in this time-consuming process. I am hopeful that action can be taken early in the 92d Congress to move the bill toward enactment into law so that the Indian people may benefit from their rightful share in this award.

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

S. 1105. A bill to authorize the Commandant of the U.S. Army Command and General Staff College to award the degree of Master of Military Art and Science. Referred to the Committee on Armed Services.

ADVANCING MILITARY SCHOLARSHIP

Mr. GOLDWATER. Mr. President, today I am reintroducing a proposal, together with the Senator from Kansas (Mr. DOLE), which will provide long overdue recognition for the outstanding graduate level program offered by the Department of the Army at its Command and General Staff College. It will do this by authorizing the College to award a formal master's degree to the select number of officers who successfully complete the graduate program at the institution. The degree will be designated as the discipline of military art and science, and the program leading to its award will meet all the standards of professional discipline required by our civilian graduate system.

Mr. President, the Army's Command and General Staff College, which is located at Fort Leavenworth, Kans., has been offering a graduate degree course of study for the past 8 years. Since 1964 the college has graduated 120 officers in its degree program. These individuals have undergone a rigorous 11-month course of study and an extensive personal research project. And yet their only recognition has been limited to a notation on their personnel records.

This is entirely inequitable when viewed against the great efforts these officers have made and the important qualities they have developed which will benefit the public good. For if the American public wishes its military services to be lead by officers who are influenced and guided by habits of the highest rational, ordered thought processes, then we should encourage and reward in every way possible participation by qualified officers in a disciplined educational program designed to develop a corps of military scholars. And if our society wants its military leaders to be skilled in critical, analytical, thoughtful decisionmaking, then we had better promote the military's efforts to stimulate the growth of military scholarship.

The military profession itself is striving mightily to provide a greater and wider range of intellectual challenges for its higher officers, and a society that rejects the idea of rigid conformity and anti-intellectualism among its officer corps should give every ounce of support and recognition it can to the cause of advanced military education. In this way the American citizens can be confident U.S. military commanders and planners will make sound, ethical decisions based on a large range of considered courses of action.

Let me review the Army's educational program at its Fort Leavenworth college and demonstrate how deep its degree granting mission really is. The Army Command and General Staff College is the senior tactical school of the Army's educational system. It prepares highly qualified officers for duty as commanders and as principal staff officers with the Army in the field. In addition, officers from other U.S. military services may be admitted to the college.

The Army selects only about half of its officer corps to attend the regular course at its command college. These men are handpicked between their 9th and 16th years of service. The regular course extends for 38 weeks over a 10-month period. Officers spend an average of 7½ hours per day in classroom instruction and 3 to 4 hours in homework. There are also special briefings, a speaking and writing program, and other extra duties. In addition, students must submit a written treatise of at least 3,000 words in length. Remember this is only the regular course I am talking about.

When we examine the master's degree program, we will find all the same requirements included in the regular course plus the additional assignment of extensive individual research. Degree candidates must prepare a thesis of at least 15,000 words compared to the much shorter 3,000-word research paper for nondegree officers.

What is more, entry into the degree program is limited to officers in the regular course who hold an accredited baccalaureate degree. Even then, candidates must take and score well on the graduate record examination aptitude test before they can be admitted to the program. And, once they enter the program, they have to maintain a class standing within the upper half of their class.

In addition, the degree candidate, but not the regular course officer, is required to pass a 6-hour comprehensive written examination covering the entire range of the curriculum and successfully defend his research thesis in an oral examination. In order to accomplish this, the officers are retained for an additional month beyond the graduation of the regular college class. To make it doubly tough, outside examiners from the civilian higher education field participate in reviewing each officer's thesis and in conducting the final oral examinations. Furthermore, an advisory committee consisting of distinguished civilian educators monitors the entire degree program.

Mr. President, these high standards have won for the Army College the solid approval of the academic community. Indeed, in 1963, the North Central Association of Colleges and Secondary Schools granted preliminary accreditation to the college and its degree program. This was the first time in U.S. history that the academic community has accredited a military educational institution which offers courses solely in military art and science. Although this accreditation was withdrawn 3 years later, it was only because of the failure of Congress to grant the college legislative authority to actually award a degree.

As further indication of the college's measure of acceptance by the civilian academic community, I am pleased to mention the American Council on Education has expressly informed the House and Senate Armed Services Committees that it has no objection to passage of the college's degree granting legislation.

Not only is the proposal backed by the civilian sector of the educational field, but the U.S. Office of Education has examined this program inside out, upside down, and every other way before reaching its own independent decision endorsing the Army's requested legislation. Incidentally, the Federal agency's approval was founded on a report prepared by a panel of civilian educators.

Within the military establishment itself, the bill is solidly based on support from the Joint Chiefs of Staff and a general Department-wide policy. As recently as April of 1970, the Department of Defense reaffirmed its unequivocal support of the Army's request in a letter presented to the Senate Armed Services Committee.

Frankly, I do not know where the opposition is coming from that has prevented the bill's enactment before this. Maybe it is just plain inertia, because I have not heard a single criticism made of this proposal. A similar bill was once approved by the House of Representatives in 1968, but for some reason the measure never budged in the Senate.

Mr. President, the enactment of this proposal will not cost the American taxpayer one extra cent. The degree program is already being funded under the Army's present budget and the only difference is that degree candidates could receive a formal certificate once my bill passes. In other words, the enactment of this legislation will not lead to the construction of any new buildings or facilities, or the hiring of additional faculty members, or even the expansion of a library. All these needs are presently satisfied by the staff, equipment, and facilities of the existing Army College.

The only conceivable roadblock might be the lack of a precedent. Someone may fear doing things in a different way from the usual course of military education. "My Lord," someone may be thinking, "if we let them start awarding a master's degree, what will be next?"

Well, I can report what will not be next. First of all the Army tells me it has no plans which envision the Army seeking authority for any of its institutions to award a Ph. D. degree. Let me repeat, the Army does not plan on going for Ph. D. legislation next.

Second, I can report both the Department of the Navy and the Department of the Air Force have indicated their satisfaction with their current degree granting programs in cooperation with civilian colleges and do not contemplate requesting authority to grant degrees at their own schools in the foreseeable future.

In this connection, we might remember the degree program at the Army College is open to officers from other services. Nearly 10 Air Force and Marine officers have successfully completed the course to date, and there is no quota limiting officers from other branches. Also, it is interesting to observe the faculty of the Army College includes seven officers of the Air Force, three officers of the Navy, and three officers of the Marine Corps.

Furthermore, we must consider that it would be impossible for any other military service to seek a degree granting authority until it had a program which met the strict criteria laid down by the overriding Federal policy. Under this policy, a service college—its staff, its facilities, its courses of instruction—must be reviewed in depth and approved by a committee of educators appointed by the U.S. Commissioner of Education. The committee must

find the need for the degree clearly exists and cannot be met at non-Federal institutions. Further, the committee must conclude the program's standards are at least equal to those of civilian outside institutions and assure itself the program is conducted in an atmosphere of freedom of inquiry comparable to that of civilian colleges.

Since no other military service has any such program in existence, nor plans to establish one, there is no reason for concern about establishing a precedent by passage of the Army's degree-granting authority. If the idea should ever occur in the future, we can examine its actual need and quality on its own merits. Certainly nothing in my bill would authorize the creation, expressly or by implication, of other degree-awarding programs by any other military service or even by the Army itself than the one now ongoing at the Army Command and General Staff College.

Mr. President, everyone who supports the military profession as an honorable and dignified career should support this legislation as a means of affording the military with the full recognition it is due as one of the learned professions. In a like manner, every citizen across the political spectrum who cherishes the principle of having the defense of his liberties and country provided by truly educated soldiers, who are founded in a rational and ethical approach to solving military issues, should endorse, advocate, and strive for the success of this proposal. All Americans, of whatever philosophical persuasion, should be eager to advance the goal of expanded military scholarship. This is a purpose which will serve all of us well.

By Mr. GRIFFIN:

S.J. Res. 62. Joint resolution to authorize display of the flags of each of the 50 States at the base of the Washington Monument. Referred to the Committee on Interior and Insular Affairs.

STATE FLAGS AT THE WASHINGTON MONUMENT

Mr. GRIFFIN. Mr. President, I introduce for appropriate reference a joint resolution to provide for display of the flags of the several States in addition to the flag of the United States, at the base of the Washington Monument.

Mr. President, one of the most striking features of the U.S. Capitol is the magnificent collection of statutes which was presented by the several States and is found in National Statuary Hall and throughout the corridors of the Capitol Building. They were placed there as the result of legislation enacted by Congress in 1864.

It is interesting to observe that the Lincoln Memorial includes within its architecture a tribute to the individual States. Thirty-six columns, representing the 36 States in the Union at the time of Lincoln's death, surround the walls of the memorial building. Above the frieze on the attic walls are the names of the 48 States which made up the Union when the memorial was built.

The Washington Monument is at the focal point of a geographical cross formed by the Capitol, the White House, the Lincoln Memorial, and the Jefferson Memorial. As such, it is a central point of inspiration for all Americans who visit Washington.

Like many Americans, I believe it would be appropriate to display around the base of the Washington Monument, the flag of each State. I am confident that this could be done with a minimum of expense while maintaining appropriate respect and a place of honor for the flag of the United States.

In addition to its symbolic significance, such a display of all 50 State flags at the Washington Monument would be a colorful and inspiring sight for all who visit the Nation's Capital.

ADDITIONAL COSPONSORS OF BILLS

S. 317

At the request of the Senator from Connecticut (Mr. RIBICOFF), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOPER), the Senator from Maryland (Mr. BEALL), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Florida (Mr. GURNEY), were added as cosponsors of S. 317, to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce.

S. 576

At the request of the Senator from Texas (Mr. TOWER), the Senator from Florida (Mr. GURNEY) was added as a cosponsor of S. 576, to provide tax incentives to encourage physicians to practice medicine in physician shortage areas.

S. 637

At the request of the Senator from Texas (Mr. TOWER), the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 637, to deregulate the price of natural gas.

S. 639

At the request of the Senator from Texas (Mr. TOWER), the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 639, to increase the earnings ceiling under the social security program.

S. 781

At the request of the Senator from South Carolina (Mr. THURMOND), the Senator from Florida (Mr. GURNEY) was added as a cosponsor of S. 781, to amend the Food Stamp Act of 1964 in order to prohibit the distribution of food stamps to any household where the head of the household is engaged in a labor strike.

S. 895

Mr. TOWER. Mr. President, I am pleased to join today with my very distinguished colleague from North Carolina (Mr. ERVIN) in sponsoring S. 895. I have had a chance to review this piece of legislation and have found it to be entirely consistent with one of the primary goals for which I have always worked hard: quick, sure justice. Many criminologists have stated that it is not necessarily the severity of punishment that deters crime, but it is rather its certainty. In many criminal cases in this country today the defendants spend years either in jail or on bail with limited freedom before their trials can be heard on our crowded criminal dockets. This is unfair to the guilty, as it nearly prevents his rehabilitation and leaves him unsupervised for a great period of time; a time in which almost by necessity he must continue his life of crime in order to survive. It is even more unfair to the innocent, for he must disrupt his life for long periods of time and bear enormous physical and mental burdens and costs, when in fact he is innocent of all charges. There are some who say that those who seek a speedy trial may always have one if they just give up a few of their prerogatives. Mr. President, that may well be the case, but no innocent man should be chastized in any way for taking every possible method of clearing himself of criminal charges. It is the duty of those in the Judiciary and those of us in the Congress to devise methods of providing speedy, fair trials, rather than the duty of the accused. Senator ERVIN is to be complimented for devising this method. I certainly want to do everything that I can to help in achieving this most worthwhile goal of providing trial in a criminal matter within 60 days of the bringing of the indictment; this is only fair to all involved in the criminal process.

Another very important part of this measure is to provide a pretrial service agency to evaluate the accused before trial in order to help the trial judge determine under what conditions the accused should be released on bail pending trial. Currently this, in most Federal courts, is done on a hit and miss basis with, unfortunately, more misses than hits. With the establishment of these agencies in the district courts around the Nation, the judges will be better able to decide who shall receive bail and under what circumstances and limitations. This program is sorely needed.

In conclusion, Mr. President, it is my hope that hearings on this matter can begin quickly. As Senator ERVIN has previously pointed out, there has been much discussion both in the Congress and in legal circles about this proposal; we should be able to determine in a short time what changes, if any, are needed in this draft. I will cooperate with Senator ERVIN and the other distinguished sponsors of this measure in order to insure that all necessary information can be quickly assembled. As with a trial itself, the crisis in the criminal system in America today demands that we work as diligently as possible to solve this problem.

SENATE RESOLUTION 65—SUBMISSION OF A RESOLUTION TO REFER SENATE BILL 1106 TO THE COURT OF CLAIMS

Mr. PASTORE submitted the following resolution (S. Res. 65); which was referred to the Committee on the Judiciary:

S. RES. 65

Resolved, That the bill (S. 1106) entitled "A bill for the relief of the Welsh Manufacturing Company", now pending in the Senate, together with all accompanying papers, is referred to the chief commissioner of the United States Court of Claims; and the chief commissioner shall proceed with the

same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

ANNOUNCEMENT OF HEARING INTO MANAGEMENT PRACTICES ON THE PUBLIC LANDS

Mr. CHURCH. Mr. President, as chairman of the Subcommittee on Public Lands, I wish to announce a hearing into management practices on the public lands to be conducted April 5 and 6.

These hearings will be informational in nature and will delve into what has become a highly controversial issue on our national timberlands—the practice of "clear-cutting," and other problems.

The hearings will be open to the public and will be conducted in room 3110, New Senate Office Building, starting at 10 a.m. Organizations or individuals who wish to present testimony should contact the Senate Subcommittee on Public Lands, room 3106, New Senate Office Building.

An excellent series of articles on the "clear-cutting" problem appeared just last month in the Des Moines, Iowa, Register. These were written by James Risser of the Register's Washington Bureau. I ask unanimous consent that they be printed in the RECORD.

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

A DILEMMA ON U.S. FORESTS

(By James Risser)

MISSOULA, MONT.—The people of the Bitterroot Valley south of Missoula live in a nature-lover's paradise, surrounded on all sides by the mountain peaks of the Bitterroot National Forest.

In winters past, they gazed up at the snow-covered, government-protected hills to see solid stands of magnificent douglas fir, ponderosa and lodgepole pine.

But this winter, their attention is fixed on the barren, treeless snowfields that break up the wooded vista. Vast areas of the Bitterroot have been "clear-cut" by commercial loggers—victim to the nation's apparently insatiable demand for more and more timber.

Some of the land that has been stripped bare by the loggers is almost impossible to reforest, even if there were money and personnel to do it.

What started out here as a local conservation controversy may turn into a nationwide questioning of what is happening to our national forests.

A month-long study by The Des Moines Register disclosed that what has happened here on the Bitterroot is not an isolated case of abuse of public lands.

Specifically, it was found that:

The key law that governs national forest usage—the multiple use-sustained yield act of 1960—is being violated daily.

Timber-cutting on the national forests has more than doubled since 1950, without a similar increase in the replanting that is necessary to prevent the forests from eventually becoming depleted.

The U.S. Forest Service, pressured by the timber industry and at times by Congress and high officials of the executive branch, has emphasized logging and virtually ignored the other legally mandated "multiple uses" of the forests—recreation, wildlife and fish protection, watershed development, grazing.

There are serious deficiencies in the Forest Service's timber sales programs. Appraisals sometimes are too low; particular sales often are tailored to the needs of an individual lumber mill; there is collusion between lumber buyers in bidding on government timber; there is a variety of other questionable practices which prevent the government from getting full value for the timber it sells. The Register learned of these deficiencies from a number of sources within the Forest Service and the timber industry, and many of their complaints are substantiated in an unreleased Forest Service study.

Timber-cutting methods, particularly "clear-cutting," have resulted in unnecessary ecological and esthetic damage to the forests. Loggers often violate their contracts with the Forest Service by poor road construction and by leaving behind huge piles of waste materials which are unsightly and are serious fire hazards.

The Forest Service today is 5 million acres behind in reforesting previously-cut lands. Yet the Nixon administration has recently announced a plan to increase the annual timber harvest from the national forests by 60 per cent (about 8-billion board-feet) by 1978. And the Public Land Law Review Commission, in a report harshly attacked by conservationists, says logging should become the recognized "dominant use" of the national forests.

It was in this setting that a special committee at the University of Montana issued a report in November on the Bitterroot National Forest—a report hailed by conservation groups and some foresters, condemned by other foresters and by the timber industry, and received with mixed feelings by the Forest Service.

The "Bolle Report"—named after its principal author, Arnold W. Bolle, dean of the university's School of Forestry—concluded that on the 1-million-acre Bitterroot forest, "multiple use management, in fact, does not exist as the governing principle.

"Quality timber management and harvest practices are missing. Consideration of recreation, watershed, wildlife and grazing appear as afterthoughts."

RECREATIONAL VALUES

Much of the Bitterroot forest, which stretches along both sides of U.S. Highway 93 in western Montana, is "fairly steep to rugged terrain," "prized for recreational and esthetic values," and logging activities in the forest are "clearly visible" to residents and visitors, it was noted.

The Forest Service policy of permitting loggers to "clearcut" (chop down all trees in a given area, rather than selecting only mature trees and leaving the others) has produced ugly, barren areas and "cannot be justified," said the Bolle Report.

Clear-cutting occurred on steep slopes, which had to be terraced afterward in order to prevent soil erosion and to aid reforestation, the committee noted. The terracing is unattractive, said the report. In some of these areas erosion has occurred and seedling trees have simply washed away.

On the volume of cutting, the Bolle Report said, "We doubt that the Bitterroot National Forest can continue to produce timber at the present harvest level." Forest Service figures set the current "allowable cut" on the Bitterroot forest at 50.3 million board-feet a year, a figure that was exceeded in actual cutting by 6 million board-feet in 1968 and by almost 13 million board-feet in 1969.

But some of the harshest language in the Bolle Report concerned the general philosophy and operations of the Forest Service, which is an arm of the U.S. Department of Agriculture.

The Forest Service, the report charged, is "a federal agency which measures success primarily by the quantity of timber produced weekly, monthly and annually."

The "heavy timber orientation" of the Forest Service may have made some sense in the immediate post-World War II years when there was a building boom, but today "it is simply out of step with changes in our society," it added.

MAJOR EMPHASIS

"While the national demand for timber has abated considerably, the major emphasis on timber production continues."

In that framework, said the report, the staff of the Bitterroot National Forest developed an "overriding concern for sawtimber production . . . compounded by an apparent insensitivity to the related forest uses and to the local public's interest in environmental values."

The university committee was made up of Bolle, three other forestry professors, a wildlife professor, a sociologist and a political scientist. It was established at the request of Senator Lee Metcalf (Dem., Mont.), a conservation-minded senator who had received numerous complaints from constituents about conditions in the Bitterroot forest.

A STORM OF CONTROVERSY OVER REPORT

Issuance of the report brought a new storm of controversy to the valley. The report has been defended and denounced at numerous public meetings. The multi-million-dollar timber industry is king in Missoula, but the people are fiercely protective, too, of their environment.

"The timber companies think we're trying to put them out of business, but we're not," said Bolle. "But on the Bitterroot, the cutting went far beyond what is considered sound forestry."

The timber industry in many parts of the country has overcut its own, privately held woodlands, said Bolle. Thus, the industry keeps the pressure on the federal government to increase commercial sales of national forest timber, he added.

One Missoulian who has taken violent exception to the Bolle Report is Edward L. Shults, vice-president of Tree Farmers, Inc., who said in an interview here that he views the report as "a political accommodation, designed to castigate and discredit and intimidate the Forest Service, and to support obstructionist groups who want to stop all timber-cutting in the national forests."

Shults denied that the Bitterroot forest is being overcut and blamed the recent criticism on "people like the Sierra Club, who pose as conservationists but really are damned, hard-core preservationists. They always want to tie up commercial timber land in wilderness, and take it out of the economy. We can't waste all these resources. Just for housing alone, we're far behind now on timber production."

Shults' firm is a branch of The Intermountain Company, a Missoula lumber firm that owns little timber land of its own and gets two-thirds of its logs from the Bitterroot forest. The firm's annual logging activities total about 60 million boardfeet.

NO PLACE FOR HIM

Shults has written numerous letters and delivered talks against the Bolle Report, and promises to "bring it to a head" at the annual meeting of the university's forest school alumni later this month. "Bolle has no place in this setup," he said bluntly.

Senator Metcalf, on the other hand, praised the Bolle Report as "an independent and pervasive analysis of national forest management." He believes it reflects "customary and routine operations in a timbered western valley" and thus will have "an effect beyond the actual territory studied."

Brock Evans, of Seattle, Wash., northwest representative of the Sierra Club, sees the findings as the first academic-based confirmation of what his conservation-environment organization has been complaining

about for some time. "The Bitterroot National Forest is typical of what is happening on other national forests, at least so far as overcutting goes," he said.

At the Forest Service northern region office here in Missoula, reaction to the report has been more favorable than might be expected, although the top officials disagree with some of the conclusions and have been stung by some of the criticism of the Forest Service.

"The public thinks we're raping the forests, but we really are not," insisted James L. Wenban, deputy regional forester. "We are not in bed with the timber industry."

PREVIOUS REPORT

Wenban pointed out that the Bolle Report was preceded earlier last year by a toughly worded Forest Service task force appraisal of management practices on the Bitterroot forest. The task force was set up by regional forester Neal Rahm, following local criticism of the wholesale clear-cutting practices.

The task force was given free rein to write a report, without any Forest Service editing, and, although not as harsh as the Bolle Report, it does contain some strong indictments of the Bitterroot timber practices. In some respects, it is a searching self-examination of Forest Service practices and attitudes. Lumberman Shults said it is "too apologetic."

The task force acknowledged that clear-cutting had been overdone, that terracing had been done unwisely on steep slopes, that the Forest Service had permitted commercial loggers to exceed the "allowable cut," and that ponderosa pine in particular had been logged in excessive quantities due to a Forest Service "misinterpretation." The task force also found that poorly built roads, constructed by loggers under Forest Service supervision, had visually scarred the forest and contributed to soil erosion and stream damage.

The task force called for a bigger public voice in Forest Service decisions, and more attention to the other intended uses of the forest.

"Any lingering thought that production goals hold priority over quality of environment must be erased," it said. "There is an implicit attitude among many people on the staff of the Bitterroot National Forest that resource production goals come first and that land management considerations take second place."

LOGS COME FIRST

Commenting on that observation, the Bolle Report added: "We believe that this is so, not merely with respect to the Bitterroot National Forest. It is widespread throughout the Forest Service, especially with respect to timber production in a sense that getting the logs out comes first."

THE CONTROVERSY OVER TIMBER NEEDS

The Forest Service task force was headed by William A. Worf, regional chief of recreation and lands, who explained his few, strong points of disagreement with the Bolle Report:

"We disagree on what they said about the need for timber. The need for wood and wood fiber is increasing.

"Also, I believe that with good forest management practices, we can sustain the present level of cutting on the Bitterroot."

In a statement responding to the Bolle Report, regional forester Rahm praised its "forthrightness" and agreed with many of its findings. But on the question of timber needs, he stressed government and industry projections that "a substantial increase in the supply of softwood timber products and substitute material will be needed to meet the nation's goal of providing adequate housing for all our people by the end of this decade."

"SCARE TACTICS"

Bolle argues, in reply, that "the Forest Service always predicts lumber shortages. The projections just do not add up. There is no shortage now, the lumber component in housing is shifting as substitute materials are developed, there is no assurance that the housing construction goals will be met. To some extent, the projected demand for lumber is a scare tactic."

One other major recommendation of the Bolle Report has been disputed by the Forest Service and many other professional foresters because, as the report admits, it is "unorthodox" and "antithetical to professional dogma."

The recommendation is that, in low-producing timber areas of the forest, the Forest Service stop the inherently "uneconomical" practice of clear-cutting the scraggy stands and attempting to replant. Such areas should, instead, be cut selectively, removing older, residual timber, with no attempt to replant. This concept the Bolle Report termed "timber mining."

The Forest Service, which lives by the term "timber management," has rejected the "mining" concept as a violation of the principle of "sustained yield"—replacing all wood that is taken from the forest. The "mining" recommendation of the Bolle Report has been the subject of some heated public and private meetings here of forestry and other groups.

Bolle thinks the argument has become emotional and that the "mining" concept has been misinterpreted. He said the balance of the report makes it clear that the committee favors sustained yield and the multiple uses of the forest, but that in the poorer-producing areas it would be smarter to do some light, selective cutting without any artificial replanting.

INDUSTRY CLAIM

Nevertheless, the "mining" argument continues to be a controversial topic here and, if nothing else, has become important because some foresters and industry officials are using it to claim that the entire report is unprofessional.

The Bitterroot controversy, and its implications for the national forests generally, will not die down soon. A central problem, according to Thomas Payne, the political scientist on the Bolle committee, is that the Forest Service has been "somewhat insensitive to those forces that have been expressing different viewpoints. Those who objected have been seen as obstructionists."

And an editorial in the current issue of "American Forests" magazine calls the Bolle Report "a blockbuster. The ramifications of it are nationwide and will shake forestry to its foundations."

THE LAWS GOVERNING NATIONAL FORESTS

WASHINGTON, D.C.—Our 154 national forests cover 183-million acres, mostly in the Rocky Mountain and West Coast states. They are administered by the U.S. Forest Service, an agency of the U.S. Department of Agriculture.

The 1897 law that set up the forest system said "no national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States."

In 1960, Congress redefined the purposes of the national forests in the "Multiple Use-Sustained Yield Act," which declared that the forests "shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes."

The new law directed the secretary of agriculture to "develop and administer the renewable surface resources of the national forests for multiple use and sustained yield of the several products and services obtained therefrom."

The concept of "multiple use" was designed to insure that the national forests would not become a source of timber alone, but would be dedicated to other uses as well.

The concept of "sustained yield" was intended to provide for development of the various forest resources, including timber, but only at a level that would never result in the resources being used up. The technical language in the law speaks of "the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the national forests without impairment of the productivity of the land."

Under a subsequent 1964 law recognizing the establishment of wilderness areas, about 9 million acres of national forest land have been set aside as wilderness.

The Forest Service sells national forest timber, under contract, to commercial loggers and timber companies. The "allowable cut"—the amount designated by the Forest Service as the maximum amount of timber that may be cut under the multiple use-sustained yield principles—has been raised from 5.6 billion board-feet in 1950 to a current level of about 14 billion board-feet.

Most of the controversy surrounding the National Forest System has been related to charges that the Forest Service is stressing timber-cutting to the detriment of other intended uses. There also has been criticism of timber-cutting methods, particularly "clear-cutting" in which all trees in a given area are cut down.

Although the national forests make up only about 20 per cent of the nation's forestlands, they contain about 55 per cent of the remaining softwood sawtimber—the primary wood used in housing and other construction. Of the current softwood harvest in the United States, about one-third comes from the national forests.

[From the Des Moines Register, Feb. 15, 1971]

CLAIMS HONESTY LOST HIM POST WITH FOREST SERVICE

(By James Risser)

HAMILTON, MONT.—Fred Waylett worked his way up through the ranks to become a U.S. Forest Service "check scaler" in the Bitterroot National Forest.

He headed the scaling crews who measure logs removed from the forest by commercial timber companies. As the loaded logging trucks come down the mountain, the crews use their scaling sticks to determine the amount of board-feet in each log and then charge the logger at the rate agreed to in his contract with the Forest Service.

About four years ago, Waylett reached the conclusion that the loggers were getting a lot of free wood because of antiquated and loosened scaling procedures.

Instead of measuring each load of pine and fir logs, as in the past, the scalers were told to use a sampling method that often meant measuring only about one in 20 loads. In some cases, Waylett claims, the timber companies found out in advance which load was to be measured and purposely loaded it light.

What was more, the sawmills, Waylett knew, had improved their manufacturing methods so that they got many more board-feet out of a log than they use to. Yet the "rule," or scaling stick, used by the Forest Service scalers had never been revised to reflect this change.

Everything about the scaling, from "allowable waste" to "minimum diameter" of measurable logs, was weighted on the side of the timber industry, and "it was like they were stealing logs," he said.

Waylett's solution was to take these changes into account in the loads of logs he scaled. The loggers quickly objected, and a regional Forest Service scaler was dispatched to set Waylett straight. Waylett held firm and a year-and-a-half later, the regional Forest Service office in Missoula revoked his

"check scaler" certificate, demoted him to a regular scaler and reduced his pay.

"TOO HONEST"

Rather than accept the decision, Waylett, then 66, resigned. Forest Service records indicate a disability retirement on grounds of arthritis. But Waylett says, "I was forced out because I was too honest."

Now 68, he lives on a small pension, does some occasional log scaling for the timber industry, and goes fishing. He is bitter about the experience.

James L. Wenban, deputy regional forester in Missoula, says flatly that "there was no hanky-panky involved. Mr. Waylett was not scaling properly. We have scaling rules and a scaling manual, and you can't have people scaling all different ways.

"He was pretty well crippled up with arthritis. He was 66 years old and ought to have retired anyway. We tried to work with him but he just wouldn't change."

Wenban said he thinks the scaling procedures are adequate and that the Forest Service gets full value for the logs, but he acknowledged that the scaling stick still in use is out of date for the reasons Waylett claims. He said, however, that the Forest Service takes this into account in appraising the timber and setting a minimum price before putting the timber up for bids. "Waylett never could understand that," he said.

40-PERCENT MORE

Another Forest Service official, who refused to be quoted by name, said however, that the amounts added to the appraisals (called overruns") often do not fully correct the discrepancy between what the scaling sticks say a log measures and the amount of wood the sawmills get out of it.

The official said he knows of one mill that regularly gets 40 percent more wood than the Forest Service says the logs contain.

Studies have been made which show how to revise the scaling instruments to make them accurate, "but the vested interests have a stake in this and the changes are not made," he said.

The Register, after numerous requests to the Forest Service, has obtained a previously unreleased report, dated last July, which shows a number of major deficiencies in other aspects of the timber sales programs.

In addition, other industry and former industry sources have confirmed that serious problems exist.

A SALE

The essential elements of a sale of National Forest timber are these:

Forest Service officials at the particular forest decide which areas within the forest are ready for harvest, and, governed by the current "allowable cut" for that forest, announce that certain timber is to be put up for sale. Before doing so, the Forest Service appraises the timber and sets a minimum selling price. Then competitive bids are taken, either in writing or at an auction, and the highest bidder is awarded a contract.

The contract tells him the area to be cut, the cutting method (clear-cutting or selection cutting, for example), approximately how many trees of each type are contained in the area, and what the price per board-foot will be. He also is required to build roads, clean up the area after cutting, and take other steps designed to leave the land in good shape for either natural or artificial reforestation.

Gordon Robinson, now the forestry consultant for the Sierra Club but for 27 years timber manager for the Southern Pacific Co., charges that because the appraisals are based largely on statistics supplied by the timber industry and because a generous profit margin of 12 per cent or more is figured in, the appraisals "assure industry of low to moderate prices."

This is one reason, he says, "that there is so much pressure from industry to increase the timber cutting on the national forests."

SALES TAILORED

Although bidding is supposed to be competitive and open, sales often are tailored to the needs of a particular local mill so that it is almost certain to get the bid, he said. In addition, "buyers of national forest timber frequently agree among themselves in advance of bidding to keep prices under control."

Homer Hixon, deputy chief in charge of timber management in the Forest Service headquarters in Washington, D.C., agreed that "there may be a few cases of collusion in bidding. We've suspected it a few times and we're sensitive to it, but it's very hard to prove." He could not recall a lumber buyer ever being convicted for engaging in collusive bidding. Hixon also insisted that the appraisals are fair and that Robinson "has no basis for what he's saying."

One timber company official in the Hamilton area, who works for a firm that buys timber in the Bitterroot forest, told The Register privately that "certain types of sales are set up to help certain companies, and sometimes you wonder how that much more of a certain type of tree just happened to grow to maturity all of a sudden."

Asked about collusive bidding, the company official asked, "Do you want me to go to jail?

"Yes, there is some collusion," he added. "You make deals with other companies about who will bid on what. In cases like that, we might as well just sit down with the Forest Service and divvy up the lumber instead of going through any bidding process.

"It's wrong because were dealing with public lands. It should be stopped."

CANDID REPORTS

Last July, the Forest Service regional office in Missoula, which shortly before had issued a rather candid report accepting some blame for overcutting and poor cutting practices in the Bitterroot forest, completed an equally candid study of timber sales practices in the entire region. The Missoula-headquartered region covers Montana, North Dakota, and parts of Idaho, Washington and South Dakota.

Copies were sent to regional officials and to Washington but, because of some of the strong findings, were ordered recalled. Forest Service officials at first declined to produce a copy but finally did so with the caution that it had been intended, as the report says, as an "in-service evaluation" for use "by people intimately familiar with the Forest Service."

The basic conclusion of the report is that there is "a lack of quality" in timber sales management, which "may be a symptom of deeper and more complex problems that face the Forest Service." The report also said that the Forest Service has "not held out for adequate funds and manpower to do a quality job."

Specifically, the report documented instances of poor appraising of timber, poor supervision of road-building and logging operations, and poor clean-up after logging.

Timber appraisals, studied by the five-man team that made the report, "showed an implied lack of understanding of the basic appraisal concepts," says the report. In addition "we have inexplainable differences in cost estimates for similar roads." Perhaps the most serious charge in the report is that there have been "arbitrary changes" in timber appraisals by individual forest supervisors.

COST FIXING

"In the worst case noted, some 'finagling' apparently went on at the supervisor office level to fix the cost of logging and slash (waste) disposal, overriding district ranger appraisal efforts without sufficient explanation," said the report.

In one instance, a timber sale was found to have been "designed for a particular operator," said the report. Even then, the operator apparently did not want to bid at the suggested price, the report indicates, and in order to encourage him the forest ranger district office lowered the appraisal by setting a "biased and low" figure for waste disposal costs.

The intended bidder then got the contract and, under the terms of the sale, did not remove nearly all the waste produced by the timber-cutting operation, it was noted.

"The results are as expected," said the report. "We now have an area with heavy concentrations of flash fuels, with the immediate potential for destruction of a newly thinned stand of timber, and no effective means or money for abatement of the hazard."

One critic of the sales procedures said he thinks the answer is to clamp down on the local forest officials. An individual forest supervisor can, on his own, conduct a sale of up to about 25 million board-feet (the actual figure depends on the area of the country involved), and most sales fall within this category.

Robinson, the Sierra Club consultant, said he thinks the real way to reform the sales program is for the Forest Service to do all logging itself and sell the timber later through public bidding.

[From the Des Moines (Iowa) Register, Feb. 16, 1971]

AN OLD FORESTER SPEAKS OUT

(By James Risser)

"Conservation is the foresighted utilization, preservation and renewal of forests, waters, lands and minerals, for the greatest good of the greatest number for the longest time."—Gifford Pinchot

HAMILTON, MONT.—G. M. Brandborg is an almost legendary figure in western Montana's beautiful Bitterroot Valley.

Raised in the conservation traditions of Gifford Pinchot and Theodore Roosevelt, the 77-year-old Brandborg lives in retirement now in a comfortable house in Hamilton, within view of the hills of the Bitterroot National Forest where he served for 20 years as forest supervisor.

The white-haired forester is far from inactive, though. "Brandy," as everyone calls him, was one of a handful of private citizens who began speaking out three years ago against what they regarded as intolerable timber-cutting activities in the Bitterroot.

TWO REPORTS

Their protests led to a U.S. Forest Service task force study, which admitted some poor logging practices and excessive cutting. That study was followed by an even more critical report from a special committee at the University of Montana in Missoula, which said other intended uses of the forest had been sacrificed to the timber industry.

Brandborg was with the Forest Service for 40 years and supervised the Bitterroot forest for 20 years before his retirement in 1955. In an interview here, he told how he thinks the Forest Service has gone astray since World War II and why the Bitterroot was overcut in the 1960s.

Some of his criticisms are acknowledged as accurate by Forest Service personnel; others are disputed.

Brandborg believes that recent public statements by top Forest Service officials indicate that a healthy re-examination of government timber programs may be beginning, but he is worried about recently announced plans to again step up logging in the national forests—a 60 per cent increase by 1978.

"LAND ETHIC"

"In my day," he said, "the forester was imbued with a 'land ethic' that no generation could be allowed to damage or reduce the future wealth by the way it uses natural resources.

"There was never any fear then in speaking out against the special interests and in making decisions that were for the good of the public.

"But in the middle 1940s, the leadership in the Forest Service and other public land agencies capitulated to the timber barons and other economic forces. The Forest Service now is operating under a system that precludes scientific forestry, but it will not admit it.

"Most of the money is going into timber harvesting, and very little into the other uses of forest land. We are overcutting. We are far exceeding the sustained-yield capacity of the timber lands to produce."

The pressure for increased commercial sales of national forest timber has come, says Brandborg, from the timber and housing industries and from presidential directives to cut down more trees. "The Forest Service has betrayed the public by not telling them that this is what is happening," he said.

Brandborg and other members of the Ravalli County Resource Conservation and Development Committee, in their protest about the Bitterroot, focused on the increased use of "clearcutting," a timber-cutting practice which involves cutting down all trees of all ages and sizes in a particular area. The barren clearcut area then is terraced and steps are taken to generate growth of new trees, either naturally or through replanting.

When Brandborg was Bitterroot supervisor, little clear-cutting was done, because of the scenic damage it causes and the dangers of soil erosion, watershed disruption and wildlife destruction if not done properly, he said. The prevalent timber-cutting method then was "selection cutting" in which only some mature trees are cut from a given area at one time.

TELL OF DISLIKE

The small group's protests were aided by Dale Burk, the aggressive environmental collumnist for The Missoulian, a daily newspaper, who wrote an extensive series of stories on what was happening to the Bitterroot.

Both Brandborg and Burk are disliked by the local and powerful timber industry. "They're stinkers," said Edward L. Shults, vice-president of Tree Farmers, Inc. "They go down the line with the preservationists. They've been brainwashed."

Burk received numerous threatening telephone calls after he wrote his series, and his father, a lifelong logger, has been unable to find work. "When they hear his name, ask him if he's related to that young fellow who's causing the timber industry so much trouble, and when he admits it, there's no job," said Burk.

The University of Montana report on the Bitterroot forest recommended that the clear-cutting, terracing and replanting operations be halted, and concluded that present cutting levels could not be maintained without permanent damage to the forest. Under federal law, timber-cutting in national forests is not to exceed replanting efforts—the so-called "sustained yield" principle.

"The report is right on target," said Brandborg, "and it's a real professional breakthrough. It will have a tremendous influence on the forestry profession."

If Brandborg is right, what are the factors that have led the Forest Service down the path toward overcutting of the forests?

PRODUCTION EMPHASIZED

Statements from the Forest Service's own independent task force report on the Bitterroot, although they do not go as far as some critics, may provide some of the answers:

"The emphasis on resource production goals (timber cutting) is not unique to the Bitterroot National Forest and does not originate at the national forest level," the task force said. "It is the result of rather subtle pressures and attitudes coming from above.

"While the goals of management on the national forests are broad and sound, the most insistent pressure recently has been to increase the timber cut on these national forests in order to make more timber available to ease the shortage of housing materials.

"The insistence of this pressure is indicated by the fact that the Forest Service is required, once a week, to report accomplishments in meeting planned timber sale objectives to its Washington office, in order to keep the secretary of agriculture, Congress and outside groups informed of progress in meeting timber-cut commitments.

"It seems clear that until sound land management receives top priority in fact, as well as in principle, from the leaders of the nation on down, the handling of the public lands will always leave something to be desired . . .

"In recent years, there has been a mandate from both the President and Congress to increase timber production. The need for timber cut and roads has dominated national forest activities.

"The timber-cut objectives have been accomplished without adequate financing, using the shortcuts necessary, without adequate quality control—but the job has been done."

FUNDING LISTED

The task force report also contained some revealing statistics on federal funding of the national forests:

In the eight years ending with 1970, the Forest Service got 95 per cent of the funds it sought for timber sale activities on all the national forests, but only 40 per cent of the money it asked for reforestation and timber stand improvement.

Likewise, the other intended "multiple uses" of the forest system got shortchanged compared with timber-cutting. Recreation got only 45 per cent of the funds sought, wildlife management 63 per cent, soil and water management 52 per cent, and range management 81 per cent.

This situation led to the conclusion in the University of Montana study that, despite the law, multiple use "does not exist as the governing principle on the Bitterroot National Forest." Brandborg and other critics say the situation is the same on many other national forests.

A previously unreleased study by the Forest Service's Northern Region, a copy of which was obtained by The Register from the Forest Service, agrees that other uses of the forest have suffered because of "production pressures" leading to a timber-sale program "favoring quantity over quality."

The report says "the timber industry is, and will be, pressing for a continual and perhaps increasing flow of timber sales. Preservation groups are applying reverse pressure. Forest Service people are somewhat divided."

The pressures "may have climaxed," says the report, "in early 1969 when the President ordered the Forest Service to make a crash acceleration of the sell program. This region (Montana, North Dakota, and parts of Idaho, South Dakota and Washington) was requested to sell 200 million board-feet during the first six months of 1969 in addition to the regular program."

The report concluded that "our challenge is to properly develop and manage these areas for maximum wood production and at the same time, provide for all other suitable uses and needs of the land and the public."

NEED FOR CHANGE

Regional forester Neal Rahm, of Missoula, said recently that "the need is for change and the time is short. We must start crusading for quality land management as we never have before."

The Forest Service chief, Edward P. Cliff, told his employes last October that "our programs are out of balance to meet the public needs for the environmental 1970s. Our direction must be and is being changed. The Forest Service is seeking a balanced program with full concern of quality of the environment."

A timber industry official in Hamilton, who privately is upset about recent national forest trends, told The Register that "the industry does put pressure on the Forest Service and we have overcut the national forests. We also have cut a poorer quality of timber, through clearcutting. Many of our practices are wrong and need to be changed."

Gordon Robinson, Sierra Club forestry consultant and a former timber industry official, says flatly that in the west, where most timber for building purposes is cut, "the Forest Service is now cutting at least 50 per cent in excess of that quantity of timber that can be sustained."

To meet demands for more wood, the Forest Service has shortened "rotation periods"—the time between when a tree is planted and when it is ready to cut—so that trees in the national forest are being harvested before they are mature, he charges.

Clifton Merritt, director of field services for the wilderness society, says Forest Service philosophy has changed to that "allowable cut" figures for each national forest are considered a production goal that must be met rather than, as in the past, "the ceiling above which cut would not be allowed to go."

(Forest Service officials in Washington do not agree with many of these complaints. Their views will be stated in subsequent articles).

Regional forester Rahm says that it is clear that "our management efforts must be oriented toward the 'whole forest' and fully recognize all other resource values."

Rahm and other Forest Service officials in the Montana region believe that part of the answer is increased funding and personnel for the Forest Service so that money is available for recreation and wildlife and for using the forests as a source of water, as the law intends.

TELL ADVANTAGES

They do not agree with those who totally oppose recent clearcutting practices. Clearcutting should be restricted, especially where it will damage the scenery and on steep slopes where it causes erosion threats, they say.

But in some cases, the region's Bitterroot task force report said, clearcutting "offers the best method to produce the highest annual timber yield. The clearcut area can be restocked immediately to vigorous, disease-free trees that have the potential to produce the maximum growth of the site."

[From the Des Moines (Iowa) Register, Feb. 17, 1971]

THREAT TO HARDWOOD FOREST BY "CLEARCUTTING" IS FEARED

(By James Risser)

RICHWOOD, W. VA.—The Monongahela National Forest in the Appalachian Mountains of West Virginia is one of the finest mixed hardwood forests in the country.

Or, at least it was until 1964. That was the year when U.S. Forest Service officials abandoned their traditional and careful "selection cutting" method of harvesting only the mature oak, maple, beech, cherry and other hardwoods, and instead permitted the commercial loggers to begin "clearcutting."

"Shocking," said U.S. Senator Jennings

Randolph (Dem., W. Va.) when irate local citizens showed him the results one day last year—large devastated sections of the forest which had been laid bare in areas ranging up to 550 acres.

Their outcry led to creation by the West Virginia legislature of a special "Forest Management Practices Commission," which last August issued a blistering report charging that Forest Service policies on the Monongahela Forest are "timber oriented" to the exclusion of other forest uses required by law.

The clearcutting practices not only threaten to change the character of the forest itself, but have impaired recreation uses, endangered wildlife, caused soil erosion and generally produced "esthetically undesirable" results, said the commission.

It recommended abandonment of clearcutting, except in certain restricted situations, called for new attention by the Forest Service to other forest uses, and suggested creation of a U.S. Commission on National Forest Management.

The Forest Service responded with a task force report confessing some errors, particularly its failure to develop the other "multiple uses" of the forest. But it refused to rescind its policy of clearcutting as the primary timber management method in the Monongahela—promising, however, to restrict clearcuts to 25 acres in most cases and to use selection cutting in areas especially visible to the public.

The Forest Service also said it sees no need for a national commission to oversee its activities.

"HEADS IN SAND"

Howard Deitz of Richwood, a leader of what he jokingly calls "the small band of malcontents who started all this," accused the Forest Service of a "head-in-the-sand attitude," and said its response to the state commission report is "not satisfactory."

Deitz, a shoe store owner and member of the local Izaak Walton League chapter, makes it clear that he and other citizens who have spoken out "are not preservationists. We support use by the timber industry of the Monongahela National Forest."

"But we are tremendously concerned by the rapid liquidation of the remaining mature timber on the forest," he said. "A policy of 'even-aged management' (the Forest Service's term for clearcutting) is just dead wrong in a mixed eastern hardwoods forest."

The timber industry is important to Richwood, Deitz recognizes, as evidenced by the large Georgia Pacific Corp. mill that dominates the town. The fine furniture, veneer and wood trim that comes from the hardwoods is important to economically depressed West Virginia.

Also, the Forest Service pays 25 per cent of the money it makes on timber sales back to the states and counties where the logging took place for use on roads and schools.

But Deitz and other local leaders also are conservationists, who appreciate the forest for its other values. In addition, the scenic beauty of the area brings in tourist dollars. And, finally, at the present level of cutting (about 50 million board-feet a year compared with a yearly average of 12 million board-feet in the 1950s), the estimated 31,000 acres of mature timber soon will be gone, they say.

One of Deitz's allies is Ralph O. Smoot, a retired professional forester who served with the Forest Service as district ranger on the Monongahela. He says Forest Service philosophy has changed, under pressure from the timber industry, to the point where a ranger "is graded on whether he meets a quota for cutting timber."

WENT BACK IN

Smoot recalls one area in the "Hunters Run" section of the forest where, under his direction, timber was sold and cut under the selection method. Only nature hardwoods were removed, while other younger trees were left to continue their natural growth for harvest later.

"Eight years later, because the pressure was on, they went back in and clearcut," he said.

In a sense, said Smoot, the Forest Service is correct in its contention that clearcutting is the best method of logging. It is easy and quick, and when the cutover land grows back it produces trees of the same age and size which then can be logged easily and handled with speed by modern sawmill equipment.

"In other words, it's efficient, but that doesn't mean that is the way a national forest should be operated," he said.

Lawrence Deitz, a cousin of Howard Deitz and a citizen member of the special state commission, said the diverse nature of the Monongahela Forest—all types of hardwoods, slow-growing and fast-growing, and some softwoods—is the reason it has such scenic charm and supports such a variety of wildlife.

Under the clearcutting method of timber harvesting, in addition to the immediate environmental damage, there is the problem of some slower-growing trees never returning since they are harvested before they reach maturity. Also, when all the trees are of the same age and type, some animals that previously inhabited the Monongahela cannot survive, he said.

The Richwood citizens' protests attracted the attention of Grover (Zip) Little of Kenova, a state leader of the Izaak Walton League. He helped mobilize the fight, and says he found the Forest Service "destroying the forests by growing trees just for timber."

ARRANGED TOUR

When Deitz and other concerned citizens persuaded Senator Randolph to come take a look last spring, the Forest Service arranged a tour that included some small clearcut areas which were generating the growth of new trees. Randolph, who had been alerted to the extent of the clearcutting operations, asked to see "what the other side of the mountain looks like."

According to those who were on the tour, the Forest Service officials tried to dissuade him on the grounds that the roads were bad, but Randolph said he would hike in.

As a result, he found a 160-acre clearcut area and another one of 549 acres on a hillside where, Randolph said, the cutting is certain to cause "significant erosion problems." He said "this cut had been made despite statements that steep slopes are not compatible with clearcutting" and "the entire area was covered with usable pulpwood, slash, and dying timber."

Randolph also said that local citizens had been misled into believing that clearcutting would be practiced on an "experimental basis, carefully supervised and in small plots, widely separated."

Last August, the special West Virginia commission issued its 50-page report, finding that the Forest Service had planned "that every single acre of the 820,000-acre Monongahela National Forest could be clearcut sooner or later, regardless of whether an area was used predominantly for recreational activities of camping, fishing, hunting, hiking or boating . . . as scenic vistas, peaceful brook or meandering stream, or was an area in which the flora and fauna depended on the trees for cover and food."

Under such a system, the Federal Multiple Use-Sustained Yield Act of 1960 was not being obeyed, the commission found.

"NOT DEPLETED"

That act dedicates the national forests to five uses—outdoor recreation, range, timber, watershed, and wildlife and fish. It also says the resources of the forest must be used in such a way that they are not depleted, but are renewed and will last "in perpetuity."

The West Virginia commission said the areas in which the Forest Service had permitted clearcutting were esthetically undesirable and unusable for recreation for 10 to 15 years following the cutting. The 549-acre clearcut area had been an important habitat for wild turkey and bear, it said.

Clearcutting also wastes timber resources, because smaller trees are often left behind, either poisoned, felled, or killed and left to rot, the commission said.

Its recommendation was that clearcutting be practiced on the Monongahela only in rare cases where "even-aged management" is the only way to achieve regrowth. In addition, the commission said, clearcut areas should be small and well dispersed, and clearcutting should be limited to a fraction of a per cent of the total forest land in any one year.

The Forest Service accepted the proposed limitations on size and location of clearcuts in its report last December, but rejected a percentage limitation and declined to say that it would abandon clearcutting as the principal method of cutting.

Frederick A. Dorrell, supervisor of the Monongahela Forest, has said on a number of occasions that "we do not intend to depart from even-aged management as the basic timber management system." Deitz and the other critics do not believe that the latest Forest Service statement makes any important change in Dorrell's stand.

In a statement to Russell E. Train, chairman of the President's Council on Environmental Quality, the Forest Service, a branch of the Agriculture Department, said clearcutting has proved to be a "more desirable system for regenerating a variety of desirable species," particularly those which need sunlight to grow well.

"NOT PERMANENT"

The report by the Forest Service acknowledged some esthetic damage, but said it "is not permanent and is rectified by the regeneration and growth of a new timber cover."

It said "trees, like other crops, when harvested, may be replaced by new trees."

An earlier Forest Service task force report did, however, criticize the way clearcutting had been handled on the Monongahela, and admitted much more needed to be done to assure proper attention to the other multiple uses.

Senator Randolph says, however, that the Forest Service "wholly misses the public temper with regard to clearcutting" by trying to blame the controversy on a "few vocal opponents."

Randolph said, "This appears to be the same lack of awareness or effort to minimize public concern which the Forest Service has demonstrated on a nationwide basis."

Meanwhile, the Forest Service and Agriculture Secretary Clifford Hardin have denied the requests of the critics for a moratorium on clearcutting on the Monongahela.

THE TIMBER LOBBY VS. FOREST CONSERVATIONISTS

(By James Risser)

WASHINGTON, D.C.—The Forest Service, a branch of the U.S. Department of Agriculture, has a time-honored reputation as a conservation-oriented agency.

To most people, the Forest Service's fire-fighting symbol, Smokey the Bear, epitomizes its dedication to guarding the nation's woodlands.

But a growing number of critics are saying that the biggest threat to the national forests is not fire. The Forest Service, they charge, has fallen into the clutches of the timber lobby and is permitting commercial loggers to devastate much of the 183-million-acre forest system.

TIMBER BILL

As evidence, they cite the Forest Service's endorsement of a timber-cutting bill killed last year in the House of Representatives, followed by a just-announced policy to step

up national forest logging by 60 per cent to provide more lumber for housing.

Conservationists in Montana, West Virginia, Wyoming and other states are up in arms about the methods by which the Forest Service lets the timber buyers chop down the trees—particularly "clearcutting," which leaves the land barren and imperils recreation, wildlife and other intended "multiple uses" of the forests.

Edward P. Cliff, longtime chief of the Forest Service, is disturbed by the accusations.

"We are not overcutting our national forests," he said in an interview here. "We are cutting on a sustained-yield basis, following sound forestry and conservation practices."

The national forests, Cliff added, have reached "only an intermediate stage of development." Provided that Congress makes available the money for intensified forest management, timber-cutting can be increased greatly without any permanent harm to the forests and their other uses, he said.

Homer J. Hixon, Cliff's deputy chief for timber management, said: "The demand for wood products is going right up, with our increasing industrialization and growing population. There is great pressure on us from industry to step up the cut, and we are willing to do so within the constraints of sustained yield and multiple use.

"It is not our purpose to exploit or use up all the timber or the other forest resources," Hixon added. "We think we are successful when we come up with a balanced program that provides for all the uses of the forests."

With the timber industry pressuring it from one side, particularly through receptive congressmen, and with conservation groups on the other side urging less logging, the Forest Service is caught in the middle.

It seems clear that, at least in recent years, the timber lobby has won out. The level of commercial logging on national forests has risen to nearly 14 billion board-feet a year, more than double what it was on the same amount of land in 1950, and little money has been given the Forest Service for development of the other forest uses.

BOOST SHIPMENTS

The timber industry complains of lumber shortages, but continues to increase its shipments of logs to Japan at handsome profits, while inducing Congress to clamp an export restriction on national forest trees so that the industry will be guaranteed a source of lumber for its domestic needs.

The timber lobby operates out of the handsome, eight-story Forest Industries Building in Washington, and consists of a number of organizations. The main organization is the National Forest Products Association. There is an educational arm called the American Forest Institute, and a political campaign organization named the Forest Products Political Education Committee.

They are financed primarily by contributions from timber companies and lumber dealers.

The Forest Products Political Education Committee gave a total of $28,000 to election campaigns of 42 senators and congressmen last year, according to reports it filed with the clerk of the House of Representatives.

Most of those who received the contributions are on key committees dealing with public lands, and many of the recipients were congressmen who had pushed hard early last year for the industry-backed timber-cutting bill.

Representative Rogers C. B. Morton (Rep., Md.) was a sponsor of the bill rejected by the House, and was given a $300 campaign contribution by the timber lobbyists in 1968 and $500 in 1970. This was one of the factors that led the Sierra Club to oppose, unsuccessfully, his confirmation last month as secretary of the interior.

H. P. (Buck) Newson, vice-president for public affairs at the National Forest Products Association, said the industry effort to log more trees in the national forests "is not a question of us increasing our own markets; it's a question of helping to meet the social needs of the country for decent housing."

He said, "We have to build some public backfire against the hysteria of setting all this land aside."

BEST INTEREST

James R. Turnbull, executive vice-president of the association, says recent attacks on national forest policies have come mainly from groups "that would preserve, rather than conserve, our national forests . . . What they believe to be in the best interests of the forests is not necessarily in the best interests of the majority of the people."

Also closely associated with these timber lobby organizations are such trade groups as the American Paper Institute, American Plywood Association, the American Pulpwood Association, the Southern Pine Association, the Western Wood Products Association and the National Lumber Manufacturers Association. They also work with related organizations such as the National Association of Home Builders.

As a result of their efforts, the Forest Service has become, in the view of Brock Evans of the Sierra Club, "a classic case of a regulatory agency being governed by the industry it should be regulating."

The controversy over the use of the national forests heightened in early 1969, when committees of both the Senate and House held hearings to probe the sharply rising price of softwood lumber and plywood. Although acknowledging that increased exports and other factors were important, the committees concluded that there was an actual shortage of lumber that demanded an increased harvest from the national forests.

About the same time, President Nixon ordered that an additional 1.1 billion board-feet of lumber be put up for sale from the national forests. This was done without any corresponding increase in reforestation efforts, and without any additional money for other forest uses, conservationists complain.

HAVE BACKLOG

At the congressional hearings, Forest Service chief Cliff acknowledged under questioning that the Forest Service has a backlog of nearly 5 million acres of national forest lands in need of replanting and seeding, and another 13 million acres that need thinning and other work. The total cost of wiping out this backlog would be about $900 million, he said.

The timber programs have had "an adverse effect on the public lands," Cliff admitted, because the Forest Service has received from Congress most of the money it sought for commercial logging activities in recent years but a much smaller percentage of the funds needed for reforestation and other forest activities.

Tight money and the resulting decline in the housing market caused lumber prices to level off later in 1969, but the industry then turned to Congress with a plea to pass legislation earmarking Forest Service timber-sale receipts for use in stepping up future timber harvesting and sales.

The industry bill, revised to at least recognize the multiple use-sustained yield principles that now govern the forests, came before the House of Representatives in February, 1970.

Agriculture Secretary Clifford Hardin endorsed it as "essential to improving the timber-producing capacity of the national forests within multiple use and sustained-yield principles."

After a long debate, the House, on the motion of Representative John Kyl (Rep., Ia.), refused to consider the bill further.

Kyl questioned "the motivation behind this piece of legislation" and said its passage would compound the underfunding of other forest uses.

"FAILED MISERABLY"

The "multiple use" requirement, enacted by Congress in 1960 to insure that the forests would be used for recreation, wildlife, watershed development and grazing, as well as timber, has "failed miserably," Kyl declared.

Representative John Saylor (Rep., Pa.) said the bill was "special interest" legislation and "a vast, cut-out-and-get-out scheme for the national forests." He called it "not a housing bill" but "simply a legislative windfall for the timber industry." He said it was "disgraceful" that the Forest Service would back the bill.

Representative Richard Ottinger (Dem., N.Y.) said that in view of the rising timber exports, any claimed lumber shortage appeared to be artificial.

The main sponsor of the legislation, Representative John McMillan (Dem., S.C.) stressed the government's commitment to provide 26 million new housing units so that all Americans will have decent homes. He said, "Trees are a crop, which can be planted, cultivated, harvested, and replanted like any other crop."

Also speaking for the unsuccessful bill were Representative Dave Martin (Rep., Neb.), who the congressional directory lists as a retail lumber dealer, and lumber state spokesmen Bernard Sisk (Dem., Calif.), Don H. Clausen (Rep., Calif.), John Dellenback (Rep., Ore.) and Wendall Wyatt (Rep., Ore.). All later received campaign contributions from the timber industry.

The issue of rising timber exports—in the view of many, the real cause of any timber shortage—has somewhat split the industry for several years.

Japan, which needs softwood for timber, is willing to pay high prices for the wood, and the demand for export logs began to drive up the price of national forest timber. Those timber companies which have little timber land of their own or have overcut it in past years were upset because they rely on the national forests as a timber source.

MORSE BILL

The final result was an export restriction authored in 1968 by then Senator Wayne Morse (Dem., Ore.), on behalf of some segments of the timber industry. It limited the amount of unprocessed timber that could be exported from federal lands west of the 100th meridian to 350 million board-feet a year.

Because the restriction applies only to federal lands, however, lumber companies have continued shipping to Japan from lumber cut on their own lands and then have tried to make up their domestic needs from the national forest timber. This in turn created more industry pressure for increased national forest logging.

Softwood timber exports reached a new high last year of 2.6 billion board-feet, Forest Service timber management chief Hixon reported.

The Morse restriction, extended by Congress late last year for another five years, permits the Forest Service to adopt regulations to prevent the export restriction from being evaded through the methods now being used by industry, but Hixon said such regulations have never been issued because they would be "very, very complicated" and "impossible to administer."

Both Cliff and Hixon said that the main solution to the problems that exist is more money from Congress, both to permit better forest management and thus more timber-cutting, and also to assure more attention to the other "multiple uses" of the forests.

Hixon strongly disagreed with accusations, like that contained in a recent University of Montana study on timber-cutting in the

Bitterroot National Forest, that the Forest Service "measures success primarily by the quantity of timber produced."

He also defended the use of clearcutting, which he said produces better forest regrowth despite temporary scenic damage.

He said he thinks the commercial sales of national forest timber are well administered, although a recent study by the Forest Service regional office in Missoula, Mont., questions the integrity of both the timber appraisals and sales.

Hixon was unable to produce a compilation of the major buyers of national forest timber, saying the Forest Service does not have such figures. Many timber sales go to logging contractors, who in turn sell to timber, paper and other companies, he explained.

He listed among the major users, however, Boise Cascade Corp., Weyerhauser Co., American Forest Products Co., Georgia Pacific Corp., Crown Zellerbach Corp., International Paper Co., U.S. Plywood-Champion and Southwest Forest Industries Co.

BATTLE LINES FORM IN DISTRICT OF COLUMBIA OVER TIMBER

(By James Risser)

WASHINGTON, D.C.—The battle lines are being drawn here for a new showdown over the growing use of our national forests as a source of commercial timber.

The U.S. Forest Service, armed with a presidential task force plea for more lumber for housing, wants to step up its annual timber sales by nearly 8-billion board-feet, a 60 per cent increase.

ENRAGED CONSERVATIONISTS

Opposing the Forest Service and the timber industry is a small but growing number of conservationists, who have vowed to fight what they regard as an attempted new raid on the publicly owned woodlands. They are enraged by the intensified use of "clearcutting," which leaves large areas of the forests barren.

More importantly, they contend that present cutting levels are so high that the forests are in danger of being depleted and made useless for the other purposes ordered 10 years ago by Congress—recreation, watershed development, wildlife, and grazing.

Senator Frank Church (Dem., Idaho) has announced that his Interior Subcommittee will take a look at the complaints during hearings on public land use tentatively scheduled for April. Forest Service critics are hoping that the one day now set aside for testimony on the national forests will be expanded into a full-scale inquiry into whether the Agriculture Department agency is squandering one of the country's great national resources.

Requests for large additional appropriations for the timber management programs will be countered by proposals for creation of a national, blue-ribbon commission to study present timber practices.

The Des Moines Register, during a month-long investigation of the national forests, found that the multiple use-sustained yield law which governs the forests is being freely violated. In addition, a variety of sources told of questionable practices in the appraisal and sale of national forest timber, and many of their accusations are borne out by a previously unreleased Forest Service study made available to The Register.

A year ago this month, a conservation coalition persuaded the House of Representatives to reject legislation inspired by the timber industry and endorsed by the Forest Service, which would have increased national forest logging through a specially created fund.

Then in June, a presidential task force on softwood lumber and plywood issued findings, endorsed by President Nixon, that "inadequate supplies of softwood timber and its products may act as a constraint on the achievement of the nation's housing goals (26-million housing units during the decade) and will increase the cost of meeting these goals unless effective programs are developed to expand timber availability . . . the national forests offer the principal possibility for expansion . . . the national forest cut can be expanded through appropriate investment in more intensive management."

In his endorsement of the findings, Mr. Nixon directed the Agriculture Department to provide for increased harvest of national forest timber "consistent with sustained yield, environmental quality and multiple use objectives." He also said the government should find ways to increase timber production from the presently cut-over private timber lands.

At the same time, the Public Land Law Review Commission issued its long-awaited report, which subsequently has been criticized by conservationists as being oriented too much toward use, rather than conservation, of public lands.

In regard to national forests, the commission recommended that on portions of the forest which are highly productive timber areas, and not "uniquely valuable" for other uses, timber production should be designated as the "dominant use."

NEW COMMISSION

To manage these dominant timber lands, a "federal timber corporation or division" should be created within the Forest Service and the Bureau of Land Management of the Interior Department, which also manages some forest lands, said the commission.

The commission complained of "conservative cutting practices" of the past and said, "we find no compelling reason to treat public land timber differently from the way it would be treated by the owners of well-managed private forest lands."

This philosophy has shocked conservationists, who point out that the whole purpose of the laws governing the national forests is to insure that they are not treated like private timber lands. The laws command the Forest Service to cut timber only on a "sustained yield" basis so that there will be a perpetual supply of timber, and to provide the public with other "multiple uses" of the forests.

Official confirmation of the Nixon administration policy on timber-cutting came early last month at an "environmental seminar" sponsored by the Department of Agriculture to explain what it is doing to protect the environment. Under secretary J. Phil Campbell told those attending:

"About one-fourth of all the timber harvested in the United States comes from the national forests. A population increase projected at some 25 million persons by 1980, plus continued economic expansion, is certain to result in growing demand for timber.

60 PERCENT MORE

"To help meet this demand we have targeted an increase of some 7-billion to 8-billion board feet in the annual sustained yield of timber from national forests during this decade. This target is some 60 per cent more than the current national forest timber harvest."

As a result, the Sierra Club charged that, having lost their fight for timber-cutting legislation last year, the advocates of increased logging in the national forests were trying an end run by seeking increased appropriations to the Forest Service.

This program, the Sierra Club said, means that "larger amounts of money will indeed be spent for wildlife, recreation, research, and other uses in the national forest system, but even more enormous amounts will be spent on logging, on advance roading, and more timber-cutting measures. The result will be that the imbalance on our national forests will become even more aggravated."

Next year's budget proposed by President Nixon would give the Forest Service an additional $6.7 million for timber sales, for a new total of $61.1 million. At the same time, reforestation and timber stand improvement would get an increase of $7.1 million, to total $27 million. Recreational uses of the forests would go up to $2.1 million to a total of $38.6 million; wildlife management would increase $1.1 million for a total of $5.9 million, and water management would rise $2.2 million to a figure of $3.7 million.

In 1950, the "allowable cut" for timber from the national forests was 5.6-billion board feet a year. It gradually has risen to more than double that, and the Forest Service forecasts a cut next year of 13.8-billion board feet.

"The timber lobby has enlisted the Nixon administration and the Forest Service—which has generally been on the industry's side anyway—in its efforts to force up the logging rate and finish off the virgin forests within our national forest system," the Sierra Club said.

The club said it will oppose new appropriations for the Forest Service for this purpose, and declared in a bulletin to its members that "the fate of all our national forests is at stake."

Lloyd Tupling, Washington representative of the Sierra Club, has charged that the presidential task force on lumber supply was industry-dominated. Actually, it was a cabinet-level group and was headed by Robert P. Mayo, a presidential economic adviser. But the input of information to the task force came primarily from the Forest Service which, although dedicated in principle to wise use of the forests, has often sided with industry on timber need projections. Timber trade organizations also furnished material to the task force.

The American Forest Institute, an industry organization, has praised the administration's timber goals, noting that federal lands contain nearly two-thirds of the standing sawtimber. The increases in cutting proposed by the administration "can be met with no damage to the environment," it said.

"UNDULY CONCERNED"

Edward P. Cliff, chief of the Forest Service, says the critics are unduly concerned. "The President has not recommended any raid on the national forests," said Cliff. "We are not going to increase the allowable cuts until we take steps to increase the timber growth. We would be replenishing the forests as fast as we would be removing them."

Homer J. Hixon, deputy Forest Service chief for timber management, says the projected increase "is a target that we think is attainable, provided the people are willing to spend the money for the sustained yield and multiple uses of the forests."

Nevertheless, what worries the conservationists is their belief that the Forest Service already permits the commercial timber users to overcut. They point to a 5-million acre backlog in reforestation already. They say the Forest Service has permitted more cutting by arbitrarily reducing the established maturity ages for various trees.

Also, they noted, Congress traditionally has given the Forest Service most of what it wants for timber sales programs, but half or less of the funding it seeks for reforestation and for the other forest uses.

Stepping up national forest timber production 60 per cent, even if done under sustained yield principles, would make logging so dominant that presently unused areas would be put into timber production and there would be little hope for the other uses of the forest, they say.

Cliff admitted in testimony before a Senate committee in 1969 that the Forest Service needs "funding at a substantially higher rate in order to catch up on work that should have been done in the past."

Other factors that could enter the picture in the next few months include these:

Senator Mark Hatfield (Rep., Ore.) will introduce a bill to step up national forest timber production, although it reportedly will contain some safeguards for the other forest uses.

The Sierra Club is preparing legislation designed to restrict clearcutting, protect de facto wilderness areas, and regulate use of both public and private timber lands.

The Sierra Club has filed suit in Alaska against the Forest Service to try to void a 50-year timber sale contract to U.S. Plywood-Champion, which the organization contends will permit logging on the Tongass National Forest far in excess of the forest's capacity to regenerate itself.

The Forest Service is making a study of clearcutting on the Bridger National Forest in Wyoming, where Senator Gale McGee (Dem., Wyo.) has complained of "devastation" similar to that found on the Bitterroot National Forest in Montana and the Monongahela National Forest in West Virginia.

McGee, backed by the Sierra Club and the Wilderness Society, and with support from Senator Jennings Randolph (Dem., W. Va.), has proposed creation of a blue-ribbon commission on timber management in the national forests. Such a commission, McGee says, would insure better public participation in decisions affecting forest uses.

The Forest Service itself would be transferred to a new Department of Natural Resources, under a government reorganization proposed by President Nixon.

Late last year, a special University of Montana committee, set up at the request of Senator Lee Metcalf (Dem., Mont.) to examine timber practices on the Bitterroot Forest, concluded that the Forest Service has degenerated to the point where it has a "heavy timber orientation" which has been "built in by legislative action and control, by executive direction and by budgetary restriction."

The committee added: "The pressures upon the Forest Service to get the logs out cannot be surmounted without the express assistance of the Congress."

The recent depression in housing was related more to economic conditions such as interest rates, rather than any timber shortage, the committee believed. It found that "the national demand for timber has abated considerably."

Many Forest Service employes are dissatisfied with the present timber orientation and "recognize the agency is in trouble, but they find it impossible to change, or, at least, to change fast enough," the Montana group said. "As long as short-run emphasis on timber production overrides long-run and short-run concern for related uses and local environmental quality, real change is impossible and the outlook is for continued conflict and discontent."

Forest Service chief Cliff recently acknowledged some of the problems in a self-searching statement to his employes, which both stressed the belief that there is a national need for more timber and also recognized that "the public is increasingly unhappy with us."

Cliff said "the Forest Service cannot do the things that the President has directed us to do without more money and people. Our program is out of balance now."

The dilemma that faces him and the Forest Service in the years ahead—reconciling timber demands with the need to also make America's forests a place of recreation, a haven for wildlife and a protector of the water supply—is perhaps best summed up by a plaque on Cliff's wall which bears a quotation from George Washington:

"Do not suffer your good nature, when an application is made, to say yes when you ought to say no; remember, that it is a public, not a private cause, that is to be injured or benefitted by your choice."

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Mississippi (Mr. EASTLAND), I announce that the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Joseph K. Grisso of South Carolina, to be U.S. attorney for the district of South Carolina for the term of 4 years, vice Joseph O. Rogers, Jr., resigning.

Rene Desloge Tegtmeyer of Virginia, to be an Assistant Commissioner of Patents, vice John Henry Schneider.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, March 10, 1971, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

COAL RESEARCH THREATENED

Mr. BYRD of West Virginia. Mr. President, the Office of Management and Budget has issued a directive that will, if fully implemented, severely limit the extent of coal research in the United States. At the very least, Mr. President, it could deal a death blow to three coal research projects designed to find solutions for the problem of pollution and the growing fuels shortage in our country.

The unsigned directive apparently applies only to the Office of Coal Research. Briefly, it requires that new coal research projects, along with major modifications of existing coal research projects, must receive about one-third funding from sources other than the Federal Government.

Everyone, Mr. President, supports the principle of contributions to research by the private sector of our economy. That principle is not being questioned here. What is being questioned, however, is the sudden application of this directive, with no advance warning, to projects either already funded, or in the negotiation stage.

There are three Office of Coal Research projects most endangered by the application of this rather arbitrary, in my opinion, directive: Project Gasoline, in Cresap, W. Va.; the Bituminous Coal Research, Inc., gasification project in Homer City, Pa.; and the Pittsburgh and Midway Coal Co.'s solvent refined coal project in Tacoma, Wash.

I have long been interested in expanded coal research and, therefore, am interested in seeing that all three of the vital projects are continued. Naturally, I am most familiar with the project at Cresap, W. Va., and, as a member of the Senate Appropriations Committee, I have been successful over the years in obtaining funds for continuation of the important research work being conducted there.

The original objective of Project Gasoline was to develop a process for producing gasoline and other distillate liquids from coal at a price that would be competitive; and, by 1970, the laboratory phase of the project had been completed, a pilot plant had been built at Cresap, and that pilot plant had been placed in operation.

A study completed last year showed the work at Cresap to be technically feasible, and its full development to be highly desirable. However, in addition to the long-range need for finding an economic method of converting coal to gasoline, it was shown that the existing plant could be used to fill a more immediate need—namely, the production of low sulfur boiler fuels for the Nation's powerplants.

At present, most of the coal in West Virginia, and throughout the East, has a sulfur content too high to be burned in our cities. Unless we move now to find an economic means of producing low sulfur boiler fuels, the need for these fuels will have to be filled from foreign sources.

Obviously, Mr. President, there is a great deal to be gained from converting the present facilities at Cresap to a pilot plant for coal desulfurization; and, since $18.4 million has already been invested at Cresap, there is a great deal to be lost by the application of this directive.

Funds have also been invested at the two other projects—over $3 million in the BCR gasification project, and more than $2.6 million in the solvent refined coal project.

Therefore, if the Office of Management and Budget directive is implemented, research that has thus far cost $24 million might not proceed. These are not projects that can be dropped now, and picked up at some future date, with no additional cost to the taxpayer. They represent huge investments that have not yet been given the opportunity to fully return dividends; and they represent some of our Nation's most successful efforts in both the fight against air pollution and the struggle to avoid a fuels shortage of disastrous proportions.

In its fiscal year 1972 budget request, the Office of Coal Research has requested $2 million for the Cresap project; $2.2 million for the Homer City project; and $2.1 million for the Tacoma project. All three of these requests represent two-thirds of the funds that would actually be needed; and none of these projects can proceed unless the additional non-Federal funding is obtained.

Since the directive was issued so suddenly, and so late in the budgetary process, the Office of Coal Research has been unsuccessful thus far in its efforts to obtain the needed private funding.

In other words, Mr. President, although funds have been budgeted for these important coal research projects, the funds cannot be spent—they are merely window dressing. This policy appears clearly not in the national interest, especially in view of the current energy and environmental crises facing our Nation.

Both pollution abatement and solving the fuels shortage are goals to which the current administration is publicly committed. However, neither of these goals will be reached by implementing arbitrary and unwise directives that will shut down important projects, cast aside years

of research costing millions of dollars, and leave the American people with intensified versions of the problems they are now facing.

Mr. President, the directive which I want to see withdrawn—and which should be withdrawn—was issued on January 7, 1971. It seems to have grown out of a more general Office of Management and Budget order, Circular No. A–100, which was issued on December 18, 1970. Circular No. A–100 deals with "Cost Sharing on Research Supported by Federal Agencies."

I ask unanimous consent that Circular No. A–100, and the unsigned directive of January 7, 1971, be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE
PRESIDENT, OFFICE OF
MANAGEMENT AND BUDGET,
Washington, D.C., December 18, 1970.

CIRCULAR NO. A–100

To the Heads of Executive Departments and Establishments.

Subject: Cost sharing on research supported by Federal agencies.

1. PURPOSE

This Circular provides guidelines for Federal agencies concerning participation by the performing organizations in the cost of research supported by Federal agencies. This Circular rescinds and replaces Circular No. A–74, dated December 13, 1965. The Circular is not primarily for the purpose of implementing specific statutory requirements for cost sharing, but rather to provide guidance to all agencies regarding cost sharing, whether or not it is required by statute. Guidance is provided for determining:

a. The amount of cost sharing to be obtained when cost sharing is required by statute; and

b. Whether performing organizations should be requested to participate in the cost of the research even though cost sharing is not required by statute, and if so, in what amount.

2. SCOPE

a. These guidelines are applicable to all Federal agencies' research grants, contracts or other research agreements (hereinafter referred to collectively as research agreements) with educational institutions, other not-for-profit or non-profit organizations, commercial or industrial organizations, or any other recipients except other Federal agencies. The term "research" as used in this Circular includes both basic research and applied research.

b. These guidelines need not be applied to development projects, i.e., projects for which the principal purpose is the production of, or design, testing or improvement of, products, materials, devices, systems or methods. However, agencies may apply some or all of these guidelines to development projects as they consider appropriate.

c. This Circular is not intended to provide complete guidance on the implementation of all statutory requirements for cost sharing which may be applicable to particular agencies. The agencies shall be responsible for assuring compliance with such statutory requirements.

3. EFFECTIVE DATE

The guidelines set forth in this Circular shall be applied to all research agreements which are awarded or extended with additional funds after March 31, 1971, and may be observed earlier.

4. AGENCY PROCEDURES

All agencies shall establish administrative procedures to assure that responsible agency personnel give appropriate consideration to the need for or desirability of cost sharing and the amount of such cost sharing by performing organizations, in accordance with the policies and principles of this Circular. A copy of such administrative procedures, including any procedures developed at the operational level as well as those at the Departmental or agency level, shall be furnished to the Office of Management and Budget within 90 days after the effective date of this Circular.

5. COST PARTICIPATION BY PERFORMING ORGANIZATIONS

a. Participation by performing organizations in the cost of conducting research projects is intended to serve the mutual interests of the Federal Government and the performing organizations by helping to assure efficient utilization of the resources available for the conduct of research projects and by promoting sound planning and prudent fiscal policies by the performing organizations. In implementing the guidelines of this Circular, Federal agencies should exercise care to assure that their procedures and practices reflect these mutual interests and the research needs of the Federal Government.

b. Agencies shall require performing organizations to contribute to the cost of performing research under Federal research agreements if the agency is required by statute to obtain such cost sharing. If cost sharing is not required by statute, agencies shall encourage organizations to contribute to the cost of performing research under Federal research agreements unless the agency concludes that a request for cost sharing would not be appropriate because of any of the following circumstances:

(1) The particular research objective or scope of effort for the project is specified by the Government rather than proposed by the performing organization; this would usually include any formal Government request for proposals for a specific project.

(2) The research effort has only minor relevance to the non-Federal activities of the performing organization, and the organization is proposing to undertake the research primarily as a service to the Government.

(3) The organization has little or no non-Federal sources of funds from which to make a cost contribution. Cost sharing should generally not be requested if cost sharing would mean that the Government would have to provide funds through some other means (such as fees) to enable the organization to cost share. It should be recognized that those organizations which are predominantly engaged in research and development and have little or no production or other service activities may not be in a favorable position to make a cost contribution.

c. Except when cost sharing is required by statute, cost sharing need not be a prerequisite to the award of a research agreement if the agency concludes that payment of the full cost of the research effort is necessary in order to obtain the services of the particular organization.

6. AMOUNT OF COST SHARING

When cost sharing is required or determined to be appropriate in accordance with paragraph 5, the amount of cost participation by the performing organizations may vary in accordance with a number of factors relating to the performing organization, and the character of the research effort. In the final analysis, the amount of cost participation should reflect the mutual agreement of the parties, provided that it is consistent with any statutory requirements. Factors which the agencies may consider in any negotiations with performing organizations regarding the amount of cost participation, include the following:

a. Cost participation by educational institutions and other not-for-profit or non-profit organizations should normally be at least 1% of total project cost. In many cases cost sharing of less than 5% of total project cost would be appropriate in view of the organizations' non-profit status and their normally limited ability to recover the cost of such participation from non-Federal sources. However, in some cases it may be appropriate for educational institutions to provide a higher degree of cost sharing, such as when the cost of the research consists primarily of the academic year salary of faculty members, or when the equipment acquired by the institution for the project will be of significant value to the institution in its educational activities.

b. The amount of cost participation by commercial or industrial organizations should depend to a large extent on whether the research effort or results are likely to enhance the performing organization's capability, expertise or competitive position, and the value of such enhancement to the performing organization. It should be recognized that those organizations which are predominantly engaged in research and development and have little or no production or other service activities may not be in a favorable position to derive a monetary benefit from their research under Federal agreements. Therefore, cost participation by commercial or industrial organizations could reasonably range from as little as 1% or less of the total project cost, to more than 50% of total project cost.

c. If the performing organization will not acquire title to or the right to use inventions, patents or technical information resulting from the research project it would generally be appropriate to obtain less cost sharing than in cases in which the performer acquires such rights.

d. When cost sharing is required by statute, cost participation of less than 1% may be appropriate if any of the circumstances listed under 5.b. of this Circular are present.

e. A relatively low degree of cost sharing may be appropriate if, in the view of the Federal agency, an area of research requires special stimulus in the national interest.

f. A fee or profit will usually not be paid to the performing organization if the organization is to contribute to the cost of the research effort, but the amount of cost sharing may be reduced to reflect the fact that the organization is foregoing its normal fee or profit on the research. However, if the research is expected to be of only minor value to the performing organization and if cost sharing is not required by statute, it may be appropriate for the performer to make a contribution in the form of a reduced fee or profit rather than sharing the costs of the project.

7. ADMINISTRATION

a. Cost participation may be accomplished by a contribution to any of the cost elements of research projects supported by Federal research agreements, either direct or indirect costs, provided that such costs would otherwise be allowable in accordance with any cost principles applicable to the research agreements, and that the costs are not charged to the Federal Government under any other grant or contract.

b. The amount of cost participation by a performer may be determined for each individual research project, or, if the supporting agency desires, for the aggregate of all or some of the research projects supported by an agency at a given organization. When the amount of cost sharing is determined for individual projects, the supporting agency

may consider the organization's participation over the total term of the project so that a relatively high contribution in one year may be offset by a relatively low contribution in another year. If the amount of cost sharing is to be determined for the aggregate of all or some of the agency's projects at an organization, the Federal agency and the performer may agree that relatively high contributions on some projects may be offset by relatively low contributions on other projects.

c. Federal agencies shall require recipients of research agreements to maintain records of all research project costs claimed by the performer as being its contribution, as well as records of costs to be paid by the Government. Such records should be subject to audit by the Federal Government.

GEORGE P. SHULTZ,
Director.

DEPARTMENT OF THE INTERIOR 1972 BUDGET

	Budget authority	Outlays
Office of Coal Research:		
From	21,000,000	18,800,000
To	21,000,000	18,800,000
Explanation:		
Pittsburg and Midway project pilot plant will be added to 1972 program	(+3,600,000)	(+2,600,000)
Pittsburg and Midway project pilot plant and other new or revised contracts for pilot plants will be budgeted on assumption of about one-third private cost share	(−3,600,000)	(−2,600,000)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 4713) to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of committees of the House of Representatives to the use of certain currencies, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 4713) to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of committees of the House of Representatives to the use of certain currencies, was read twice by its title and referred to the Committee on Government Operations.

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 legislative clerk proceeded to call the roll.

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

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

ADDITIONAL STATEMENTS

DR. SPENCER M. SMITH, JR., THE QUIET LOBBYIST

Mr. JACKSON. Mr. President, in January an article entitled "The Quiet Lobbyist," written by former Secretary of the Interior Stewart Udall, and Jeff Stansbury, was published in Newsday.

The subject of the article is the secretary of the Citizens Committee on Natural Resources, a gentleman who is very familiar to most Senators and other Federal officials involved with resource conservation and environmental issues. He is Dr. Spencer M. Smith, Jr., and I know of no conservationist who has a greater feel for the accomplishment of the possible in the political arena in which our system operates. He has been quietly, but forcefully, dedicated to the successful resolution of many of the great environmental problems and issues which have arisen on the national scene over the past 20 years. By his effective and realistic approach to the many complex problems in the field Spence has earned the respect of those who have dealt with him, regardless of whether they agreed with him. I have always been happy to have him on my side in any controversy.

I ask unanimous consent that the article be printed in the RECORD.

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

THE QUIET LOBBYIST

(By Stewart Udall and Jeff Stansbury)

We don't need archaeologists to tell us when the environmental lobby first laid down tracks on Capitol Hill. It arrived only 17 years ago in the six-foot-plus frame of Spencer M. Smith Jr., a University of Maryland economist who discovered ecology through his work on food and timber price controls. In 1954 he became conservation's first paid lobbyist.

Smith remembers the postwar era as, environmentally speaking, the slaughter of the innocents. "Outside the states, conservationists had about as much political clout as a butterfly net," he says.

"The political, economic and scientific expertise was all in the hands of the developers who marshaled impressive testimony on every major bill. Conservationists didn't know what the engineers were talking about. They thought the sacredness of their cause would be self-evident to any legislator worth a damn. And they got clobbered."

In the early 1950s, however, the old-line conservation groups banded together for the first time on a single issue to oppose the immense power of industry. Their target was Echo Park Dam which the Bureau of Reclamation proposed to build *inside* Dinosaur National Monument in Colorado. In an unprecedented campaign of grass-roots agitation and skillful lobbying, the conservationists finally beat down the dam in 1957.

Smith's base of operations, the Citizens Committee on Natural Resources was staked out in the heat of the Echo Park fight. It not only symbolized the new alliance of conservation groups but partly made up for their strait-jacketing by a 1954 Supreme Court decision.

Legally sound, the decision forbade tax-deductible gifts to any organization that engaged in a "substantial" amount of lobbying. Industry could go on pouring millions of dollars into legislation, of course, but conservationists were nearly routed from Capitol Hill. For the next few years, Smith was their only full-time man in Washington.

He carried the ball gamely, fighting for new parks and later for the 1964 Wilderness Act, the Land and Water Conservation Fund, highway beautification and other blue-sky measures. More recently he has lobbied on behalf of adequate water treatment funds, Job Corps conservation camps and workman's health and safety legislation.

This is an unusually broad range for a conservationist who came up the Capitol steps nearly two decades ago. "If we don't fight for decent work and inner-city environments, we might as well give up," Smith says. "The human environment is indivisible. Besides, unions have backed conservationists on one wilderness bill after another. You can't ask for the worker's help and then be out when he calls."

Despite this conviction, Smith is considered slightly old-hat by some of the new environmental lobbyists. He cultivates legislators with infinite patience, swapping stories, horse-trading on key issues, refusing to let any single vote sour a relationship.

The new environmentalists are more impetuous, quicker to judge, less willing to compromise. One of their ablest told us: "Spence is still handling resource issues on the basis of how and where. That's not deep enough any more. He should be asking why and whether."

But the old pro commands their respect. "We can count on Spence to do a good quiet job on the bills the rest of us seldom get to," says Bob Waldrop of the Sierra Club. "He's an absolutely solid guy who never prostrates himself before the press. And he's dead right when he criticizes us for not fighting hard enough on funding."

Ah yes, *funding*. After environmentalists win their few glamorous fights in Congress (most recently the Clean Air Act), what happens? Are enough funds appropriated to do the job? Does the White House choose to spend what is appropriated? The answer to both questions is—rarely.

"The public is being conned," says Smith, whose lonely watchdog vigil over the Office of Management and Budget (OMB) never wins headlines.

"It hears about all these new parks, all this new pollution machinery, all these White House reorganizations, and it assumes we're galloping forward on all fronts. That's crap. The programs aren't being funded, the parklands aren't being bought up and the whole reorganization game is one big stall.

"Every time you ask Bill Ruckelhaus (administrator of the new Environmental Protection Agency) why a ballyhooed program isn't off the ground, he says, 'What do you expect? We don't even have all our people under one roof yet!' This Administration has caught a new disease—the Under One Roof Syndrome."

Two years ago Smith helped organize an unusual coalition of union and conservation groups to save the 1966 Clean Water Restoration Act from slow emaciation. The act called for a $1 billion outlay in 1970–71, but President Nixon asked Congress for only $214 million. After an intense campaign, the coalition managed to squeeze out an $800-million appropriation.

Now Smith finds the money isn't being spent. "I'm convinced the OMB has given Ruckelshaus a cash-flow limitation of about $400 million," he says, "but nobody is talking about it and the press is sitting on its pants. No wonder cities like Detroit don't have the money they need for water treatment."

Similarly, Smith has uncovered a hidden cash-flow limitation of $106 million (recently raised to $225 million) on current outlays from the Land and Water Conservation Fund.

"We had a firm agreement with the White

House that $327.4 million would be spent to buy parklands and recreation areas," he says. "They've reneged. It's all done behind closed doors, it can all be explained away by budgetary geniuses, but the fact is the public has been cheated."

Environmentalists who think funding is a dull subject are good news to the OMB, which relies on public apathy to conceal its gutting of strong environmental measures.

"If we can't fund our programs," asks Spence, "where are we? In a state of self-deception, that's where. I think the land-grabbers and polluters are doomed to ultimate collapse, but it may not happen soon enough. Right now the environmental lobby has a vastly inflated concept of its own power and success."

MOUNT SINAI HOSPITAL SCHOOL OF MEDICINE

Mr. JAVITS. Mr. President, the Mount Sinai School of Medicine in New York City, through its department of community medicine, has developed a unique program to improve environmental health and safety in East Harlem, New York, which I commend to the attention of the Senate.

The East Harlem Environmental Extension Service, Inc., is a coalition of neighborhood housing groups, property owners, tenants, and job training groups, who have joined to promote both the program and the idea of urban extension agents whose work would be similar to that done by the Nation's agricultural extension agents, who have done such a remarkably effective job for so many years.

In order that Senators will be able to study this program, in greater detail, I ask unanimous consent to have printed in the RECORD the press release of Mount Sinai, describing the program and the cooperation of public and private agencies in its development; a list of the committee on training and standards, which indicates the remarkable support this program has developed; and letters from the Federation of Lower and Middle Income Property Owners and from union representatives which show their support and indicate the farsighted attitude of the service in providing career opportunity and mobility.

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

MOUNT SINAI SCHOOL OF MEDICINE

Residents in East Harlem are being trained as "super" superintendents in a new community program designed to save residential buildings in the area from rapid decay and abandonment resulting from poor and deteriorating tenement maintenance. Called environmental extension agents (the urban equivalent of agricultural extension agents), the men are learning skills needed to reverse the accelerating decay of housing in the area and, simultaneously, to eliminate environmental health and safety hazards linked to this type of breakdown.

The innovative community-based program is being operated by the East Harlem Environmental Extension Service, Inc., a coalition of neighborhood housing groups, property owners, tenants, and job-training groups, in cooperation with Mount Sinai School of Medicine of The City University of New York. Extension service headquarters is at 300 East 109th Street.

The Extension Service is recruiting and training a cadre of community residents, who after a two-month period of classroom work and on-the-job training in shop skills, are ready to work under Extension Service contracts with building owners. The Extension Service has already signed contracts with several owners of East Harlem residential properties to provide vitally needed preventive maintenance services, including minor repairs, and in addition, rodent and pest control, health and safety education and consumer training for tenants.

Funded by the New York State Department of Health which has given approximately $200,000 for the first seven months of its operation, the Extension Service has also received matching funds totaling approximately $50,000 from the New York City Health Resources Administration under a contract to Mount Sinai School of Medicine. The School has sub-contracted with the Extension Service.

With the first class of 15 extension agents completing the first eight weeks of training and fifteen more men having begun training Feb. 1, the Extension Service is currently seeking new support from state and city health, housing job-training and social service agencies.

Recruits for the program to date range in age from 19 to 40; some left better-paying jobs to join the Extension Service. The men receive stipends of $100 a week before taxes, plus medical coverage. Present plans are to continue the stipend through a several-month period of training. The stipend will be tapered off as the men's skill level, productivity and earning power increases. Pay increases would come from the program's income in providing services to building owners.

One of the most enthusiastic boosters of the Extension Service is Ray Galliani, chairman of the Federation of Lower and Middle Income Property Owners. His organization represents owners of some 10,000 buildings in the city. He calls the program "a practical, intelligent, and realistic approach" to correcting the "severe" shortage of personnel trained in general preventive maintenance, which he feels is "a major reason for the decay of tenement housing in areas such as East Harlem." Mr. Galliani, one of the nine board members of the Extension Service, says that 600 members of his organization own residential properties in East Harlem. He states that there are "at least 200 buildings in the area in which the services of men trained by the Environmental Extension Service, could make the difference between saving the buildings and abandoning them."

Several city agencies are cooperating in the training program including the Board of Education, the Department of Health, the Department of Rent and Housing Maintenance, and the Fire Department. The Cornell University Cooperative Extension will help to set up training programs in consumer education.

The Workers Defense League, which through its Joint Apprenticeship Training Program is preparing minority group workers to meet eligibility requirements for membership in building trades unions, has assigned one of its staff, Victor Rivera, to serve as Director of Operations for the Extension Service. Two unions, Local 32B, Service Employees International Union, AFL–CIO, and Plumbers Union Local No. 2, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the U.S. and Canada, AFL–CIO, are working with the Extension Service. The latter has committed itself to explore future apprenticeship tie-ins for the extension agents.

Formal training and field work are combined in the daily educational program of the environmental extension agents. Four days a week they attend classes from 3:30 to 6:30 p.m. at the Manhattan Vocational and Technical High School on East 96th Street. The specially-designed curriculum in the Evening Trades Division includes courses in carpentry, plumbing, electrical wiring, boiler repair, plastering, painting, and other general maintenance subjects. The Board of Education is utilizing Federal education funds to provide this training.

In addiiton, at the East Harlem District Health Center, East 115th Street, the trainees have lectures and receive field assignments on such subjects as pest and rodent control, environmental health and safety, sanitation, fire prevention, and tenant-owner relations. Faculty for this phase of the program includes Dr. Alfred Miller, District Health Officer; Solomon Peeples, Director of Pest Control, East Harlem Health District; Lieut. Kelton Williams of the Fire Department's Community Relations Bureau; and Drs. William McCann and Elihu Richter of Mount Sinai School of Medicine. Dr. Richter, as a Board member of the Environmental Extension Service, has been serving as liaison between it and the medical school.

Dr. Richter was the District Health Officer in East Harlem before joining the Mount Sinai faculty as an Associate in the Environmental Medicine Division of the Department of Community Medicine. During his year-and-a-half in that post, he became aware of the community's concern with the serious public health implications of the breakdown of tenement maintenance. Testifying last September before the U.S. Senate Select Committee on Nutrition and Human Needs, he said that "the deterioration of tenement house maintenance is periling the health and safety of people living in our inner cities."

"Severe health and safety burdens are imposed on people who live in buildings with poorly functioning boilers, broken plumbing systems, rotting window frames and missing window guards, broken windows, harborages for insects and rodents, stagnant water pools in cellars and yards, inadequate waste management and disposal arrangements, peeling of leaded paint, unlit and cluttered passageways and garbage-filled courtyards."

Dr. Richter told the Senate Committee that "some 130,000 people living in deteriorating tenement buildings in the slums of East Harlem are subject to lead poisoning, home accidents and injuries, winter suffering from cold, severe burns from fires, carbon monoxide poisoning from indoor heaters, rat and insect bites on children and, 'undoubtedly, needless mental suffering.'" He also noted that there is a suspicion as yet unknown that bronchial asthma, one of the frequent problems seen in admissions to the emergency room at Mount Sinai and other hospitals in the city, may be triggered by allergic reactions to rodent dander and mites in home dust.

Trainees do their field work under supervision of field supervisors, working on special projects for which the Extension Service has contracted for with property owners and East Harlem agencies. One of their first on-the-job training sites was the Extension Service's new headquarters, a second-story loft at Second Avenue and 109th Street. The agents-in-training laid new flooring, plastered and painted, and partitioned the open space into individual offices and other work areas. Before moving there in January, it was temporarily housed in the offices of East Harlem Interfaith, Inc.

"You would not believe what these men have accomplished here until you saw this place in its 'before' stage," exclaims Mrs. Beulah Palmer, Administrative Director of the Extension Service. Mrs. Palmer, who is also a board member, formerly was on staff of the East Harlem Triangle Association, and has long been active in community affairs.

In other training projects to date, the men have converted a basement and storeroom in a building at 1677 Lexington Avenue into

a boiler repair shop and training area, have redone the wiring and plastering of a children's recreation center for the Upper Park Avenue Community Association at 1693 Park Avenue, and have been fixing apartments in a tenement on East 103rd Street.

Board members of the East Harlem Environmental Extension Service are: Mrs. Ruth Atkins, Chairman, East Harlem Health Council; Mrs. Mary Iemma, Director, Upper Park Avenue Community Association; Mrs. Margaret Jenkins, Manager, Non Profit Housing, Upper Park Avenue Community Association; James Soler, Director, Housing Office, East Harlem Interfaith, Inc.; Edwin Suarez, Coordinator, Metro North Association, Inc.; Mr. Galliani; Mrs. Palmer; Dr. Richter; and Mr. Rivera.

EAST HARLEM ENVIRONMENTAL EXTENSION SERVICES, INC.—BOARD OF DIRECTORS

Mrs. Ruth Atkins, Chairman, East Harlem Health Council.

Ray Galliani, Federation of Lower and Middle Income Property Owners.

Mrs. Mary Iemma, Director, Upper Park Avenue Community Association.

Mrs. Margaret Jenkins, Manager, Non-Profit Housing, Upper Park Avenue Community Association.

Mrs. Beulah Palmer, President-Director, East Harlem Environmental Extension Service, Inc.

Dr. Elihu Richter, Department of Community Medicine, Mount Sinai School of Medicine.

Victor Rivera, Director of Operations, East Harlem Environmental Extension Service, Inc.; Staff, Joint Apprenticeship Training Program, Workers Defense League.

James Soler, Director, Housing Office, East Harlem Interfaith, Inc.

Edwin Suarez, Coordinator, Metro North Association, Inc.

LOCAL 32B, SERVICE EMPLOYEES INTERNATIONAL UNION,
New York, N.Y., April 6, 1970.

Dr. ELIHU D. RICHTER,
Department of Community Medicine,
Mt. Sinai School of Medicine,
New York City.

DEAR DR. RICHTER: In reply to your letter, I wish to advise you that Local 32B will be happy to assist in your program for tenant preventative maintenance in the East Harlem residential area. We have explored possibilities of similar programs in other areas of the city, which, unfortunately never materialized. As you know, cheap labor is not the solution to these problems.

I feel that if the proper training program is set up and the employees are paid the standard union wages and receive all the benefits, such a program can be successful.

At the present time, we are in the midst of negotiations, but my Assistant, John Sweeney, will explore this matter with you further at your convenience.

Very truly yours,

THOMAS SHORTMAN,
President.

PLUMBER UNION LOCAL NO. 2,
New York, N.Y., November 17, 1970.

EAST HARLEM ENVIRONMENTAL SERVICES.

GENTLEMEN: As per the conversation with William Gross and Ben Fishman representing Plumbers Union Local No. 2, and Mr. Victor Rivera, pertaining to the training of the East Harlem Environmental Service Group, in the proper Maintainance and upkeep of all plumbing and heating thereof, this communication will confirm that Mr. Ben Fishman and Mr. William Gross will serve in the Capacity of counselers, at times and places to be determined at a later date.

Upon receipt of a signed agreement, it is the understanding that any and all employees of East Harlem Environmental Services, will be taken into the proper division of Plumbers Local No. 2.

Any further information you may require, we will gladly furnish upon request.

Respectfully yours,

WILLIAM GROSS,
Secretary Treasury.

FEDERATION OF LOWER AND MIDDLE INCOME PROPERTY OWNERS,
Brooklyn, N.Y., July 24, 1970.

Mr. JAMES SOLER,
East Harlem Interfaith,
New York, N.Y.

DEAR MR. SOLER: On behalf of the Federation of Lower and Middle Income Property Owners, I am writing to give the strongest endorsement to the project to train Environmental Service Agents which is being co-sponsored by the East Harlem Environmental Extension Service and the Mount Sinai School of Medicine in conjunction with the Department of Health and other City agencies.

In East Harlem and elsewhere, there is a desperate shortage of personnel properly trained in general purpose-type preventive maintenance, notably in areas such as simple boiler maintenance and rodent and pest control. This shortage is the major reason for the decay of tenement housing in areas such as East Harlem.

In our opinion, the project to train environmental service agents is a practical, intelligent and realistic approach to correcting this severe shortage. Beyond the slightest shadow of a a doubt, trainees coming from the Environmental Service Agent Project will be in great demand by the members of the Federation. There is no question that trainees enrolled in this program can quickly be placed in work during their field service training phase. We are positive that a stipend level in the range of $85 to $100 per week for trainees providing services to approximately 30 units per trainee will readily enable property owners to contribute a pay supplement such as to produce a weekly pay grade as high as $140 or more. (At present, most superintendents in East Harlem earn their apartment plus a token wage—roughly $30–$60 per week at best—and, as a result, give token services.)

Property owners at present are unable to find trained, motivated and competent building superintendents. For this reason, they have to rely on expensive outside contractors for services as simple as changing a washer. This drastically worsens the economic problems of providing tenement maintenance. The "housing" problem in places like East Harlem is more one of providing services on an on-going basis rather than one of Capital construction.

Within 25 days, we will have been in direct touch with the approximately 600 members of the Federation with buildings in East Harlem. We will inform them about the benefits of the Extension Service's program which could be made available to their buildings. *We are positive that a minimum of 200 members of the Federation would be interested in contracting for the services of the trainees as soon as possible.* We also expect strong interest from the 3500 Federation members in other areas of the City in which we have affiliations. These members represent 10,000 buildings which are rapidly going downhill towards decay and abandonment.

We note that trainees doing field service for a period of 1¼ to 1½ years, after which the stipend will probably be tapered or terminated, will be in great demand for work as superintendents and general-purpose maintenance men in many parts of the city at pay-levels equal to or better than union rates. The experience, supervision and training a man will gain in tenement maintenance in East Harlem would prepare him well for an array of jobs tied to union pay grades. We note with approval the career ladder tie-ins with union apprenticeships which the extension service has been developing with Plumbers' Local No. 2 and other unions through the Workers' Defense League. Trainees entering this program will have a multitude of openings into the job-market.

This is the first program which we have seen in which community groups and property owners will work together to prevent housing decay and human suffering in areas such as East Harlem. As far as we are concerned, the fact that the project has community co-sponsorship means that positive approaches can be developed for educating those tenants whose destructiveness drastically drives up the cost of maintenance and repairs, erases profits, causes tension between owners and residents, and sends more buildings into abandonment.

Right now, at this very moment in East Harlem, we know of *at least* 200 buildings in which trainees from the East Harlem Environmental Extension Service could make the difference between saving the building and abandonment. The cost of preserving these buildings, nearly all of which are structurally sound, are trivial as compared with the costs of relocating tenants in extravagant hotels—at public expense. New York City now spends 30 million dollars annually in tenant relocation related to building deterioration. As an example of what goes on, on April 16, 1970, the Commissioner of Real Estate requested 52 rooms at the Granada Hotel, 268 Ashland Place, Brooklyn, at $20 per day for a 90 day period, resulting in a cost of $93,600! (Resolution No. 132, R–10771, Calendar of Board of Estimate, No. 15, Thursday, April 16, 1970.) At these rates, owners should be receiving $7,300 per room per year from the City!

We look forward to working with the East Harlem Environmental Extension Service and Mount Sinai Medical School on the project to conserve the housing stock of East Harlem and protect the health and safety of our tenants. We in the Federation want to correct the terrible and inhuman living and health conditions of many of our tenants. Without this program, we cannot begin to accomplish this objective.

Yours truly,

RAY GALLIANI.

WOOD PRODUCTS AND THE ENVIRONMENT

Mr. FULBRIGHT. Mr. President, the increasing concern in our Nation over the quality of the environment is well justified as we face the burdens of meeting the needs of an expanding population and the goods and services demanded by our citizens. Tied in with these concerns is the imminent fuel and energy crisis, which is being closely watched throughout the country, and I understand will be the subject of a congressional study this year.

Recently, the Arkansas Democrat, published in Little Rock, carried an enlightening article on the role that wood products can play in alleviating the fuel and energy crisis, while creating a minimum impact on the environment. One interesting point in the article describes how trees, which are our only renewable resource, convert carbon dioxide moisture and solar energy into wood fiber at the rate of 4 tons per acre annually. While doing this, the growing trees return to the atmosphere enough oxygen per acre to meet the respiration needs of 18 people annually.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

[From the Arkansas Democrat, Jan. 24, 1971]

WOODS MAY HOLD POLLUTION SOLUTION—SOUND FOREST POLICY CAN AID FUEL CRISIS

Take to the woods to solve some ecology problems, woodsmen say.

They also say it doesn't take as much fuel and energy to produce wood products as it does to convert other natural resources into usable form; that, in turn, this doesn't do as much to disturb our ecology, and wood—with proper management—replaces itself.

On all sides there is emphasis out of Washington, New York and here in Arkansas on a national fuel and energy crisis.

The National Forest Products Association is now reiterating its plea for a national policy for sound forest management which it says would guarantee adequate timber supplies and would contribute "positive benefits to the environment and conserve fuel and energy."

Recently this section contained seven ways to reduce fuel consumption in household heating through good household practices as released by Mrs. Virginia Knauer, special assistant to the President on consumer affairs. The seven ways were prepared in cooperation with the ad hoc committee on fuel conservation and the National Bureau of Standards building research division in the Commerce Department.

National Forest Products Association has followed up national releases on the topic this week with what it calls "The Eighth Way."

The association contends the eighth way is an aggressive program of grow more trees and encourage greater use of wood products in construction.

It maintains that wood is the "only renewable industrial raw material" that trees convert carbon dioxide, moisture and solar energy into wood fiber at the rate of four tons per acre annually and, while growing, put back into the air enough oxygen per acre to meet the respiration needs of 18 people.

The report said:

"It is estimated that 35.6 billion board feet of lumber were produced in 1967 at an estimated 0.539 kwh (kilowatt hour) of energy per board foot or the equivalent of 430 kwh of energy per ton. Conversion of one ton of aluminum required 17,000 kwh of electricity which may consume as much as seven tons of coal to generate. An additional ton of coal would be used as anode material in the aluminum production process. Production of one ton of steel uses 2,700 kwh of electrical power."

The report said that while some sources promote use of substitutes for wood to save forests, aluminum—if it replaced wood—would take more than 38 times as much energy in manufacturing as production of wood takes. The report contends that use of wood "for all practical purposes" would "substantially stretch out depletable resources such as bauxite, iron ore, coal, petroleum and natural gas."

As to its use in construction the report said studies "have established that wood frame structures require significantly less fuel consumption to attain either heating or cooling comfort."

The report cited two studies at Beltsville, Md., over two heating and cooling seasons in which a wood frame structure consumed 18.5 percent less power in 1960 and 17.5 per cent less power in 1961 than a masonry structure under identical conditions. In two test structures in Tempe, Ariz.—one of wood frame and one of masonry block—the wood frame structure required an average of 30 percent less for cooling and 23 percent less power for heating under identical conditions.

The association recommended public research to achieve an economical process for converting tree bark into charcoal as a potential source of fuel for power generation; federal decisions requiring use of wood in all federal construction programs where wood products meet engineering and code requirements, federal consumer research programs and fuel conservation action to examine potential use of wood instead of "modern" materials which have tended to replace wood in traditional uses, and consumer studies related to raw material consumption and conversion and their impact on energy requirements to explore sustained economic contributions of raw materials to specific regions of the country.

APPEARANCES OF SECRETARY OF STATE ROGERS BEFORE CONGRESSIONAL COMMITTEES

Mr. SCOTT. Mr. President, it is my purpose to speak to allegations and implications that have been made in the last few days, both within this Chamber and on a national television network, about the willingness of the executive branch to appear before congressional committees to testify on the conduct of the Nation's foreign affairs. In sum, I find that the record does not sustain the charges.

In 1969 and 1970, Secretary Rogers met or exceeded the number of appearances by his predecessor in his last full year in office. For the statisticians among us, the record shows 14 appearances by Mr. Rusk in 1968, an equal number by Secretary Rogers in 1969, and 15 appearances by the Secretary in 1970. Moreover, when he testifies before the Foreign Relations Committee on Friday, Mr. Rogers will have appeared five times before congressional committees in slightly more than 2 months in 1971. Meanwhile, subordinate officials of the Department of State appeared 134 times in 1968, 226 times in 1969, and 173 times in 1970.

So much for the charge that the administration has been unwilling to appear and testify.

I am more mystified by implications that the Secretary has been less than forthcoming when he has appeared among us. Surely the traditions of the Senate provide for committees to pursue a line of questioning until they are persuaded that witnesses cannot or will not answer their questions or until they are satisfied that the purposes of the hearing and testimony have been met.

I find nothing in the record to suggest that Secretary Rogers has been evasive or arrogant in his testimony, nor has he shown undue anxiety to take leave of the good company of our committees. Indeed, I find that he has patiently and—in my view—persuasively presented the administration's case.

That brings me to my last point—public hearings versus executive session. However each of us might feel about the war in Vietnam, I think we can accept the fact that these last months have been marked by extraordinary sensitivity. We may not all agree with what has been done, but operations of great importance have been undertaken with the design and intent of hastening the day when our own troops can come home. In those circumstances, I find it not at all unexpected that the Secretary would choose to appear in executive session. Indeed, it is inconceivable that he could have discussed the same problems in candor and confidence if that were not the case.

Furthermore, I am informed that the Secretary's report—prepared at the request of the chairman of the Foreign Relations Committee—on the conduct of the administration's foreign policy for the last 2 years will be presented to us in the course of the month. I am told that the Secretary at that time hopes and intends to appear in public session before committees of Congress to explain the administration's policies in detail.

WITHDRAWAL OF FBI SPECIAL AGENTS FROM JOHN JAY COLLEGE OF CRIMINAL JUSTICE

Mr. McGOVERN. Mr. President, on January 12, 1971, I wrote to J. Edgar Hoover, requesting an explanation for his action in regard to the employment of FBI agent John F. Shaw and the withdrawal of special agents of the FBI from the John Jay College of Criminal Justice in New York. Mr. Hoover replied:

The special agents were withdrawn from the college after Mr. Shaw, who took a course last summer at the college, reported that the professor would not give him ample opportunity to reply in class to derogatory statements about the FBI which this professor had made in class. I could only conclude that such an academic environment was not conducive to the objective pursuit of law enforcement studies.

Mr. Hoover repeated this same position on subsequent occasions.

I have now received from the president of the John Jay College of Criminal Justice a letter he wrote to the Attorney General which presents a complete refutation of Mr. Hoover's position. President Riddle has requested that I place his letter in the CONGRESSIONAL RECORD. President Riddle has already made public his position in this case, and I am pleased to introduce it into the RECORD. It underlines the need for a general review of the administration of the FBI.

I ask unanimous consent that President Riddle's letter be printed in the RECORD.

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

JOHN JAY COLLEGE OF CRIMINAL JUSTICE,
New York, N.Y., February 19, 1971.

Hon. JOHN N. MITCHELL,
Office of the Attorney General,
Washington, D.C.

DEAR ATTORNEY GENERAL MITCHELL: I have seen a copy of your letter of February 4 to Mr. George Leifer, Chairman of the Student Coalition at this College. I feel I must respond to it for, unfortunately, it contains errors. The letter states that I told Mr. Malone that Professor Blumberg was at fault in not providing Mr. Shaw with an opportunity to reply to charges made by the F.B.I. This is simply not true. What I did say was that if a professor did not provide a student with an opportunity to respond to a comment, this was not proper conduct for a teacher. The question then becomes one of whether an opportunity was provided.

Professor Blumberg and Mr. Shaw both state that the opportunity was provided and that Mr. Shaw did take advantage of it and did in fact reply to the comments made by Professor Blumberg. This is confirmed by other students in the class. Furthermore, Mr.

Shaw states that he so informed the New York Office of the F.B.I. and he also has said that he recognized the course was not one dealing with the F.B.I. and he did not wish to preempt an undue amount of time, and that subsequently he decided to amplify his views in the now famous letter. Mr. Shaw has further stated that this version is included in a sworn document he was compelled to sign by the F.B.I., and reference to that document would support this version. I, myself, am satisfied that under the circumstances sufficient opportunity was provided Mr. Shaw to reply to any comments made by Professor Blumberg.

Nor can I agree with Mr. Hoover's conclusion that "such an academic environment as exemplified in this instance was not conducive to an objective pursuit of law enforcement studies. . . ." Mr. Hoover's conclusions are not supported by the best account of the incident that I can obtain. Further, a careful reading of Mr. Shaw's letter (which has now been published) clearly indicates that he was striving for objectivity in appraising the institution by which he was employed. In fact, the whole affair leaves one with the impression that it was Mr. Shaw's objectivity that got him in trouble. His letter indicates that somewhere he has learned that although a worshipful attitude may be an appropriate attitude for a man to take towards his God, it is not an appropriate attitude to take towards other men and towards human institutions. This surely is a component of objectivity.

You also imply in your letter that fifteen special agents of the F.B.I. were attending the College at F.B.I. expense. The records of our registrar's office indicate that four agents were being sent by the F.B.I. at government expense and presumably on "company time." The others were attending of their own volition and on their own time and at least partially at their own expense. At any rate we were billing the government for only four.

I find most troublesome the fact that your letter does not address itself to what I believe was the central question in the letter and petition sent to you by Mr. Leifer. No one can quarrel with the right of the F.B.I. to withdraw students being sent at its expense for virtually any reason (although one could quarrel with the wisdom of doing so). However, the students at this College were concerned about the right or, if you will, policy—of ordering students attending the College of their own volition and on their own time to withdraw. This appears to hurt only the students and perhaps indirectly the F.B.I. Do you concur in this action?

Finally, I should like to ask one further question. In one of his letters to Mr. Shaw, Mr. Hoover stated "Having been put on notice that this person [Blumberg] has been critical of the Bureau, you had a responsibility to make this matter known to your superiors immediately and you failed to do so. Your derelictions are inexcusable." May I ask if this statement represents the policy of the U.S. Department of Justice for I do not see how that principle is compatible with the academic freedom which is essential for both student and teacher, in "an objective pursuit of law enforcement studies" or any other studies.

Sincerely yours,

DONALD H. RIDDLE, *President.*

JOHN JAY COLLEGE OF CRIMINAL JUSTICE, CITY UNIVERSITY OF NEW YORK,

February 25, 1971.

Hon. GEORGE MCGOVERN,
U.S. Senate, Old Senate Office Building, Washington, D.C.

DEAR SENATOR MCGOVERN: Because of your interest in the Shaw affair, I am enclosing a copy of a letter which I sent to Attorney General Mitchell on Friday. It deals with some of the issues which were raised by Mr. Mitchell in a letter to one of our students which apparently was inserted in the Congressional Record on the 10th of February (page 2507). It would certainly be appreciated if my response could receive similar treatment.

Sincerely yours,

DONALD H. RIDDLE,
President.

RICHARD RUSSELL

Mr. BENNETT. Mr. President, Richard Russell of Georgia has been variously described as "a giant of a man" as "a Senator's Senator" as "an outstanding American." I would like to add one more personal word to the many eulogies that he so richly deserves—that word is "friend."

Richard Russell was, of course, in the Senate and one of the greats in this body when I arrived here 20 years ago. His counsel, his patience, and his almost instant grasp of complex problems made him "friend" to every man who crossed his path, not only in the Senate but throughout the country.

I am sure that those from his beloved Georgia will miss him greatly, but those of us from outside his own State also share the sorrow of his passing. This was truly a "giant of a man" who came our way and in his own quiet way perhaps one of the most effective of Senators.

I once heard his predecessor on the Appropriations Committee, Senator Carl Hayden, describe two different kinds of Senators in this body. These were "workhorses" and "showhorses." Richard Russell, in the great tradition of outstanding Americans was truly one of the "workhorses" who believed in a strong America, who believed in the Senate and who believed in the system. All of us will miss him greatly and I am pleased today to join his many colleagues in paying tribute to a truly great Senator, a great American and a "friend."

NATIONAL PANEL OF CONSULTANTS ON THE CONQUEST OF CANCER

Mr. JAVITS. Mr. President, on February 11, the distinguished majority leader and minority leader, Senator MANSFIELD and Senator SCOTT, were hosts at a luncheon in honor of the members of the National Panel of Consultants on the Conquest of Cancer. Remarks of the members of the cancer panel made at that luncheon highlight their extensive and thorough report presented to the Senate Labor and Public Welfare Committee. The unanimous conclusion of the report—that the conquest of cancer is a realistic goal if an effective national program is initiated and pursued—serves as the basis of the bill, S. 34, that I introduced with the Senator from Massachusetts (Mr. KENNEDY) and is cosponsored by more than 40 Members of the Senate. I commend to the attention of Senators the transcript of the remarks made at that luncheon and ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks.

I am also pleased to invite the attention of Senators to hearings on this bill that are scheduled by the Health Subcommittee of the Senate Labor and Public Welfare Committee, of which I am the ranking minority member, on March 9 and 10. In response to questions concerning the feasibility of an independent agency, called for by the report and the legislation, I should like to quote the comments of Mr. Benno Schmidt, the distinguished chairman of the National Panel of Consultants on the Conquest of Cancer. He said:

You will hear the criticism made that the analogy to the splitting of the atom or the space program (where independent agencies were given the job) is not valid because we do not have the basic scientific knowledge in cancer that we had in those fields, and therefore this program is not a program of engineering implementation of existing knowledge as those programs were. I assure you that the Panel was thoroughly aware of this distinction in making its recommendations, and we took it into full account. The valid analogy is not the scientific analogy but the organizational analogy. The cancer program, in order to succeed, needs the same independence in management, planning, budget presentation, and the assessment of progress that those programs needed, and in those respects the independent authority analogy is a valid one.

I regret that the extemporaneous remarks supporting S. 34 by other distinguished members of the panel, Mrs. Anna Rosenberg Hoffman, Mr. Emerson Foote, and Mr. Laurance Rockefeller, are not available.

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

Mr. SCHMIDT. Senator Mansfield, Senator Scott, members of the Senate, ladies and gentlemen of the Panel, and guests.

I would like to thank Senator Mansfield and Senator Scott for their courtesy and generosity in inviting the members of our Panel to have lunch with the members of the Senate. I would also like to thank the members of the Senate Committee on Labor and Public Welfare and particularly the members of the Health Subcommittee for the splendid cooperation and assistance which our Panel received during the weeks and months of our deliberations and work. To review briefly the background of our Report—on April 27, 1970, the Senate passed Senator Resolution 376 authorizing the Senate Committee on Labor and Public Welfare to appoint a panel to develop recommendations for a program for making the conquest of cancer a national goal. In June of 1970, the Senate joined the House of Representatives in passing Concurrent Resolution 675 expressing the unanimous sense of the Congress that "the conquest of cancer should be made a national crusade, and that the Congress should appropriate the necessary funds so that citizens of this land and all other lands may be delivered from the greatest medical scourge in history."

At the first meeting of our Panel on June 29, 1970, we were charged by the Chairman of the Senate Committee on Labor and Public Welfare with reporting as promptly as possible on:

(1) Where we stand today in the field of cancer;

(2) What are the areas of greatest promise for significant advance; and

(3) What steps should be taken to make the conquest of cancer a major national goal?

I believe that the Report which we presented to the Senate Committee on December 4, 1970, answers those questions. Part I of that Report sets forth in twelve brief paragraphs a summary of the cancer problem, the areas of special promise which offer un-

usual opportunities for intensified effort, and the recommendations of our Committee. Part II of the Report sets forth the scientific and medical background in more detail.

You will be pleased and perhaps surprised to learn that, of the $250,000 appropriated by the Senate for our study, only $75,000 was spent. This was possible because of the generous contribution of time and effort by many persons who would not have been available at all on a reimbursement basis, but who, because of their dedication to the goals of our study, gave most generously of their time and talents. These include not only members of the Committee, but several hundred members of the scientific community whose lives are devoted in a large measure to work related to the conquest of cancer.

The largest burden of the work of our Committee was borne by the scientific and professional members, and I have never known any group to work with greater unselfishness and dedication. Several members of the Committee literally worked full time on this task over a period of five months. The lay members of the Committee also contributed very substantially to our effort, and no chairman was ever blessed with a more dedicated Committee or with better cooperation than that which I received, and for that I am deeply appreciative. In addition to the members of the Committee, we also received enormous help from the entire scientific community, including those at the National Cancer Institute, and many other great institutions in this country which are devoted in whole or in part to cancer research. The Committee met ten full days, Subcommittees met many additional days, and the written or verbal testimony of 289 witnesses and advisors was considered.

Our deliberations were extensive, wide-ranging, and I believe thorough, and at their conclusion the Committee was unanimously of the view that the conquest of cancer is a realistic goal if an effective national program along the lines recommended in the Report is promptly initiated and relentlessly pursued.

All of you have been provided with copies of the Report, so that we will not undertake in the brief time that we have together here today to review the Report. However, together with several of my colleagues on the Panel, I would like to refer briefly to certain of our findings and recommendations which have raised questions and in some cases have invited opposition. Incidentally, I am pleased to be able to say that none of the questions or points of opposition which I have seen is new. These same questions and points of view were thrashed out at great length in the Committee's own deliberations before our final recommendations were arrived at.

First, I have been asked why the sudden accelerated interest in cancer at this time. After all the years that cancer has been with us, what has led the Congress in the two Resolutions referred to, and the President in his State of the Union address, to give a new and higher priority to the cancer program? I believe that the answer to this question is twofold. First, I believe that the action of the Congress and the Administration reflects the desires of the American people, and, secondly, I believe that the time is right for a program of this kind as it has never been in the past.

First, so far as the American people are concerned, there is no question that cancer is the number one health concern of the American people. A poll conducted in 1966 showed that 62% of the public feared cancer more than any other disease. Yet, despite this concern, of the 200 million Americans alive today, 50 million will develop cancer and 34 million will die of cancer if better methods of prevention and treatment are not discovered. About one-half of these deaths will occur before the age of 65. and cancer causes more deaths among children under the age of fifteen than any other disease. Cancer is often an ugly disease, striking as harshly at human dignity as at human life, and more often than not it represents financial catastrophe for the family in which it strikes.

Yet, the amount spent on cancer research is grossly inadequate today. For every man, woman and child in the United States, the Federal Government spent in 1969: $410 on national defense; $125 on the war in Vietnam; $19 on the space program; $19 on foreign aid; and only $0.89 on cancer research. Cancer deaths last year were eight times the number of lives lost in six years in Vietnam, five and one-half times the number killed in automobile accidents, and greater than the number of Americans killed in battle in all four years of World War II. Given the seriousness of the cancer problem to the health and morale of our society, this allocation of national priorities is open to serious question. In addition to the cost of cancer in human terms, the economic costs are staggering. Fifteen billion dollars per year is a conservative estimate of the cost of cancer to this nation. It is no wonder then that the American people are behind the Congress and the Administration in their determination to give a higher priority to finding solutions to the cancer problem.

Now I would like to call on my colleague and Co-chairman, Dr. Sidney Farber, the distinguished life-long researcher in cancer, and Director of Research at Children's Research Foundation (Boston) to tell us briefly why the time is especially right today for an intensified and accelerated effort. Dr. Farber.

Dr. FARBER. Senator Mansfield, Senator Scott, members of the Senate, ladies and gentlemen.

There have been major advances in the fundamental knowledge of cancer in the past decade, and these advances in knowledge have opened up far more promising areas for intensive investigation than have ever heretofore existed. Although the nature of cancer is not yet fully known, we do know that human cancers are caused by certain chemicals, by certain types of radiation and probably by viruses. The precise mechanisms by which these carcinogenic agents cause, or interact to cause cancer is not known, and very little is known about the natural defense mechanisms that prevent cancer in some cases and not in others. A great deal more must be learned about chemical carcinogens, radiation, and viruses, and how they work. We must also learn more about what takes place at the cellular level when cancer occurs. However, we have strong and important leads in all these areas that must be explored with vigor and intensity if we are to exploit the great opportunities that lie before us.

There must be extensive programs in the identification and study of the chemical, physical and other environmental factors that cause cancer; in virology; in cell and tumor biology; in immunology; in chemotherapy; and in the early detection and prevention of cancer. We must also disseminate and utilize more effectively the knowledge that exists.

If all these things are done, we have an opportunity that has never heretofore existed to make effective and substantial inroads on the cancer problem.

I should warn that cancer is not a single disease with a single cause, and it will not be subject to a single form of immunization or a single cure, but the progress that has been made in the past decade provides a strong basis for the belief that an accelerated and intensified assault on cancer at this time will produce extraordinary rewards.

Mr. SCHMIDT. Thank you, Dr. Farber.

In arriving at our recommendations, the Panel concluded that three things that do not exist today are necessary if we are to have an effective national program to conquer cancer. First, effective administration with clearly defined authority and responsibility. Second, the development of a comprehensive national plan for a coherent and systematic attack on the vastly complex problems of cancer. Third, the necessary financial resources.

The Panel concluded that effective administration could best be attained through a National Cancer Authority, and I would like to call on Dr. Lee Clark, the man who is responsible for building one of the world's greatest cancer centers, M. D. Anderson of Houston, Texas, to elaborate briefly on why we recommended an independent authority rather than recommending that the job be done in the National Cancer Institute as one of the National Institutes of Health in the Department of Health, Education and Welfare, Dr. Clark.

Dr. CLARK. Senator Mansfield, Senator Scott, members of the Senate, ladies and gentlemen.

An effective major assault on cancer requires an administrative setup which can efficiently administer the coherent program that is required in this formidable and complex scientific field. The effective implementation of such a program will require a simplification of organizational arrangements and a drastic reduction in the number of people involved in administrative decisions. This type of straight-line organizational efficiency does not exist today in the National Cancer Institute, the National Institutes of Health or the Department of Health, Education and Welfare.

Obviously, from many standpoints it can be argued that any cancer program should be in the Department of Health, Education and Welfare and indeed that it should be in the National Institutes of Health. However, there is real doubt whether the kind of organization that is required for this program can in fact be achieved within the National Institutes of Health or within the Department of Health, Education and Welfare. Apart from the question of whether it can be done there is also the question of whether it would be wise to require the Secretary of Health, Education and Welfare to attempt to give cancer the priority necessary to carry out the Congressional mandate in a department charged with the multiple health and other responsibilities of that Department.

In the past when the Federal government has desired to give top priority to a major scientific project of the magnitude of that involved in the conquest of cancer, it has on occasion, with considerable success, given the responsibility for the project to an independent agency. Such an agency provides a degree of independence in management, planning, budget presentation, and assessment of progress which is difficult if not impossible to achieve in a large government department. Accordingly, if the Congress and the Administration are truly committed to making the conquest of cancer a "national crusade", as expressed in the Concurrent Resolution of the Congress, it is the view of the Committee that a National Cancer Authority should be established whose mission is defined by statute to be the conquest of cancer at the earliest possible time. All the functions, personnel, facilities, appropriations, programs, and authorities of the National Cancer Institute should be transferred to the National Cancer Authority. The Authority should be headed by an Administrator appointed by the President with the advice and consent of the Senate, and he should report directly to the President and present his budgets and programs to the Congress. In considering the feasibility of an independent agency, it should be borne in mind that we are talking about a major scientific program and not the delivery of patient care generally in cancer cases. The only patient care involved in this program will be that asso-

ciated with clinical research and teaching and the development and demonstration of improved methods in the delivery of patient care undertaken as a part of the comprehensive program plan.

We believe that it is important to get this program out from under the six tiers of bureaucracy that overlay it today, that we must eliminate the delays and duplication in decision making, and have an Administrator responsible for cancer who is not subordinate to those responsible for eleven other health institutes and multiple health programs. Only in this way will cancer be given the kind of emphasis implicit in the Congressional mandate. We believe that results are more important to the Congress and to the American people than preserving the apparent organizational symmetry which would seem to be preserved by leaving the cancer program in the National Institutes of Health.

Mr. SCHMIDT. Thank you, Dr. Clark. There is one further point in this connection that I would like to make. You will hear the criticism made that the analogy to the splitting of the atom or the space program (where independent agencies were given the job) is not valid because we do not have the basic scientific knowledge in cancer that we had in those fields, and therefore this program is not a program of engineering implementation of existing knowledge as those programs were. I assure you that the Panel was thoroughly aware of this distinction in making its recommendations, and we took it into full account. The valid analogy is not the scientific analogy but the organizational analogy. The cancer program, in order to succeed, needs the same independence in management, planning, budget presentation, and the assessment of progress that those programs needed, and in those respects the independent authority analogy is a valid one.

We understand the questions raised by some in the Department of Health, Education and Welfare and by the director of the National Institutes of Health, because no one likes to admit that overlapping, delays in decision-making, duplication and inefficiency exists, but the fact is that they do exist and we see no potential for removing them other than through a new organizational arrangement. We would have much preferred to reach the other conclusion and to have recommended the present set-up, but after much study and consideration we concluded that if the Congress were genuinely committed to conquering cancer, this could best be done in a National Cancer Authority. If the salvation of this nation depended upon our success in dealing with the cancer problem, I doubt that anyone familiar with the situation would recommend continuation of the present organizational arrangements. So much for the recommended organization.

Our second recommendation is that there be a comprehensive national plan for a coherent and systematic attack on cancer. This recommendation of the Report has given rise in some quarters to the fear that we are taking an engineering or systems approach that calls for only mission-oriented research and loses sight of the basic scientists' potential contribution to the solution of the cancer problem. I would like to call on Dr. Henry Kaplan, one of the world's most distinguished radiation therapists and Director of the Radiology Department at Stanford University, to comment on this aspect of the Report. Dr. Kaplan.

Dr. KAPLAN. Senator Mansfield, Senator Scott, members of the Senate, ladies and gentleman.

I think those who have made the criticism of the report to which Mr. Schmidt refers have not read the Report as carefully as they should.

If the recommendations of the Roport were likely to have the effect of reducing the contribution of the basic scientists in cancer, this would be a grave deficiency indeed. However, we have taken pains to point out that the type plan we have in mind would include not only programmatic research where that is appropriate, but also major segments of much more loosely coordinated research where plans cannot be definitively laid out nor long-range objectives clearly specified. Our recommendations are specific that a national plan for the conquest of cancer should provide for the generous use of grants, as well as contracts and other methods of funding. We urge that there be increased emphasis on the grants mechanism in order to stimulate continued independent exploration, particularly in those areas where knowledge is not sufficiently mature for a coordinated program aimed at reaching defined objectives.

We also specifically pointed out that a coordinated national program plan should to the greatest possible extent, be generated by the voluntary productive interaction and joint planning of the scientists who will be responsible for doing the work. The program should not be the result, as it is today, of the happenstance of a multitude of random decisions independently arrived at, but should be an integrated and coherent plan resulting from the joint effort of representative scientists who will be responsible for its execution. This is fundamentally different from the hierarchical imposition or direction of a research program from above. However, the effective use of collective planning does not mean that centralized administration or management of resources should be sacrificed.

I can assure you that if there were anything in the thrust of our Report that deprived this effort of the contribution of the best of our basic scientists in cell biology and the other life sciences relevant to cancer, I would not have subscribed to the Report. However, I and the other basic scientists on the Committee support fully the findings and recommendations which have been made.

Mr. SCHMIDT. Thank you, Dr. Kaplan. Now I would like to call on Dr. Jonathan Rhoads, Chief of Surgery at the University of Pennsylvania and President of the American Cancer Society, to tell us what appropriations will be required for the recommended program. Dr. Rhoads.

Dr. RHOADS. Senator Mansfield, Senator Scott, members of the Senate, ladies and gentlemen.

The Committee estimates that a coordinated national program aimed at conquering cancer at the earliest possible time as envisaged by the Resolution of the Congress would require an appropriation in fiscal 1972 of approximately $400 million. This is slightly less than a doubling of the fiscal '71 appropriation. Thereafter, the cost of the program would increase at the rate of approximately $100 to $150 million per year, reaching a level of $800 million to $1 billion in 1976. We believe that a program of the type recommended is so important to the American people and to the world that the amounts called for should be provided even if it necessitates the raising of additional revenues. However, we also feel that it is of the utmost importance that the financing of this program not result in cutbacks in other health programs.

Mr. SCHMIDT. Thank you, Dr. Rhoads. Now, Dr. Holland, if we do all these things can we expect to eliminate cancer in a matter of the next few years? Dr. Holland is Chief of Medicine at Roswell Park, another of our great cancer centers, and President of the American Association for Cancer Research.

Dr. HOLLAND. Senator Mansfield, Senator Scott, members of the Senate, ladies and gentlemen.

I am afraid that "eliminate" in the concept of total riddance is too strong a word. The Panel of Consultants has limited itself to recommending non-miraculous measures which we know can be backed up by scientific evidence or which can be pursued by scientific inquiry, but we need no miracles to anticipate progress. Some cancers are already being prevented, and surgery, radiotherapy and chemotherapy are already effective in curing some cancers. I concur with Dr. Farber that a broad wave of new insights, new understandings and new approaches has put within our reach a much higher plateau of achievement. It is realistic to believe that intensification of the assault on cancer at this time will produce acceleration of progress which can be measured in cancers prevented, cancers cured and lives saved. The long-term eventual reduction of the economic impact of cancer on our society is also a worthy goal.

One by one the diseases which we identify as cancer will yield. It is not pie in the sky to point toward the day when preventive measures attain reduction of cancer attack rates from the one in four of us, who with today's knowledge will develop cancer, to a goal closer to one in ten. It is reasonable to hope that most cancers will be entirely curable using local, regional, and systemic therapies. This reasoned hope implies that eventually mortality would drop for the composite of all cancers from 65% to about 10%. I hold the view that a national program for the conquest of cancer is timely, now. It should be promptly initiated, effectively sustained, and relentlessly pursued.

Mr. SCHMIDT. And now I would like to introduce the other members of the Panel:

Dr. Joseph Burchenal, vice-president, Sloan Kettering Institute; Dr. Mathilde Krim, Sloan-Kettering Institute; Dr. Harold P. Rusch, professor of cancer research, McArdle Laboratory, University of Wisconsin; and Dr. Wendell G. Scott, clinical professor of radiology, Washington University.

Mr. William McC. Blair, Jr., general director the John F. Kennedy Center for the Performing Arts; Mr. Emerson Foote; Mrs. Anna Rosenberg Hoffman; Mr. Emil Mazey, secretary-treasurer, United Automobile Workers; Mr. Laurance Rockefeller, chairman, Rockefeller Brothers, Inc.

Those not present: Dr. Paul B. Cornely, president, American Public Health Association; Dr. Solomon Garb, scientific director, American Medical Center at Denver; Dr. Joshua Lederberg, Nobel prize-winning professor of genetics, Stanford University School of Medicine; Mr. I. W. Abel, president, United Steelworkers of America; Mr. Elmer Bobst, chairman of board, Warner Lambert Pharmaceutical Co.; Mr. G. Keith Funston, chairman of board, Olin Corp.; Dr. William B. Hutchinson, president, Pacific Northwest Research Foundation; Mrs. Mary Wells Lawrence, Wells, Rich & Greene Advertising Agency; Mr. Mike O'Neill, managing editor, New York Daily News; Mr. Jubal R. Parten, member of board, Fund for the Republic; and Mr. Lew Wasserman, president, Music Corporation of America, Inc.

THE NIXON STUDENT LOAN PROGRAM

Mr. SCOTT. Mr. President, as the London Economist noted this week, this is the second year in a row that President Nixon is trying to get more money for loans to university students. Yet only yesterday, according to this morning's Washington Post:

> House Democrats attacked the Nixon administration's higher education proposals at an opening hearing yesterday, for failing to meet the financial needs of either middle-income students or private colleges.

The proposals just sent from the White House to Congress reflect President Nixon's philosophy—that students themselves must be prepared to pay for part of the cost of their education, that outright grants to institutions, rather than

to specific individuals, are not desirable, and that the form of assistance should be designed to favor the needy.

In the same Post article of this morning, we read that Secretary of Health, Education, and Welfare Elliot L. Richardson stressed to the House Education Subcommittee that, in response to critics, the administration has revised its 1970 proposals. Mr. Richardson said students from middle-income families could be eligible for Federal grants or loan subsidies if there were other, heavy demands on their families' incomes.

Mr. President, I frankly find Democratic opposition in the other body to the President's proposal to be most strange, coming as it does from a party which has long held aid to the needy, the poverty-stricken, as a tenet of faith, an article of political philosophy both true and desirable.

Yet President Nixon's proposals, which would channel student aid primarily to those young men and women from low-income families, are now attacked for failing to meet the financial needs of students whose parents are more prosperous.

The only principle at work here, so far as I can see, would appear to be a principle of opposition, rather similar to that which I mentioned in my end-of-the-session report last December.

I said then that there seemed to be a failure within Congress today, a refusal to recognize that by putting aside the goals of necessity and concentrating instead on targets of opportunity—by failing to do what must be done—we add to the Nation's sense of confusion and loss of confidence.

Mr. President, Mr. Nixon's proposal is not all things to all men. It cannot be. It tries only to do what must be done. It is simply a workable plan, designed to meet an agreed-upon need, and taking cognizance of both social and economic realities. Instead of being attacked, it should be considered in the light in which it was presented: an attempt by the President to get more money for loans to needy university students.

RULES OF THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. McGOVERN. Mr. President, section 133B of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, requires the rules of each committee to be published in the CONGRESSIONAL RECORD not later than March 1 of each year.

In accordance with this section, I ask unanimous consent that the rules of the Select Committee on Nutrition and Human Needs be printed in the RECORD.

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

RULES AND PROCEDURES OF THE SENATE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

(Adopted Sept. 6, 1968, amended Nov. 5, 1969)

1. COMMITTEE MEETINGS

(a) The Chairman of the Committee, or if the Chairman is not present, a member designated by the Chairman of the Committee, shall preside at all meetings.

(b) The regular meeting date of the Committee shall be the second Friday of each month at 10 a.m. The Committee shall convene at the call of the Chairman at such times as are necessary to transact Committee business.

2. EXECUTIVE SESSIONS

(a) For the purpose of conducting an Executive session, seven members [1] of the Committee actually present shall constitute a quorum. No measure or recommendation shall be reported from the Committee unless a quorum of the Committee is actually present at the time such action is taken.

(b) Proxies will be permitted in voting upon the business of the Committee by members who are unable to be present; these proxies to be valid must be signed and assign the right to vote to one of the members who will be present.

(c) There shall be kept a complete record of all Committee action. Such records shall contain the vote cast by each member of the Committee on any question on which a "yea and nay" vote is demanded.

The Clerk of the Committee, or his assistant, shall act as recording secretary of all proceedings before the Committee.

(d) No person other than members of the Committee and members of the staff of the Committee, shall be permitted to attend the Executive sessions of the Committee, except by special dispensation of the Committee or the Chairman thereof.

3. HEARINGS

(a) No hearing shall be initiated unless the Committee or the Chairman of the Committee has authorized such hearing.

(b) All hearings shall be open to the public unless an Executive hearing is specifically authorized by the Committee.

(c) Any witness summoned to a public or Executive hearing may be accompanied by counsel of his own choosing who shall be permitting while the witness is testifying to advise him of his legal rights.

(d) No confidential testimony taken or confidential material presented in an executive hearing of the Committee or any report of the proceedings of such an executive hearing shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the Committee.

(e) Any member of the Committee shall be empowered to administer the oath to any witness testifying as to fact.

(f) The Committee shall so far as practicable, require all witnesses heard before it, to file written statements of their proposed testimony at least seventy-two hours before a hearing and to limit their oral presentation to brief summeries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the Committee.

4. SUBCOMMITTEES

The above rules shall apply to all duly constituted Subcommittees of the Committee.

[1] Amendment approved by the Committee on November 5, 1969, provided that seven members actually present shall constitute a quorum. The amendment was approved at the time the Committee requested an increase in its total membership to 14 by the addition of one minority member selected from the Senate at large. The former Rule 2(a) provided that a majority of the Committee actually present constitutes a quorum.

ADDRESS BY SECRETARY OF AGRICULTURE HARDIN BEFORE NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION

Mr. HRUSKA. Mr. President, recently, Secretary of Agriculture Clifford M. Hardin addressed the national convention in Dallas of the National Rural Electric Cooperative Association.

He paid tribute to the program of that organization, acknowledging its progress and achievements. He commended it for its "key role in transforming rural America and the aspirations and very lives of millions of people."

Then he proceeded to discuss "vast new currents of change which are sweeping through the life, the thinking and the institutions of America."

He outlined some of the broad proposals as contained in the administration's program. All of them have direct impact upon the entire Nation.

They are of particular interest to rural America. Some of the subjects were:

Organization of the National Rural Utilities Cooperative Finance Corporation.

Rural development in its newly acquired interest and vigor. Its tremendous increase in funding level—from $1.4 billion in fiscal year 1969 to $2.5 billion in the current year, and an estimated $2.7 billion for fiscal year 1972.

The general farm situation with comment on new developments and also on things in store in the near future.

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

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

ADDRESS BY SECRETARY OF AGRICULTURE CLIFFORD M. HARDIN

On an occasion such as this annual meeting of the National Rural Electric Cooperative Association, the idea of change—and the reality of it—must inevitably be a part of your thinking.

Indeed, your mission, historically, has been to bring about change. You have illuminated most of the homes of Rural America with electricity. You have made it possible for industry to locate in rural areas. You are providing many rural homes and businesses with telephone service.

Without question, the REA rural electric program and your cooperative systems have had great impact on local economies throughout much of the country. You have played a key role in transforming Rural America and the aspirations and very lives of millions of people.

Today, vast new currents of change are sweeping through the life, the thinking, and the institutions of America. The six great goals that the President has set forth for the Nation are in themselves bench marks of fundamental change. In examining and evaluating them, we can begin to perceive significant processes which, in the President's words, could amount to a new revolution—a peaceful revolution—refreshing and reinvigorating the Nation. As these objectives are implemented, you as individuals and the cooperative organizations you represent are certain to become heavily involved.

The recent State of the Union Message is familiar, I am sure, to an audience such as this. One of the goals—revenue sharing—deals specifically with strengthening and renewing State and local governments. It seeks to reverse a 40-year trend during which the power of decision followed the tax dollar to Washington. One of the efforts will be to create more arenas in which important decisions are made. A more obvious result will be to relieve some of the pressure on local tax levies. Furthermore, it will permit States and local governments to establish their own order of priorities—rather than being locked

into a Federal system through the existing categorical grant structure.

Another proposal is to reorganize the Executive Branch of the Federal Government. This has long been needed to improve efficiencies, reduce the span of control, and make programs more responsive to real needs. Certain groups, accustomed to dealing over the years with particular individuals in the Government, understandably might feel some apprehension about the proposed changes. Let me urge any who have that feeling to withhold final judgment until the details are worked out—they may see new alignments and greater strength result. It is important to remember that the President's proposals do not call for the elimination of any program or the people who operate them. They do call for a change in the way that agencies reach the President and in the way he communicates with them. It is intended that the programs be administered more effectively than ever, and to improve the delivery of Government services to the public.

Welfare reform and the family assistance plan can have special meaning for agriculture and Rural America, particularly insofar as benefits will be provided for the working poor—a group that is numerous in rural parts of the country but is barely touched by existing welfare systems.

Undoubtedly you recognized the important implications in the President's proposal to restore and enhance our national environment, to stress programs for better use of our land, and to expand the Nation's parks, recreation areas and open spaces, especially in areas where people live.

There can be no question that a national consensus is developing for more work on improving the environment. It is being sought on a scale and in a diversity of problem areas far different and vastly more complex than prevailed when the soil conservation movement started, and when REA and rural electric cooperatives commenced their magnificent work.

An environmental crisis during the 1930's stirred the country. As dust darkened the skies across the Nation, a concerned citizenry demanded action—and got it, in what has to be one of the most dramatic environmental "recoveries" yet recorded.

Today, many people are convinced that a far worse crisis looms. Today it is smog instead of dust from the Plains that dims the sun and stunts vegetative growth in cities and suburbs. Waste disposal facilities are running out of space. High school youngsters know what "eutrophication" means whether they live by Lake Erie or the Columbia River—and they can recite the species on the critical list.

How to achieve and maintain ecological balance, and how to improve living qualities—these are real and serious concerns of a generation worried about the future. Some of them know that it took 200 years for this Nation to reach the trillion-dollar mark in Gross National Product, with all its attendant waste and pollution—and they are told it will take only a decade, to 1980, for the GNP to add another half-trillion dollars or more as technology continues to develop and population keeps expanding.

This is some of the background, and these are the prospects—along with the environmental and ecological problems they spawn—that preoccupy many concerned citizens today. There's no question but that they are of particular concern to you, since the whole problem of the environment and what to do about it, and the urgency of bringing about orderly, balanced national growth tie in directly with the work you are doing.

The road ahead won't be easy. In your business, for example, we can probably anticipate rising public attention to such matters as air pollution abatement, greater control over thermal effluents, and demands for putting more lines and equipment underground.

But at the same time, the intensified effort to redistribute a good part of our population growth and increased economic activity is certain to open up new opportunities for rural electric systems. The Nation is fortunate indeed that it has people like you, and organizations such as yours, in place—and in business—in 2,600 of the country's 3,100 counties, where rural development is a part of your "stock in trade" and has been for three decades or more.

Some of you at this meeting are pioneers, both in rural electrification and rural development. The work you have done provides a solid base on which to build.

I am pleased that the National Rural Utilities Cooperative Finance Corporation has now been organized; and I was pleased with the news yesterday of the signing of the first two loans under the new plan. The creation of the CFC should prove to be yet another progressive and constructive step.

Hopefully, the rural telephone bank will become a reality in this session of Congress.

I commend you on recognizing the need for stronger relationships with other electric systems and the progress you are making toward becoming an integral part of the electric utility business.

I am also gratified that you are adding a new dimension by working closely with the Farmers Home Administration's rural housing programs.

This is an appropriate time for me to express my personal appreciation for the distinguished services Dave Hamil is rendering as Administrator of the Rural Electrification Administration. I am sure you will all join me in recognizing the strong and imaginative leadership he is giving to the program.

In facing up to the challenges of the Seventies, many of you are likely to find that the process of rural development and the process of urban development will tend to merge. This is already happening in a number of localities. The President months ago made the "urbanization" of Rural America a part of his new policy of balanced national growth. And he has followed it up by making rural development one of the six priority points of his revenue sharing plan.

Rural development is being given serious attention at the White House and increasingly by the several Federal agencies that are in a position to contribute. Funding levels of principal rural development programs of the Department of Agriculture, for example, have gone up from $1.4 billion in Fiscal 1969 to well above $2.5 billion in the current year and above an estimated $2.7 billion for Fiscal 1972.

Before I close, some comments on the general farm situation may be in order since most of you are involved in agriculture. We still have the problem of inadequate returns for labor and capital. Although the gap has been closed some in the past few years, they are still running at about three-fourths that of the rest of the economy. Even though net income per farm may be at an all-time high, agriculture is not keeping pace. Times such as we have been going through make it particularly difficult to do so, with labor rates leading the inflationary spiral, adversely affecting farm costs and marketing margins.

The new farm program can help some. It gives farmers greater flexibility and more freedom to make their own decisions; it encourages crop specialization, with the efficiencies that go with it; and it can give us greater leverage for increasing exports—an area where I am devoting a good deal of personal effort.

Our ability to produce a super-abundance of top quality food is a major reason why Americans meet their food needs at the lowest average expenditure of disposable income—16½ per cent—in the history of this or any other country.

Farmers have every reason to be proud of that fact, to the extent that it is the result of their efficiency and hard work—and part of it is.

Yet to the extent that it results partly from low returns for farmers, which is obviously the case, strenuous efforts must be made to remedy the situation. The President is well aware of this. He has spoken forcefully of the debt that the Nation owes to agriculture and he has said, "I am not happy about the fact that agricultural income has not been at the rates that it should have been over these past few years."

The consuming public needs to understand the importance of strengthening the agricultural base of America—especially as we tackle the tasks ahead. If they understand, I believe we will have their support.

I should like, also, to comment very briefly on the programs designed to eliminate hunger and malnutrition. In the past year the scope of the total program has been doubled, the number of participants in the Food Stamp Program has tripled, and the bonus value of Food Stamps has increased five-fold.

In the last year, the total of needy school childern receiving free or reduced-price meals has been doubled. We are making good on the pledge to reach every needy youngster. In short, America has done more in the past year than has been done in the history of mankind to assure that people are fed and well nourished.

In summary, then, the decade of the Seventies will be a most significant one for Rural America. We will strive to put farm production on a stronger, more remunerative basis—will wipe out hunger—will seek to reverse the tide of migration from the countryside to cities—will aim for a turnaround of the total trend in the environment—reverse the trend of growing welfare rolls—and make government more efficient and more responsive through reorganization and decentralization.

The decade will see new, broadened and more imaginative programs for those truly interested in conservation and rural development. There certainly will be new opportunities in rural electrification. And the rewards can be great. So let us resolve to go forth from this convention with new zeal and high confidence.

SPECIAL REVENUE SHARING FOR LAW ENFORCEMENT

Mr. GRIFFIN. Mr. President, yesterday President Nixon sent to Congress his message on special revenue sharing for crime control and the improvement of our Nation's system of criminal justice.

This message has special significance because it is the first of six messages on the six broad categories of special revenue sharing which were proposed by President Nixon in his state of the Union message.

I believe we can expect that the general parameters of the President's law enforcement proposal provide some indicators regarding the other five special revenue sharing programs—manpower training, urban development, transportation, rural development, and education.

The central thrust of special revenue sharing is to eliminate the so-called "gold-plated octagon" problem.

This phenomenon was described by Robert L. Bartley in this morning's Wall Street Journal as follows:

If the federal government were giving away gold-plated octagons, and the cities had to pay half the cost, every city in the nation would have one.

The proliferation of the grant-in-aid concept—a specific bill for every ill—has resulted in a confusing jumble of programs which leaves the States with no opportunity to plan ahead and with surprisingly little control over their own budgets.

Furthermore, categorical grants tend to reward the mundane. As the President pointed out:

Rigidity in adhering to exact requirements is rewarded, and new or imaginative ideas are frequently lost because they fail to fit exact bureaucratic guidelines.

Mr. President, it is significant that the first special revenue-sharing proposal to be revealed deals with law enforcement.

Much progress has already been made in this area by a consolidation of categorical programs into block grants.

It is noteworthy, therefore, that, in the President's language, "the changes provided in the LEAA legislation are not extensive."

But let me mention briefly what the law enforcement assistance revenue-sharing legislation would do.

The President's law enforcement revenue-sharing plan would provide the States with $500 million in "no strings" money in the first year.

Further, it would contribute to local autonomy in these important ways:

It would eliminate the requirement for local matching funds.

It would eliminate the requirement for prior Federal approval of programs.

It would eliminate the requirement for local maintenance of effort.

To put the matter simply, the President's proposal would return funds to the States for the purpose of fighting crime without the handicap of wrapping it in a Federal straitjacket.

It should be noted, however, that under the President's proposal, the States and local governments would be bound by two basic requirements.

Federal money could not be used for any purpose which contravenes national civil rights legislation.

Federal money would have to be adequately accounted for.

So, Mr. President, I have been pleased to join the distinguished Senator from Nebraska (Mr. HRUSKA) in cosponsoring S. 1087, the Law Enforcement Revenue Sharing Act of 1971. Hopefully, there will be prompt committee consideration and early action by the Senate on this historic proposal.

I ask unanimous consent that the text of an excellent article by Robert L. Bartley, published in today's Wall Street Journal, be printed in the RECORD.

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

REVENUE SHARING: THE PRAGMATIC CASE

(By Robert L. Bartley)

WASHINGTON.—Officials who evolved the administration's revenue-sharing proposals say they are trying to solve "the gold-plated octagon problem." One explains, "If the federal government were giving away gold-plated octagons, and the cities had to pay half the cost, every damn city in the nation would have one."

Powerful incentives come into play every time somebody in Washington has a brainstorm for a new federal aid program, revenue-sharing backers say, and often the result has been to give the cities and states something closer to gold-plated octagons than to what they really want and need. And somehow, the budget and Treasury officials who make this case are far more persuasive than the presidential messages expounding philosophically on "power to the people" and "the new American revolution."

The President can of course argue that decisions made closest to the people are the best ones, but his opponents can counter that the federal bureaucracy is more efficient and less venal than state and local ones. The ancient debate is not only endless and inconclusive, but its ideological generalizations obscure the specific problems and pragmatic responses that actually did give birth to the administration program.

In particular, the "special revenue sharing" proposal is designed to redress problems the federal government has thrust on states and cities by its past efforts to aid them. So far this $11 billion program, which would consolidate into six broad categories funds already going to states and cities under existing grants-in-aid, has received less attention than the $5 billion in "general revenue sharing," which would shore up state and local finances with a direct cut of the federal income tax. General revenue sharing was spelled out in a presidential message back on Feb. 4. This week special revenue sharing takes the spotlight; the first of six special messages was sent to Congress yesterday.

The six bills for special revenue sharing face intricate political problems, though few if any of their opponents argue against the principle of grant consolidation. If the measures should pass, however, they would constitute a sweeping reform of the way federal money is passed to lower levels of government.

To date the standard procedure has been for Congress to set up national programs to plant trees, or educate migrant children, or control outdoor advertising, to take a few real examples. A state or city wanting federal funds for any of these purposes is required to contribute half, or a third, or 10% of the total cost from its own funds.

This procedure made a good deal of sense as a way to focus both federal and local efforts on a few high-priority problems, but it was forced far beyond that use as the New Frontier and Great Society seized on grants-in-aid as the available device for financing local social efforts. A 1962 study found $7.9 billion in federal aid advanced to lower governments for 160 different purposes. Today $30 billion, or nearly a fifth of all state and local revenues, is granted under 1,019 different categories. In these terms, the grant-in-aid procedure makes little sense, if any at all.

As an example of one of the problems it creates, George Romney, Secretary of Housing and Urban Development, showed up at a conference the other day with a 2½-foot stack of papers. It was, he said, the application for one urban renewal grant. The proliferation of grant-in-aid programs, each with its own regulations, has reached the point where catalogs had to be published to guide state and local officials through the bewildering complexity. As one presidential message observed, there is now a catalog of the catalogs.

Despite the proliferation of federal programs, to take a second problem, aid money remains available for some purposes but not for others. And while Washington has not literally sponsored any gold-plated octagons, the present structure of grants-in-aid grew like Topsy, with no systematic effort to weigh one program against another. It is by no means clear that the resulting structure of priorities makes more sense than what the states and cities would do if left to their own devices.

The lack of a firm overview of priorities in federal programs leaves the best-informed administration officials entirely impatient with the argument that present federal strings are necessary to insure against local stupidity. "That's a cute and clever point," one of them says, "but the questions you really get when you go to these towns is 'We've got county libraries coming out our ears, what he really needs is a new fire station, can't you change that federal aid system?' "

A third problem is that the aid system not only limits what localities can do with federal funds, its matching requirements act as what Assistant to the President John Ehrlichman calls a "blotter," with "more and more local financial resources soaked up in federal participation." Aides to Governor William G. Milliken of Michigan say that between federal matching funds and other normal fixed requirements, a state budget of $1.95 billion left the governor with real discretion over only $85 million.

The cumulative result of all this, plus uncertainty about year-to-year appropriation levels in various programs, is to leave state and local governments unable to do much planning. Governor Richard B. Ogilvie of Illinois complains, "We are always waiting for someone in some federal agency to tell us what is our most important problem."

The drawbacks of present grants-in-aid are for all serious purposes indisputable, but how to cure them is a separate question. Under special revenue sharing, the administration proposes to abolish some grant-in-aid programs accounting for a third of federal aid spending, or $10 billion a year. Other present programs would be continued and expanded. While decentralizing many programs through the revenue-sharing device, the administration would further centralize others, notably the welfare system, which accounts for another third of federal aid expenditures.

The $10 billion for abolished programs plus $1 billion in new money would be put into six revenue sharing funds: rural community development, urban community development, education, manpower training, law enforcement and transportation. Lower levels of government would receive shares of each fund as determined by mathematical formulas, and would have wide discretion in spending and no set requirements for matching funds. Present projects started under grant-in-aid could be continued, or localities could transfer the money to anything else within the relevant board category.

ZEAL AND LOGIC

The administration's wheelhorse for special revenue sharing is Richard P. Nathan, assistant director of the Office of Budget and Management, a man who defends the program with evangelistic zeal but pragmatic logic. He sees it as an effort not to get more decisions made by nice little states rather than bad old Washington, but to sort out what types of decisions are best made by each. The program is, he says, "a careful definition of the federal role, but a definition that moves away from the one that developed during the Great Society and New Frontier."

Mr. Nathan believes centralized administration is needed in three circumstances. One concerns economies of scale. With computers and such, the central government is pretty good at checking formal eligibility and dispensing checks, as in the Social Security system. He defends further centralization of the welfare system for the same reasons.

The federal government should play a heavy role in programs, like air and water pollution, where there is a large spill-over across state lines. And, he says, it should be active in an "innovator-disseminator role," sponsoring research and new programs like

family planning that are "just being recognized as a government responsibility."

At the same time, Mr. Nathan continues, there are things the federal government cannot do. "Service responsibilities do not lend themselves to orchestration from Washington," he says, "You couldn't run a school system like you run the Social Security system."

The supply of talent and time in Washington is perhaps better than in the states, he adds, but it is not infinite. It's a mistake to assume that any one group of people can make nation-wide the detailed decisions implied by Secretary Romney's 2½-foot stack of paperwork. "What should be the mass transit system in Community X? How should education programs change or expand in City Y? These are decisions for the local level. We can't make them, we couldn't make them if we wanted to."

Mr. Nathan is harsh about the past proliferation of grant-in-aid programs. As a Congressman, he says, "you've got to have a program where you can be identified, where it's your idea." So in a field like manpower training there are a lot of programs, each with different rules about how to "jump through the hoop to get the federal dollar, and then we sit back and say the state and local governments don't know how to run manpower." Also, such programs tend to be under-funded because Congress reacts to mathematical reality: "You can get more programs if you make them small."

THE BIG CATCH

But if that's how the present system arose—to get to the big catch in the President's program—how do you persuade Congress to change it? The political problems here go beyond the President and his opponents competing for credit. Special revenue sharing is certainly not the only way to address the grant-in-aid problem, and valid criticisms may be directed at its details as they are disclosed. Conceivably Democrats could honor the principle by offering grant consolidation programs of their own. But a narrower sort of political interest is the big obstacle. Grant consolidation is like free trade, everyone's for it for everyone but himself.

At the winter Governors' Conference here last week, Gov. Winfield Dunn of Tennessee was explaining to the press that the President's program was not political but idealistic. That this was strictly a matter of the public interest. How, a mean-spirited reporter asked, did he he feel about folding the Appalachian Regional Commission into special revenue sharing? Oh no, that's a "unique situation," and its separate identity should be preserved until it has had a chance to prove itself. Sen. Howard Baker (R., Tenn.), the administration's floor leader for general revenue sharing, feels the same way. And imagine the feelings of a Democratic Senator who fought hard for his own manpower program.

One evaluation of all this, mostly from people who have cried for presidential leadership and vision, is to complain that the President's proposals are too idealistic to pass. A more becoming observation might be that if special revenue sharing is indeed emasculated or defeated in Congress, it will mark the victory of some fairly narrow political interests over one thoughtful approach to some real and serious problems.

ALLEN COUNTY COMMUNITY JUNIOR COLLEGE, IOLA, KANS.

Mr. PEARSON. Mr. President, the Allen County Community Junior College, located in Iola, Kans., was 1 of 10 junior college campuses selected as outstanding by the American Institute of Architects in their annual awards program.

This unique and attractive campus was further selected to be one of five qualifying for an Award of Merit by the A.I.A. from among 68 entries in this year's design competition, for which colleges completed between September 1960 and September 1970 were eligible.

The awards were presented March 2 to the architects, Shaefer, Schirmer, and Elfin, of Wichita, during ceremonies at the 51st convention of the American Association of Junior Colleges here in Washington.

I had the very great privilege of delivering the first commencement address at the new campus in 1970 and can give personal testimony of its beauty and impressive qualities as a place for learning. The physical opportunities for sharing wisdom between students and faculty, and among students and faculty, are very great.

Mr. President, community colleges play an important part not only in educating our young men and women, but also in preserving the precious American tradition of local decisionmaking in the field of education. The Allen County Community Junior College and its award winning campus offer real evidence that standards of the highest quality can be achieved when a spirit of local initiative and imagination moves into operation.

Dr. Bill Spencer, president of the college, was present at the awards ceremony along with a delegation including Dean T. C. Brown and three members of the board of trustees, Charlie Brown, Don Nelson, and Wendell Weatherbee. Each of these men deserves a compliment for work done well to complete the new campus. On their behalf as representatives of their community and the students and faculty of the college, I invite the attention of the Senate to this most useful award program undertaken by the American Institute of Architects and to the fine people honored in the case of Allen County Community Junior College.

HAWAII HERO

Mr. FONG. Mr. President, it is with a good deal of pride that today I pay tribute to a young man of Hawaii who has in recent days become a national hero. Stories of his heroic deeds have appeared in newspapers and magazines throughout the world; he was the subject of extensive national television coverage; he recently was given an official welcome after arriving from a military hospital in Vietnam by the State of Hawaii; and he is now beginning a few days of rest and recuperation at his home in a tiny community on the beautiful Island of Kauai.

This young man's name is Dennis M. Fujii, an Army specialist fifth class, whose deeds have rightly earned him hero status. Indeed, there is no other word to describe Sgt. Fujii's actions while under siege near the Laotian border.

However, while Dennis Fujii is being praised for his gallantry, I would like also to take this opportunity to say a word about all of the brave young Americans serving the United States in Indochina.

For the most part, they are unsung heroes sharing the same stage as Fujii. At this time, I hope my colleagues of the U.S. Senate will join me in commending Sgt. Fujii of Hanapepe, Kauai, but also will recognize those thousands upon thousands of others who have served or who are serving in Indochina with such gallantry and determination.

I ask unanimous consent that a fairly brief but comprehensive story of Sgt. Fujii's actions, published in the Honolulu Sunday Star-Bulletin & Advertiser, of February 28, 1971, be printed in the RECORD.

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

HANAPEPE'S WAR HERO NOW KNOWN ALL OVER

Ten days ago Dennis M. Fujii was a typical American soldier serving in Vietnam. He used to talk about going home to Hawaii to surf and pick pineapples, so his buddies called him "Pineapple."

In Hanapepe, a village of 1,400 on the south coast of Kauai, the lanky 6-foot-2 youth was remembered as a football and basketball player for Waimea High School. But elsewhere he was unknown.

Now his name is a household word throughout the Islands, and people all over the United States have heard of him. As one of Hawaii's biggest heroes in the Vietnam War, he has been decorated by a two-star general and honored by the State House of Representatives and will be welcomed home by Gov. John A. Burns.

On Thursday, Feb. 18, the 21-year-old soldier flew into Laos as the crew chief of an unarmed U.S. Army medical evacuation helicopter. The mission: to rescue wounded members of the 39th South Vietnamese Ranger Battalion from Landing Zone Ranger, an Allied artillery base on a hilltop 6 miles inside the Laotian border.

The South Vietnamese had gone in to try to cut off the Ho Chi Minh Trail. Since President Nixon had forbidden the use of American ground troops in Laos, even the U.S. advisers to the South Vietnamese had stayed behind. On the hilltop, several hundred Rangers were absorbing heavy fire from Communist forces.

After landing at the base, Fujii's helicopter was destroyed by mortar fire. Fujii and the four other crewmen scrambled to nearby bunkers, but three were wounded.

Later that day the four other crewmen were rescued by helicopter, but Fujii gave up his seat to make room for South Vietnamese wounded. Then, because he was the only man at the base who spoke English and could direct American air and artillery strikes by radio, he insisted on staying.

"These people are depending on me," he radioed to one U.S. 'copter pilot. Heavy mortar fire dropped on the Rangers' position. Fujii received shrapnel wounds in the right shoulder and back, but he kept directing the air strikes.

Three times during the next three days the North Vietnamese tried to overrun Landing Zone Ranger. They were repelled by U.S. helicopter gunships and tactical bombers guided by Fujii. "If they get out of there," reported one American pilot, "they'll have to thank that crew chief."

Fujii said later that the situation often seemed hopeless.

"Things were really bad," he recalled. "There were a lot of times when I just gave up hope completely."

Once, two Communist soldiers got within two feet of his bunker. He killed one and a Vietnamese Ranger killed the other.

"I wasn't worried all the time," said Fujii. "The Rangers were pretty well trained and did an outstanding job. But there were several times I felt I wasn't going to make it out alive.

"But a Vietnamese Ranger calmed me down. I felt as safe with them as with an American unit."

On Saturday Fujii got aboard a helicopter

gunship and headed for safety in South Vietnam. But soon after takeoff the aircraft was hit by enemy fire, began to burn and limped into another South Vietnamese artillery base about a mile from Landing Zone Ranger. There, too, Fujii radioed directions for American air and artillery strikes.

Several hours later, Landing Zone Ranger was overrun by the North Vietnamese. The toll was 100 dead, 145 wounded and 78 missing.

After two more days and nights at the second artillery base, Fujii was flown to a hospital at Phu Bai, South Vietnam. There he received the Silver Star and Purple Heart decorations. His shrapnel wounds were not serious.

This is Fujii's second tour in the war zone. He enlisted in the Army in 1968 and completed the requirements for his high school diploma while in the service.

After paratrooper training, he went to Vietnam as an infantryman. He volunteered for another tour in order to get out of the Army six months early—in September. The same day he was stranded at Landing Zone Ranger, he was promoted from Spec. 4 to Spec. 5.

WHO NEEDS WOMEN'S LIB?

Mr. HANSEN. Mr. President, on Sunday, February 21, 1971, an article appeared in the Empire supplement of the Denver Post entitled, "Who Needs Women's Lib?" This article, written by Thyra Thomson, Wyoming's secretary of state, is a very thoughtful and objective appraisal of the current status of the women's rights movement in the United States.

Mrs. Thomson and I were both elected to public office in Wyoming in 1962. When I was Governor, we worked closely together because Mrs. Thomson's duties include serving as acting Governor of Wyoming when the Governor is absent from the State. Many of my colleagues have had the opportunity to know her because her husband, Keith Thomson, served 6 years in the Congress.

All Members of Congress can gain a better understanding of the status of women's rights in this Nation by reading the analysis prepared by Thyra Thomson. She points out many of the reasons why women find themselves in lower paying jobs and emphasizes, as she has for years, the need for women to get as much education as possible before marriage and to update their skills whenever possible. In addition, Thyra Thomson does not overlook the very real need for women to be different from men. As she says:

I wish we could see equality as something we share with men instead of trying to be the same as men.

Wyoming is known as the Equality State. Wyoming was the first territory and the first State to grant women equal rights, including the right to vote. Wyoming elected the first woman Governor in the United States. We are all very proud of the outstanding manner in which Thyra Thomson carries on the long tradition of active participation by women in the government of the State of Wyoming.

Mr. President, I ask unanimous consent that a brief biography of Thyra Thomson and the article entitled "Who Needs Women's Lib?" both of which appeared in the Empire magazine, be printed in the RECORD.

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

WHO NEEDS WOMEN'S LIB?

(By Thyra Thomson)

(NOTE.—Thyra Thomson of Wyoming, is one of eight women secretaries of state in the nation. But Mrs. Thomson ranks highest because she's the only elected secretary of state who also serves as lieutenant governor. She was elected Wyoming's first woman secretary of state in 1962, and reelected in 1966 and 1970. She's a native of Florence, Colo., and an honors graduate of the University of Wyoming. Her late husband, Keith Thomson, was a three-term Republican congressman who was Wyoming's senator-elect when he died in 1960. Mrs. Thomson has three sons: Bill, 27; Bruce, 24, and Casey, 18.)

Every time I read about Women's Lib demonstrators burning their bras or crashing for-men-only saloons, I wonder when the voice of sweet reason will penetrate the current crusade for women's rights.

I think it's time women admitted we've had equal rights a long time. We simply haven't done much with them.

My own state of Wyoming has a very proud record in women's rights. The Wyoming territorial legislature gave women equal rights more than 100 years ago; it was the first government anywhere to allow women the right to vote, the right to hold public office, the right to serve on juries. Wyoming can also boast the first woman judicial officer, the first woman state official and the first woman governor.

Yet in 80 years of statehood, only 21 women have served in the Wyoming legislature. While male political leaders don't exactly encourage many female candidates, it's obvious that very few Wyoming women have taken advantage of their right to run for office.

I am one of the few. I have been secretary of state since 1963. Yet, while my husband was alive, nobody suggested I run for public office. The idea didn't occur to me then, either. I was too busy with my husband and children.

Most women don't worry about equality with men when they are young. They're too wrapped up in the primeval desire to love and be loved, to marry and to nest. I doubt if many young women think beyond the day when they don a wedding veil.

Yet it is a fact of modern life that 8 out of 10 women work outside the home, and 64 per cent of the women who work are married. And those who return to work after having a family can expect to spend 23 years on the job.

How galling it is, when a women does return to work, to realize she is locked into the lower-paid, tedious jobs. She will not only probably make less money than a man, but have far less chance of promotion.

Yet, I must point out that there is no law confining women to inferior jobs. Women themselves must bear a large share of the blame for their plight. Women don't buck for promotion the way men do. Men look forward to a better job, and expect it. Women don't. They can handle responsibility as well as men, but too many women seem to think it's unfeminine to do so.

The underlying problem is that women are not motivated by job prestige. A man may be measured by his work, but a woman measures herself by her success with men. That's something Women's Lib wants to change, and if this means judging women as people rather than sex objects, I'm all for it. But I wouldn't want to change the innate desire of women to be attractive to men.

Instead, I'd like to teach them that for many years of their lives, they have to be attractive to employers, too. Let's teach women how to get a job as well as how to get a man. And let's teach them early.

Most women don't really plan careers until they're "empty nesters" in their 30s. Unless a woman prepares for that work before marriage, while she's still in school, she may not find her career opportunities satisfying, useful or equal.

I often speak to high school and college girls on the need for obtaining all the education possible before marriage and then for updating their skills at every opportunity. For many girls, this means office skills—typing, shorthand, the ability to run a copying machine. Those are the starting skills that get a job. And you need that first job before you can start climbing the executive ladder.

I made that comment to a young feminist recently, and I could see by her face that she was thinking: What does Mrs. Thomson know about it? She was elected out of sentiment for her late husband.

That is largely true. Wyoming voters were very good to me when they elected me their first woman secretary of state, partly out of sentiment and partly because my name was familiar as a result of my husband's work in the U.S. Congress.

But would they have re-elected me twice if I hadn't been able to do the job as well or better than a man? I doubt it.

I didn't learn how to do the job in a blinding flash. I worked as a secretary before I was married. I had studied business administration, sociology and psychology in college. I kept up my skills and got a lot of on-the-job training working with my husband in Washington. I earned equality in a far more practical way than burning my bra.

The mere idea of women's rights generally raised hackles at the time the Wyoming territorial legislature took the bold step of giving women suffrage in 1869.

Women's Lib now likes to point out that the legislators thought it a big joke (they went down to the lusty bars in Cheyenne and raised their glasses "to our lovely ladies, once our superiors and now our equals") and that they were being more practical than chivalrous (women voting made a higher citizen count to apply for statehood) and that they even tried to repeal it (Gov. John Campbell, a bachelor, vetoed the repeal). But the remarkable thing is not that there were skeptics and controversy. The remarkable thing is that when the men of Wyoming wrote, enacted and brought reality to equal rights legislation, they opened a frontier which was to change the lives of half the people on the face of the earth—women.

By the time Wyoming did achieve statehood, in 1890, the legislators had no doubts. The state constitution said:

"Both male and female citizens of this state shall equally enjoy all civil, political and religious rights and privileges."

The legislators were told the woman suffrage amendment would probably cause the statehood application to be rejected by the U.S. House of Representatives. They sent a wire to Washington which I wish every Women's Lib advocate would memorize. It said:

"We may stay out of the Union a hundred years, but we will come in with our women."

I like that "with." I wish we could see equality as something we share "with" men instead of trying to be the "same as" men.

Still, I have a hunch the men won't suffer. In fact, I believe that in the long run the Women's Lib movement will help men more than it does women.

Women will eventually achieve wage parity: equal pay for equal work. When they do, employers will probably hire more men, and more women will stay home.

An indirect result of men's demanding higher and higher pay in the past was that women were hired. It was simple economics. Women worked for less.

When men and women command identical pay, women will forfeit the advantage of

being low bidders and probably end up with fewer jobs.

Women have some disadvantages in job hunting. While the empty-nester going back to work becomes a faithful, stable employe, her skills are usually rusty and her education out of date. She starts again at the bottom of the ladder and pay scale.

Young women on the other hand usually don't stay on the job long enough to warrant training them for well paid, responsible positions.

They average less than two years. Marriage, or a baby, or a husband being transferred are the major reasons they quit. And they don't see anything wrong with that.

Recently, one girl in my office resigned because her husband had been transferred out of state. I asked if she would consider giving up her husband instead of her job. She thought I had lost my mind. But if you believe in equality, it's a valid question. Certainly, it never occurred to her husband to give up his new assignment because his wife liked her work.

A bank president told me recently why, he thinks there are few women executives in his field. He said:

"Schools of banking were opened to women in the 1930s. But women don't attend them. If I ask one of the girls in my bank to attend a banking school for three months, she says she can't leave her husband and children for that long. But if I turn to the man occupying the desk next to hers and ask him to attend the school for three months, he's eager. He knows he is being prepared for promotion, he thinks of a raise, he visualizes himself as president of the bank, and so he kisses wife and children goodby, and is off."

Men are far more willing to do the extra-curricular chores that lead to the top. They volunteer for Chamber of Commerce work, serve on committees—all the extra things that are part of the climb to management positions. Most women put that extra time and effort into their families.

I don't know whether it's simply custom, or deep-seated instinctive urges that cause women to do this, but the point I want to make is that women ought to do what makes them happy. And they shouldn't blame men if they aren't happy at what they're doing.

For most women, true happiness is in helping the men in their lives to their mutual goals. They are working *with* their mates, and I can't think of a more noble objective in life. But for some of us, this isn't possible.

Women make up one-third of America's labor force and the majority take jobs for exactly the same reason men do: To support themselves and their dependents. I agree with Women's Lib that they should have the same earning power, the same opportunity for advancement as men.

I agree that women should share responsibility for solving our political and social problems, for running our government, ensuring our future.

None of us could imagine or tolerate a return to the thinking that existed before Wyoming's action of 1869, when women could not hold property in their own names, or be paid directly for their work, or even act as guardians for their own children.

But that was 102 years ago, and it's been 51 years since all American women won the right to suffrage by national amendment.

We can't blame men alone for inequalities that still exist. We have to liberate ourselves by changing our attitudes and accepting the reality of a world which requires us to be both wives and workers.

Somehow I find it difficult to view men as the enemy.

JUSTICE FOR ALASKAN NATIVES

Mr. McGOVERN. Mr. President, the 92d Congress has a rare opportunity to begin dealing honorably and justly with America's native population.

The legislation we enact to settle the land claims of 60,000 Indians, Eskimos, and Aleuts of Alaska can stand as a unique and classic example of enlightened Government acting in good faith. Of it can simply continue a long and tragic record of actions to deprive the American Indian of his land and resources, and to foster his desperate economic and cultural impoverishment.

It is important to approach this issue with a keen sense of our past mistakes.

In November of 1969, the Special Subcommittee on Indian Education published a searching examination of congressional action and policy in the field of Indian affairs. Among its central findings was a conclusion that our policy has been dominated by the practice of "coercive assimilation," a program for the destruction of Indian culture and Indian identity.

We have simply told the Indian that his tribal way of life is uncivilized and inappropriate, and that it must, therefore, disappear. We have told him that he must be melted in the melting pot, that he must dive into the mainstream and sink, float, or swim, regardless of whether or not he believes the mainstream to be polluted.

The Indian has displayed a strong, often heroic resistance to assimilation. The policy has not worked.

But rather than question whether it might be in fundamental error, our tendency has been to respond by making it still worse.

We have failed to understand the spiritual nature of the resistance. Instead, we have incorporated two stereotypes. Land reserves, commonly known as reservations, are regarded as one cause of the problem because they are like concentration camps that fence people in and prevent them from integrating into the dominant society. And the provision of Federal services and technical support to Indian communities on land reserves is another cause, because it makes Indians wards of the Government and condemns them to paternalistic dependency.

The logical next step is to "terminate" these facets of our policy; to eliminate the special treatment which allows Indian culture to continue. If Indians will not recognize the superiority of our values and our system on a gradual basis, while their physical survival is being assured, some have concluded that they might be more compliant if we made adoption of those values a prerequisite for staying alive.

The subcommittee report cited earlier suggested some underlying reasons for the policy of coerced assimilation:

A continuing desire to exploit, and expropriate Indian land and physical resources.

A self-righteous intolerance of tribal communities and cultural differences.

But whatever its reasons, its results have been:

The destruction and disorganization of Indian communities and individuals.

A desperately severe and self-perpetuating cycle of poverty for most Indians.

We need not question the good intentions of Congress in order to undertake a new approach. We need only to recognize that good intentions can produce devastatingly bad results.

Indeed, many of our most substantial legislative failures have been blessed with the best intentions and have been clothed in the rhetoric of generosity and justice. The Allotment Act of 1887, for example, was supported on the floor of the House and of Senate as:

An act of emancipation which would bring the benefit of civilization to American Indians.

An act which would do away with "racial enclaves" and bring about integration of the races.

An act that would rescue the Indian from the taint of being an incompetent ward of the Federal Government.

An act that would free the Indian from the ravages of bureaucratic paternalism.

That act had the support of many humanitarian reformers who felt that manifest destiny would prevail, and that it would be impossible to keep white settlers off Indian land. They argued that this act was the best Indians could obtain from Congress, and that it would at least secure a portion of the Indian land base.

Yet the Allotment Act of 1887 was responsible for reducing the Indian land base by more than two-thirds, and for condemning most tribes to a State of abject poverty from which they have never recovered.

How familiar these arguments sound today. The smell of oil is in the air in Alaska, and it has ignited the fires of manifest destiny once again. And after decades of procrastination, it has lubricated the wheels of congressional action.

We have, therefore, good reason for concern about the possibility that the Native Claims legislation under consideration now could be just as disastrous for Alaskan Natives as the 1887 act was for the tribes of the lower 48 States.

We may proceed on the same false premises—that "racial enclaves" should be broken up, that native villages are not viable, that racial and cultural differences cannot work in our technological society and only impede assimilation, that Alaskan Natives are incapable of managing and developing their land and other resources, and that if we provide a little land and some cash we will have provided full compensation for the claim.

And if we do, we will have practiced again—now in an era which we like to think of as more enlightened—the same exploitive philosophy which has made our treatment of American natives one of the most tragic and shameful patterns of abuse in our national experience.

I hope the Alaskan Native claims issue will become a vehicle for putting those times behind us, and also for recognizing that our society is enriched by a variety of cultures and social patterns, and that for all of our wealth and wisdom, it might just be that our own lives could be improved by the incorporation of some of the more compelling native virtues.

Toward that end, I ask unanimous consent that there be placed in the RECORD at the conclusion of my remarks a number of documents which clarify

basic issues and provide a detailed analysis of the major proposals considered in the last session of Congress and under consideration now. These documents deserve the careful study of each Member of Congress.

MINIMUM REQUIREMENTS

The proper legal and moral framework for the consideration of specific legislation on Alaskan Native land claims has been set forth quite lucidly by Mr. Arthur Lazarus, Jr., counsel for the Association on American Indian Affairs. He states:

> The key starting point in consideration of any proposed settlement is recognition of the principle that the Federal Government is not dealing with ordinary "social welfare" legislation under which the United States will provide, and the Native beneficaries receive, a variety of gratuitous funds, goods and services. This legislation involves *property rights*. The primary objectives of a just and equitable bill, therefore, must be (a) to enable the Natives to retain a reasonable share of their aboriginal property, and (b) to pay the Natives just compensation for the lands, interest in lands and other rights which they are being required to give up, and only as a corollary, (c) to foster or establish an economic setting in which serious Native social welfare problems are either prevented or corrected.
>
> A fair settlement thus should afford the Natives land, money and future expectations, within an administrative framework which permits them to manage, as well as derive benefits from, their own assets. According to the Alaska Federation of Natives, such a settlement would include a confirmation of title in Native village and regional corporations to 40–60 million acres of land, a payment of $500 million over an eight-year period and retention of an overriding 2 percent royalty as compensation for lands to which Native title has been or will be extinguished, and long-range protection of subsistence hunting, fishing, trapping and gathering rights.

It is difficult to evaluate such proposals fairly without realizing what they are. As Mr. Lazarus points out, it is not a question of what Congress will give the Alaskan Natives; it is one of determining how much of what is theirs they will be allowed to keep.

The land provisions proposed by the Alaskan Federation of Natives comprise approximately 16 percent of Alaskan territory. The Natives now make up more than 20 percent of the population. They have arguable claims to some 90 percent of the State's land. That is the context in which this legislation should be considered.

The Alaskan Federation of Natives' position is eminently reasonable. Its essential provisions have been encompassed in a bill, S. 835, which I am pleased to cosponsor along with Senators HARRIS, KENNEDY, and others.

The most prominent alternative at this point, while we still await more details on the administration's position, is S. 35. It is virtually identical to S. 1830, which passed the Senate last summer, but was not acted upon by the House. And let me add, at this point, that it is fortunate that the issue was not resolved last year, for it leaves the Congress with an opportunity to correct its position.

S. 35, like its most prominent alternative, is unsound for the Alaska Native people and for the Nation. It would impoverish many Natives by substituting an unlivable annual cash income supplement—$53 per person in the first year, rising to $418 in 20 years—for their present right to make subsistence living, plus some cash income, by hunting, fishing, berrying, and trapping on the lands this bill would deny them. It would do this without offering the Natives the means of transition from a subsistence style of life to a full cash economy. Indeed, the policy guiding S. 35 is to force this transition—to apply coercion of the most compelling kind—by the very terms of the settlement. Last year's committee report on this bill expresses the view that "the historic way of life" of the Natives should not be perpetuated by congressional action, because civilization must come to the Native people.

By the same token, the 10 million acres provided in S. 35 is completely inadequate to maintain a viable Native economy. A survey conducted last summer by the Alaska Native newspaper the Tundra Times showed an overwhelming rejection of the land provisions among 14 regional Native organizations. The prevailing view was summed up by Emil Notti, former president of the Alaska Federation of Natives:

> The feeling in the villages is very strong. They want their land.

The Federal Field Committee report, which is regarded as the most comprehensive survey of the literature on the Native way of life, expresses three major points on this score: First, if grants to meet Native subsistence needs are to be made, then a minimum of 60 million acres will be required; second, Native land use varies widely according to geographic location and biotic carrying capacity and, therefore, land grants to protect the Native subsistence economy should be allocated to villages in varying amounts based in proportion to the number of people the land will support; and third, in order to provide the economic means for the Natives to make reasonable and sustained progress, any claims settlement legislation should not only protect subsistence resources, but also confirm Native title to commercially valuable properties.

At this point, it becomes necessary to emphasize that no reason exists in law or equity for denying Natives full subsurface rights in their own lands. Indeed, the Papago Reservation in Arizona was the only Indian reservation established in the history of our country where the United States withheld mineral rights from the tribe, and Congress remedied that situation in May of 1955. The language of settlement proposals denying Natives anything beyond mere subsistence use of the land, or providing that the Natives may keep resources subject to the mining laws, but not resources subject to the mineral leasing laws, simply cannot be explained in terms other than Federal self-interest prevailing over justice.

As noted in the Field Committee report, projections of Native land use based upon studies of individual villages throughout the States suggest that the acreage required for traditional subsistence needs may actually reach as high as 80 to 120 million acres, or, in other words, about double the area which the Alaska Federation of Natives is requesting and which our bill would provide.

The truth is that Native dependence on the land is the central feature of the present-day economy. A substantial number of Natives now relies upon the subsistence use of large areas of land in Alaska in order to survive. And the cash payments provided under S. 35 and other alternative proposals cannot furnish anything but totally inadequate substitutes for such subsistence activities.

Implicit in the land features of S. 35 is the assumption that the Natives soon will abandon village life and, with the development of Alaska, migrate in increasing numbers to urban centers for permanent wage work. The Field Committee report contradicts this assumption.

Village population in the last 20 years has grown substantially, and includes about 75 percent of all Natives. Furthermore, any projections on rural Native population movement must take into consideration the desires of the Native people themselves. The Field Committee report states that a survey of 1,000 men in northern, interior, and coastal villages indicates that—

> About ¼ told interviewers they would not accept any employment—in replacement of traditional subsistence activities. Of the more than 750 who said they would accept employment, nearly 300 said they would accept only temporary employment—and ⅓ of those said they would accept such employment only near home.

With respect to the last possibility, the report further points out that the Natives can expect little employment from local oil or mineral exploitation—a prediction which is being confirmed by experience on the North Slope. A recent report, prepared by the University of Alaska, points out with dismay that despite all of the massive oil development and related activities in the State, Native unemployment has substantially increased over the past several years.

The committee report on S. 1830 made it clear that the Native subsistence economy was to be legislated out of existence. The report stated that—

> The settlement will with minor exceptions put an end forever to racial or ethnic distinctions in . . . hunting, and fishing rights.

Thus, S. 1830 provided no protection whatsoever to subsistence activities on the 103 million acres to be selected by the State, and only emergency closings of 2 years "maximum duration"—with a possible extension of another 2 years—on public lands not selected by the State. Under S. 35, the central feature of the Native economy would be, with minor exceptions, left unprotected and almost certainly would be doomed.

In sum, the incomes of the village Natives, already at poverty levels, would be further reduced. Under the additional pressure of population increase, many Natives would be forced to migrate to the non-Native urban centers. There, without skills and education, facing discrimination, they would join the present 11,500 urban Natives, most of whom are poor themselves. Such a migration can

only have the most destructive effects upon the migrants and upon the cities to which they flee. The transition which would be required by S. 35 is in effect a transition to greater poverty and to greater urban problems.

Dr. Alexander Leighton, nationally respected professor of social psychiatry and chairman of the Department of Behavioral Sciences at Harvard University's School of Public Health, has described the ominous future we can expect under S. 35:

> Legislation proposed by the Administration to settle Alaska Natives land rights in the 91st Congress, as well as the Senate-Passed version of a Settlement Act (S. 1830) are inconsistent with the Alaskan Natives' needs for an adequate land base, and if enacted, would threaten the native people with social catastrophe.

WHITE HOUSE LEADERSHIP REQUIRED

On February 18, Secretary of the Interior Rogers Morton testified on this issue before the Senate Committee on Interior and Insular Affairs. Although he suggested several modifications, the Secretary said that—

> After reviewing the Administration's proposal submitted to the last Congress, I believe that it represents a just settlement of the Native claims issue.

I hope that Secretary Morton is now reviewing that bill again. It is a sorry fact that the administration's bill in the last Congress was even worse than S. 1830.

It failed to provide for even as much land as the Senate bill. It failed to provide for full title, including mineral rights, to what limited land was retained. It failed to provide adequate protection of subsistence economies. It failed to provide for any form of revenue sharing, thus effectively cutting the monetary settlement in half. It failed to take into consideration practically all of the carefully prepared proposals of the Alaskan Natives. And its declaration of policy asserted, in effect, that it is in the interests of this country to pursue termination as a positive virtue.

That act could not fairly be called a settlement bill. It would be described with greater accuracy as an act of expropriation.

Secretary Morton promised that a new administration bill would be sent up promptly. We still await it and their decision.

I choose to believe that the delay has been caused by a real interest in avoiding disaster for the Alaskan Natives, and in coming to support settlement terms which coincide with the President's expressed policy of self-determination for our first Americans. If the administration cannot support S. 835, then I look forward to a new administration proposal with similar content, incorporating the major elements of the AFN position. I look forward to the kind of courageous, enlightened leadership from the White House that issues of this historic and moral magnitude deserve.

Mr. President, the Natives of Alaska deserve the active support of every Member of this body in their quest for justice and opportunity. In view of their legal rights, their social and economic needs, and the value of the land to which they have rightful claim, and the settlement they request is fair, reasonable, and humane.

It will afford a wise and courageous Native people a meaningful opportunity for self-determination and the base for a better life for themselves and their heirs. It can avoid for Alaskan Natives the exploitation, the abuse, and the attempted cultural genocide of Indians which blot our national heritage.

Few of us can retain any pride in the history of relations between whites and Indians in this country. We are beginning to realize what the "winning of the West" has done to the people from whom the West was taken, and it is a sad and tragic tale.

Last year Congress took a small step on a different course, by passage of the Taos-Blue Lake bill. The Indians finally won a battle.

Our approach to Alaskan Native claims this year will determine whether we can muster more than symbolic gestures; whether we can hold to the same principles of justice and tolerance when the contest is over large amounts of territory and major economic resources.

The decision we make on this legislation will profoundly affect the lives of Alaskan Natives for generations.

But it will reflect on our national honor for centuries.

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

NATIVE ALASKA: DEADLINE FOR JUSTICE

The United States and its people are offered a priceless opportunity to do justice to its aboriginal people whose treatment in the past has reflected little glory on our Nation.

A hundred years ago on the Western frontier, Indians and whites were killing each other for possession of the land. Today in Alaska, sixty thousand Indians, Eskimos and Aleuts are fighting to preserve their ancient rights and heritage, and to save a fair portion of their lands from expropriation by the State. They are waging a peaceful war for a decent share of America's future. Congress is now deciding their fate. The Alaska Native people urgently appeal to the conscience of every American for help in their search for justice.

Alaska's Indian, Eskimo, and Aleut citizens have conclusive legal and moral rights (original Indian title) to 340 million acres of land—ninety per cent of the Alaska landmass. They are asking Congress to grant them formal legal title to 40 million acres essential to their present livelihood and future well-being, and for just compensation for the remaining 300 million acres they feel are beyond the possibility of saving. Their hopes are expressed in legislation submitted to Congress, and presently pending before the House and Senate Interior Committees.

The decision Congress makes will profoundly affect the lives of Alaska Natives for generations and will reflect on the honor of our Nation for centuries.

THE LAND AND THE PEOPLE

To the Alaska Natives, the land is their life; to the State of Alaska, it is a commodity to be bought and sold. Alaska Native families depend on the land and its waters for the food they eat, hunting and fishing as they have done for thousands of years.

"Nothing is so sorrowful as for a hunter, empty handed, to be greeted by hungry children. They will look at your feet. If there's blood on your feet, they know you got a moose."

Living in some two hundred remote villages scattered across a State three times the size of Texas, the Natives need large areas simply to survive. Often a thousand acres are required to support one person. In some regions, a village of two hundred people may require as much as 600 thousand acres.

Their subsistence economy is as varied as the land. The Eskimos of the Arctic hunt whale, walrus, and seal in the coastal waters and caribou on the frozen tundra. They gather murre eggs from the sea cliffs in July and take ducks and geese through the summer. The Athabascan Indians of Interior Alaska, on the other hand, hunt moose, beaver, muskrat, rabbit, and black bear in forests of white spruce and birch. The lakes offer ducks and geese. At their summer fishcamps, they take salmon by fishwheel, and salt or smoke it for the long winter. When the waters freeze over, pike are caught through the ice. Wild blueberries are gathered in July and cranberries in September.

Cash is hard to come by. In the villages there is virtually no wage work. Too often, where there is employment in the Alaska "bush," the Natives are denied equal job opportunities. A recent Task Force investigation of hiring in the oil fields, for example, found that only 8 out of 800 jobs were held by Natives.

Measured by contemporary standards, Alaska Natives are the most impoverished of America's poor. Village family income for those who have any income averages less than one-quarter of the family income for white Alaskans. Only one of every ten young people graduates from high school. Average age at death is thirty-five.

Harsh though living conditions may be, the Natives have retained their independence and self-respect, and, most important, their hopes and plans for the future. It is sometimes said that the old way of life is passing and with it the need for the land. Mindful of the experience of the Indian tribes of the Old West, the Natives fear that if title to their land passes to the State, they too will be forced onto the welfare rolls.

The land is today's certainty and tomorrow's promise. Industrious and adaptive, the Natives look forward to the day when they can profit, if they choose, from rational commercial development of their resources and can create local employment opportunities through their own initiatives. In short, only if the Natives obtain title to a reasonable amount of their land will they possess the secure economic base upon which to build a better life in a changing world.

THE CONTROVERSY

The present dispute between the State and the Natives has its origins in a century of inaction by Congress. The State claims the right to select 103 million acres from the public domain under a provision of the 1958 Statehood Act. The Natives rely on a pledge by Congress in 1884 to respect their aboriginal claims, buttressed by a provision included by Congress in the Statehood Act that subjects the State's selection to their prior aboriginal claims.

In 1867, when the United States acquired Alaska from Russia, it purchased not the land itself but only the right to tax and to govern. Our Government recognized at that time, in accordance with long-standing Federal policy and Supreme Court precedent, that the land belonged to the original occupants—the Native people of the villages.

Congress, in the Organic Act of 1884 establishing a territorial government in Alaska, acknowledged the Natives' *right* to the land, stating: "The Indians . . . shall not be disturbed in the possession of any lands actually in their use or occupancy or now claimed by them." However, it postponed for future legislation the matter of conveying *title* to the Natives. Congress has yet to act.

Until the Statehood Act there was no

massive threat to Native land rights or their way of life. Indeed, prior to 1939 the Natives were a majority in Alaska and even today non-Natives use only a minute fraction of the land. To protect Native land rights against the new State, Congress provided that the "State and its people do agree and declare that they forever disclaim all right and title . . . to any lands or other property (including fishing rights), the right or title to which may be held by any Indians, Eskimos, or Aleuts."

Nonetheless the State subsequently moved to take over lands clearly used and occupied by Native villages and to claim, under the 1958 Act, royalties from Federal oil and gas leases on Native lands. The Department of Interior's U.S. Bureau of Land Management, without informing the villages affected and ignoring the claims they had on file, began to process the State's selections. The lands of the Indians of Minto Village, where the lakes provide one of the best duck-breeding grounds in the world, were slated to be taken over by the State for the recreation of sports hunters and vacationers. The Indians of Tanacross Village were to discover that their lands on beautiful Lake George were being offered for sale at the New York World's Fair as "Wilderness Estates." The multi-billion dollar North Slope oil strike by Atlantic Richfield at Prudhoe Bay is on land the State has claimed from the Eskimos of Barrow.

As word of the State's actions spread from village to village, the Natives began to organize regional associations for their common defense, and in 1962 the *Tundra Times*, a Native weekly, was founded to provide a voice for Native aspirations. In 1964, Indian and Eskimo leaders from across the State met in Fairbanks to mobilize their joint forces; and two years later the statewide Alaska Federation of Natives was formed to champion Native rights.

In 1966, then Secretary of the Interior Stewart L. Udall, with statutory responsibility to protect the interests of the Natives, finally acted to block the State. After the Bureau of Land Management had granted Alaska title to 6 million acres of Native land and had tentatively approved the transfer of another 12 million acres, Secretary Udall, responding to Native appeals, halted the transfer of additional land and suspended the issuance of new Federal oil and gas leases pending Congressional settlement of Native land rights.

Alaska's Governor Walter J. Hickel condemned this act as illegal, and the State filed suit against Secretary Udall in Federal Court to force him to complete transfer of certain Native lands. The case is now being considered by the United States Court of Appeals for the Ninth Circuit.

In January 1969, as one of his last acts in office, Secretary Udall formalized his "land freeze" with the issuance of Public Land Order 4582. In so doing he stated: "This action will give opportunity for Congress to consider how the legislative commitment that the Natives—shall not be disturbed in their traditional use and occupancy of the lands in Alaska should be implemented. . . . To allow these lands to pass into other ownership in the face of the Natives' claim would, in my opinion, preclude a fair and equitable settlement of the matter by Congress. It would also deny the Natives of Alaska an opportunity to acquire title to lands which they admittedly have used and occupied for centuries."

Governor Hickel was appointed by President Nixon to succeed Secretary Udall. At confirmation hearings on this appointment, Senator Henry M. Jackson, Chairman of the Senate Committee on Interior and Insular Affairs, won a promise from Secretary Hickel that he would continue the freeze during the 91st Congress. Secretary Hickel has made it clear, however, that unless Congress acts he will allow the Udall order to expire at the end of 1970 and begin again transferring Native land to the State. His deadline for justice is fast approaching.

The hopes of the Native people gained new force when, in July 1969, Arthur J. Goldberg, former Supreme Court Justice and U.S. Ambassador to the United Nations, agreed to represent their cause before Congress as a public service. Associated with him in this effort are Ramsey Clark, former Attorney General, and Thomas Kuchel, former U.S. Senator from California.

Ten years ago few Alaskans in positions of power recognized the validity and the urgency of Alaska Native land rights. Today the Natives are united and their newly discovered political strength has gained respect for their cause.

THE VALIDITY OF NATIVE CLAIMS TO ALASKA LAND

The legal validity of Native land rights in Alaska, based on aboriginal use and occupancy, is not subject to serious challenge at this late date in history. A long series of Federal statutes and Supreme Court decisions establishes the rule that aboriginal occupancy creates a property right which the United States alone has the power to extinguish and that Native land rights carry with them the right of the tribe or Native group to enjoy the protection of the United States against interference from all others, including State Governments.

As early as 1783 the Congress of the Confederation issued a proclamation prohibiting all persons from making settlement "on lands inhabited or claimed by Indians" and "from purchasing or receiving any gift or cession of such lands or claim without the express authority and direction of the United States in Congress assembled." The Ordinance for the Northwest Territory provided that the land and property of the Indians "shall never be taken from them without their consent" and that "their property, rights, and liberty . . . shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress."

Judicial recognition of Indian possessory rights was first announced in 1823 in *Johnson* v. *M'Intosh*, when Chief Justice Marshall defined the status of the original inhabitants as "the rightful occupants of the soil, with legal as well as just claim to retain possession of it."

Nine years later, in the famous case of *Worcester* v. *Georgia*, the Supreme Court reiterated the principle that the right of discovery "could not affect the rights of those already in possession," and further stated that, under the Indian Trade and Intercourse Laws, the Indian communities have territorial boundaries and have a right to all the lands within those boundaries, which is not only acknowledged but guaranteed by the United States. In 1835, in *Mitchell* v. *United States*, the Supreme Court again declared that "friendly Indians were protected in the possession of the lands they occupied" and that "their right of occupancy is considered as sacred as the fee-simple of the whites."

This consistent policy of respect for Indian rights of occupancy continues in the 20th Century and is summarized in the 1941 Supreme Court case of *United States* v. *Sante Fe Pacific R.R. Co.*:

"Unquestionably it has been the policy of the Federal Government from the beginning to respect the Indian right of occupancy, which could only be interferred with or determined by the United States."

In *Tee-Hit-Ton Indians* v. *United States*, which involved lands in Alaska, the Supreme Court again acknowledged that it has been "the policy of the Congress, continued throughout our history, to extinguish Indian title through negotiation rather than by force," and that the Indians had a "right of occupancy which the sovereign grants and protects against intrusion by third parties," even though it further held that Congress must act in order for Indian title to be compensable as against the United States.

In addition to the protection afforded by general Federal legislation and Supreme Court decisions, the possessory rights of Alaska Natives have been the subject of specific legislative protection from the time of "Seward's Folly"—most notably in the 1883 Organic Act, the Act of June 6, 1900, and the Alaska Statehood Act.

In 1902, the United States Court of Appeals for the Ninth Circuit held in *Heckman* v. *Sutter*, that the Organic Act established possessory rights which would ground a suit against encroachment by third parties, stating that:

"Congress saw proper to protect by its act of 1884 the possession and use by these Indians and other persons of any and all lands in Alaska against intrusion by third persons, and so far has never deemed it wise to otherwise provide."

Continuing the policy of earlier years, Congress recently excepted lands occupied by Indians from the tideland grants to the territory of Alaska under the Act of September 7, 1957.

Thus, aboriginal title in Alaska has been accorded the safeguard of special legislation in addition to the protection generally applicable to Native rights of occupancy throughout the United States. The legal basis of the claims here asserted is beyond question.

THE TERMS OF SETTLEMENT

Three alternative proposals to settle the Alaska land controversy have been placed before Congress. Secretary Hickel proposes enactment of legislation with these major provisions:

1. Conveyance to the Native villages of restricted title to approximately 12 million acres of land, stripped of oil and gas rights, to be selected from the public domain at the same time as the State has an opportunity to pick its 103 million acres;

2. Cash compensation in the amount of $500 million, payable over a twenty-year period without interest.

The Federal Field Committee for Development Planning in Alaska, an independent agency of the Executive Office, recommends a Congressional settlement with these major provisions:

1. Conveyance to the village of fee-simple title to approximately 5 million acres of land, with full mineral rights, and protection of hunting and fishing rights over larger areas;

2. Cash compensation ranging from a minimum of $100 million to $1 billion, the exact amount being contingent on the size of Federal oil and gas royalties in Alaska, to be paid over a ten-year period without interest.

The Alaska Federation of Natives, on behalf of the sixty thousand people it represents, offers in the proposed legislation a settlement with these major provisions:

1. Conveyance to the villages of fee-simple title to 60 million acres of land, with mineral rights to be held by Native regional development corporations;

2. Cash compensation in the amount of $500 million dollars (roughly $1.50 per acre) payable over a nine-year period with interest at 4%; and a 2% residual royalty on gross revenues from Federal lands to which Native title is extinguished.

Given the vast amount of land in Alaska and the extent of Native land rights and needs, 60 million acres is a reasonable request. It represent 16% of the land for 20% of the people who have valid claims to nearly 100% of the land. The State still would find ample land from which to make its selection of 103 million acres, and a balance of about 210 million acres would be retained by the Federal Government.

Justice further dictates that the Natives enjoy fee-simple title to the lands that are to remain theirs. This is consistent with repeated Supreme Court decisions that aborig-

inal land rights include all mineral rights. Without such title, a village not only would be denied its rightful benefits, but also it would be at the mercy of the conservation practices of the oil and mining companies for protection of the subsistence value of the surface of the land.

Considering the fact that the lands to which the Natives have legal rights have a value conservatively estimated in the tens of billions of dollars, the cash settlement proposed by the Natives based on $1.50 per acre is a modest one. The State of Alaska received in September, 1969 alone almost $1 billion from bonus bids offered in September by oil companies for exploration rights to 431,000 acres of oil land it has taken from the Eskimos of the Arctic Slope. This amounts to over five times the current budget of the State.

Measured against the needs of the Natives, the cash compensation is not substantial. Far more would be required to raise their family income and standard of living to half that of white Alaskans.

The amount sought is, however, enough to provide a capital base for human and community development and can be financed by the Federal Government from a fraction of the wealth it will derive from the lands to which Native title will be extinguished. Moreover, the monetary settlement will not be paid to individuals, but rather to Native village and regional development corporations empowered to launch self-help programs in health, education, housing, employment, and economic growth.

SUMMARY

In view of the Natives' legal rights, their social and economic needs, and the value of the land to which they have rightful claim, the settlement the Alaska Federation of Natives seeks is just, reasonable, and humane. It will afford a wise and courageous Native people a meaningful opportunity for self-determination and the base for a better life for themselves and their children.

In Alaska, the United States and its people are offered a priceless opportunity—and its last real chance—to do justice to its aboriginal people, whose treatment in the past has reflected little glory on our Nation.

THIS IS MY LAND

(By Clarence Pickernell, a Native American)

This is my land
From the time of the first moon
Till the time of the last sun
It was given to my people.
Wha-neh Wha-neh, the great giver of life
Made me out of the earth of this land.
He said, "You are the land, and the land is you."
I take good care of this land,
For I am part of it.
I take good care of the animals,
For they are my brothers and sisters,
I take care of the streams and rivers,
For they clean my land.
I honor Ocean as my father,
For he gives me food and a means to travel
Ocean knows everything, for he is everywhere.
Ocean is wise, for he is old
Listen to Ocean, for he speaks wisdom
He sees much and knows more.
He says, "Take care of my sister Earth,
She is young and has little wisdom, but much kindness."
"When she smiles, it is springtime."
"Scar not her beauty, for she is beautiful beyond all things."
"Her face looks eternally upward to the beauty of sky and stars,
Where once she lived with her father, Sky."
I am forever grateful for this beautiful and bountiful earth.
God gave it to me.
This is my land.

ALASKA FEDERATION OF NATIVES' POSITION WITH RESPECT TO ALASKA NATIVE LAND CLAIMS

With the failure of the 91st Congress to enact legislation settling the issue of Alaska Native land claims with the prospect of new legislative proposals in the 92nd Congress to resolve this 103-year old problem, the Alaska Federation of Natives (AFN), composed of its constituent regional associations, wishes to restate its position setting forth the basic elements of a settlement that will be acceptable to all of Alaska's Eskimos, Indians and Aleuts. During several days of intensive deliberation in December and January, the AFN board of directors re-examined its approach to the land claims settlement, and adopted certain changes in its position as set forth below in a conceptual bill outline. A position restatement is necessary at this time in order to make known these modifications and to insure that all concerned parties are fully advised as to AFN's position outlining a recommended settlement.

AFN believes a settlement extinguishing the property rights of the Natives to substantially the entire State of Alaska must recognize that different groups of Alaska Natives have property rights in different lands aboriginally used and occupied by them. The settlement should reflect these differences and, short of a lengthy adjudicatory process in the courts to determine value, should be based primarily on the quantum of land within the exterior boundaries of each Native region. The basic elements of such a settlement should include:

A. Confirmation of title to sixty million acres of land in the Native villages and regions over which the Native people have asserted dominion through use and occupancy from time immemorial. Each of twelve recognized regions would receive a share of the land proportional to that region's total size in acres.

B. Payment of $500 million in federally appropriated funds and a 2 percent share in perpetuity of all revenues derived from the public land in Alaska as compensation for lands previously taken, and as compensation for the extinguishment of any and all property rights or claims against the United States, the State of Alaska and third parties, based upon aboriginal right, title, use an occupancy of lands in Alaska by any Native or Native group. The $500 million federal share would be distributed to twelve regional corporations. Each region would receive an initial share in the amount of $8 million. The balance of $404 million would be distributed to each region on a population basis so that each region's share is proportional to the total Native population in that region. The 2 percent overriding revenue share would be distributed to each region on a population basis.

C. Establishment of twelve regional corporations as the management group for the land and funds received in the settlement.

D. Creation of an Alaska Native Commission to assist in the administration of the Settlement Act.

A fair, just and equitable settlement of Alaska Native land claims is recommended in accordance with the framework for settlement outlined below.

1. ENACTMENT CLAUSE
2. DECLARATION OF POLICY
3. DEFINITIONS
4. REGIONS

(a) For purposes of this Act, the State shall be divided by the Secretary within six months after the effective date of this Act into twelve geographic regions, with each region composed as far as practicable of Natives having a common heritage and sharing common interests. In the absence of good cause shown to the contrary, such regions should approximate the area described as follows in the Federal Field Committee Report and covered by the operations of the following existing Native Associations:

(1) Arctic Slope: Arctic Slope Region (Arctic Slope Native Association);

(2) Northwest: Bering Strait Region (Northwest Alaska Native Association);

(3) Bering Strait: Bering Strait Region, Bering Sea Region (Bering Strait Association);

(4) Southwest: Southwest Coastal Lowland Region (Association of Village Council Presidents);

(5) Bristol Bay: Bristol Bay Region (Bristol Bay Native Association);

(6) Interior: Upper Yukon-Porcupine Region, Koyuk-Lower Yukon Region, Tanana Region, Upper Kuskokwim Region (Tanana Chief's Conference);

(7) Aleutian: Aleutian Region (Aleut League);

(8) Kodiak: Kodiak Region (Kodiak Area Native Association);

(9) Cook Inlet: Cook Inlet Region (Kenai Peninsula Native Association, Kenaitze Indian Association);

(10) Copper River: Copper River Region (Copper River Native Association);

(11) Gulf of Alaska: Gulf of Alaska Region (Chugach Native Association);

(12) Southeast: Southeast Region (Tlingit-Haida Central Council).

(b) Existing Native villages located within each region should be listed by region in the bill.

5. ALASKA NATIVE COMMISSION

(a) An Alaska Native Commission composed of five members to be appointed by the President with the advice and consent of the Senate should be established.

(b) Of the Commission's five-man membership, at least three of the members appointed by the President should be Natives, and not more than three members of the Commission should be members of the same political party.

(c) The Commission's duties should include:

(1) the issuance of rules and regulations for preparing a final membership roll of Natives;

(2) the determination of eligibility for inclusion on such roll, and of protests with respect thereto; and

(3) the preparation of final membership roll of all Natives living on the Act's effective date within five years of such date.

(d) Upon completion of its duties under the Act, the Commission should cease to exist.

6. ENROLLMENT

The Secretary of the Interior shall prepare a temporary census roll of Natives eligible for benefits under the Act. Eligible Natives shall be citizens of the United States who are Alaska Indians, Eskimos, or Aleuts of one-fourth degree or more Alaska Indian, Eskimo, or Aleut blood. The final census shall then be prepared, with provisions for protest and determination of disputed eligibility status.

7. REGIONAL CORPORATIONS

(a) A regional corporate structure should be established to administer the settlement proceeds and to receive title to that land located within the various regions that is not allocated to the villages.

(b) The corporate charters for each regional corporation should provide that the corporation shall be devoted to promoting the health, welfare, education and economic and social well-being of its members and their descendants, and shall be authorized by its articles of incorporation, among other purposes, to construct, operate and maintain public works and community facilities, to en-

gage in medical, educational, housing and charitable programs, to make loans and grants consistent with its corporate purposes, to foster industrial and economic development, to lease and manage real property, to distribute lands, interests in land, and funds to the Native villages located within its region, and to members and their descendants.

8. OTHER NATIVE CORPORATIONS

(a) Native villages would be permitted to organize under the laws of any state or the United States as corporations for the purpose of receiving (1) title to a specified amount of the surface estate of land contiguous to the village (see Section 8) and (2) a proportionate share of the monetary proceeds of the settlement as detailed in Section 9.

(b) However the village is organized, the entity's use of monetary proceeds would be subject to the same oversight as are the regional corporations.

9. LAND ALLOCATION

(a) The twelve Native regions would have confirmed to each of the regional corporations a proportionate share of 60 million acres in fee based on each region's land area as it bears to the twelve region total. This approach not only causes the settlement to relate directly to the land claimed by identifiable Native groups, but also simplifies the land allocation process by not having to rely on the Native enrollment which may require the entire five year period from the Act's effective date to complete.

(b) Each regional corporation should hold title to land allocated to its region. Land selections should be limited to public land within each region with up to four townships (92,160 acres) being made contiguous to the villages within such region. The remaining acreage allocable to each region should be selected in non-contiguous tracts from public lands within the region.

(c) Regional corporations should have authority to convey to villages the surface estate to land upon which a village is situated and a reasonable amount for expansion if requested to do so by the village governing body. Title to the leaseable minerals, locatable minerals and renewable surface resources and to that portion of the surface estate not granted to villages, would remain with the regional corporation.

(d) To permit the greatest flexibility in land selection, the regional corporation should be allowed a period of five years from receipt of the initial $8 million payment (see Section 10) to make their selections. During this period, the State of Alaska should be permitted to go ahead with selections under the Statehood Act, but tentative approval could not be given prior to the expiration of the five year period unless an affirmative showing is made that such approval would not conflict under any circumstances with possible regional corporation selections. No attempted appropriation under the public land laws, such as a homestead entry or mineral lease application, would be permitted during the five year period of Native and State selections. In the event the regional corporations do not select their full entitlement during the five year period, a second five year period should be allowed the regional corporations affected to make the remainder of their land selections. The State of Alaska, however, should be permitted to select its own land during the second five year period without being subject to a prior Native selection right. Additionally, Native selection rights during this latter period should take subject to any valid existing rights that may have arisen after expiration of the first five year period but prior to the Native selection.

(e) The entire yield from the land (i.e. all revenues resulting from the disposition of leaseable and locatable minerals, mineral materials, and renewable surface resources such as timber) should be shared between regions on the following basis: Fifty percent of the yield as defined above should be retained by the region of origin. The remaining fifty percent should be distributed to the other eleven regional corporations on a population proportion basis.

(f) Individual Natives should receive patents to the surface estate of up to five acres per individual and forty acres per group where Native applicants are able to establish a subsistence use, and up to sixty-acre tracts based on proof of historic use and occupancy of such larger tracts, to the surface estate of up to 160 acres for the primary residence of Natives, and to the surface estate of up to 2,560 acres for reindeer management.

10. ALLOCATION OF MONETARY PROCEEDS

(a) The two primary sources of cash compensation to fund the settlement should be:

(1) $500 million in federally appropriated funds, and

(2) a 2% share in perpetuity of all revenues derived from the public lands through the disposition of locatable and leaseable minerals, mineral materials, and renewable surface resources

(b) The cash proceeds from the $500 million federal appropriation should be distributed as follows:

(1) An initial payment of $8 million should be made to each regional corporation to assist such corporations to organize and become operational, and to allow them to exercise land selection rights with complete technical data on the resource potential.

(2) The balance of the $500 million federal appropriation should be payable over a nine year period with interest at 4% per annum, $54 million the second year, and $50 million each year thereafter. The remainder (i.e. $404 million) would be paid directly to the regional corporations on a population basis, i.e. each region's share would be proportional to the total Native population in that region.

(c) The cash proceeds from the 2% share in all revenues derived from the public lands should be distributed to each of the twelve regional corporations on a population proportion basis.

(d) Within each region, distribution of up to 75% of the settlement's monetary proceeds received by such region under Section 10(a) should be set aside for the villages of such region on a population proportion basis. In order to receive funds, villages should be required to submit plans to the regional corporation which would review the plan and approve it if determined to be in accordance with the purposes of the village corporate entity as set forth in its corporate charter. The remaining 25% of the settlement proceeds allocated to a particular regional corporation should be retained by that corporation for investment or other suitable uses consistent with its corporate charter.

(e) The sum of $500,000 should be set aside from the initial federal appropriation for the benefit of the Alaska Federation of Natives and the regional associations in that order of priority for the purpose of reimbursing these organizations for expenses incurred in presenting the land claims issue to Congress.

11. EXISTING NATIVE RESERVES

(a) The land in all reserves in Alaska set aside by legislation or by executive or secretarial order should be retained by the Natives and not be made available for State selection or other disposition, either of the surface or subsurface estate.

(b) The Annette Islands Reserve established by the Act of March 3, 1891 (26 Stat. 1101), and the tribal members thereof should be excluded from the terms of the Act.

12. PROTECTION OF SUBSISTENCE RESOURCES

(a) Native subsistence use of public lands in Alaska should be protected. In determining whether to withdraw, reserve, lease or otherwise permit the use or occupancy of land that is being used by Natives for subsistence purposes, the Secretary of the Interior should be required to consider in consultation with the Natives concerned, alternatives that would eliminate or reduce the requirement for taking lands needed for subsistence uses.

(b) Subsistence uses should not be limited except to the extent that, after notice and opportunity for hearing in the general vicinity of the area involved, it is determined on the record by the head of the agency having jurisdiction that a limitation on the exercise of subsistence uses is necessary and can be accomplished without unreasonably impairing the ability of the Natives involved to satisfy their subsistence needs.

(c) For a period of twenty-five years after the Act's effective date, the Secretary, upon petition by any Alaska Native, should be required to determine whether an emergency exists with respect to the depletion of subsistence biotic resources and if so, to delimit or close the area for hunting, fishing or trapping purposes.

13. TAXATION

(a) No portion of the monetary proceeds of the settlement [Section 10(a)] should be taxable, either to the regional corporations or to the villages or individual Natives.

(b) Lands confirmed in the regional corporations and villages should not be subject to State or local real property taxes for a period of fifty years from the Act's effective date.

14. ATTORNEY FEES AND EXPENSES

Reasonable attorneys' fees and necessary out-of-pocket expenses earned and incurred by persons rendering services to Natives and Native villages, associations, tribes, bands or groups in connection with the settlement of Alaska Native land claims, should be paid out of the settlement proceeds on a quantum merit basis.

15. APPROPRIATIONS

Sufficient funds should be appropriated to the Secretary of the Interior and to the Alaska Native Commission to carry out the duties required of them under the Act.

16. PUBLICATIONS

The Secretary of the Interior should issue and publish in the Federal Register, pursuant to the Administrative Procedures Act (5 U.S.C. 500 *et seq.*), such regulations as may be necessary to carry out the purposes of the Act.

17. SAVINGS CLAUSE

[From Indian Affairs, May–August 1970]

SENATE ACTS TO SETTLE NATIVE LAND RIGHTS

On July 15 the U.S. Senate took an historic step toward solution of the century-old question of Alaska Native land rights— and it stumbled.

The Senate passed legislation (S. 1830) that would grant Alaska's 60,000 Indians, Eskimos, and Aleuts title to 10 million acres of land—less than 3 percent of the lands to which they have valid legal claim. In return for extinguishing their claims to the rest of Alaska's 375 million acres, the Senate offers cash compensation amounting to $1 billion in payments deferred over many years.

Senator Fred Harris (D-Okla.) led a last minute drive to increase the land title provision to the 40 million acres requested by the Natives.

Supporting him in the debate, Senator Edward M. Kennedy (D-Mass.) condemned the 10 million acre provision, stating: "I think we do ourselves a great disservice by beating on our breast here on the floor of the Senate and saying what a good deal the Alaska Natives are getting. This is what is said each time our native Americans are deprived of

what is rightfully theirs. 'See, we are letting you use some of the land that belongs to you. How generous we are.' "

A survey by the Native newspaper *Tundra Times* to sample reaction to the Senate bill showed an overwhelming rejection of the land provision among the fourteen regional Native organizations. Emil Notti, President of the statewide Alaska Federation of Natives, summed it up this way: "The feeling in the villages is very strong. They want their land."

The Alaska Natives must now look to the United States House of Representatives to increase the land title provision to the 40 million acres they judge to be necessary for their survival as a people.

ANALYSIS OF S. 1830

The Alaska Native Claims Settlement Act of 1970 presents a package of cash, subsistence rights, and land. It is intended to be "just, generous, and honorable" and to provide the Natives "opportunity for a better life for themselves and their children."

Cash: The sponsors of the Senate bill, in the *Report* of the Committee on Interior and Insular Affairs, state, "The key to Native progress, and thus the most important single facet of the land settlement legislation, is money."

The cash compensation offered in the Senate bill would be distributed in the form of social services and shares in a Native investment corporation.

The Interior Committee estimates that a Native shareholder will receive dividends of $53 in 1971, $152 in 1980 and $418 in 1990. The individual's share of social services is valued at $201 in 1971, $197 in 1980, and $27 in 1990.

Clearly the dividends and the services do not constitute a livelihood for the Natives.

There is reason to be concerned that the Senate proposal, although it is intended to bring Alaska Natives into a modern cash economy, will force them onto the welfare rolls. The services cannot be eaten, and the dividends will not go very far at the village trading post if the Native hunters and fishermen are required to purchase the bulk of their food.

The legislation has even more drastic implications for future generations of Alaska Natives. By 1990 the Native population will have doubled, yet the number of shares will remain fixed on the basis of the Native population in 1970. Thus, in a generation, half the Natives will be without dividend-producing shares.

One possible justification for emphasizing the cash component of the settlement is that it may in the long run save the federal government money. The dividends could help reduce welfare payments. Half of the compensation is to be devoted to Native-financed social services. Many, if not all, of these services the Natives are already entitled to under present law in common with all citizens.

The Senate *Report* states, "The Natives of Alaska are in general a long distance from economic self-sufficiency and will be so for many years, notwithstanding this settlement. The cost of assisting them either under special 'Indian' programs or as citizens of the United States or of Alaska in health, in education, and in income supplements can be expected to grow. The United States will almost certainly adopt some form of family income guarantee in the next decade, and the cost of assisting a group whose median income is about one-fourth of the national figure will be considerable. For this reason any outlay for Native claims compensation, to the extent it reduces future public burdens, is far less costly than it might seem." And one might add, less generous.

Again the *Report* points out, "While this settlement is not intended either as public assistance legislation nor as a substitute for existing public assistance, health, education, or community development programs, its possibilities for reducing future federal and state costs for these programs are obvious."

On the other hand, it is possible that, to the extent the land settlement deprives the Native people of their subsistence resources and land-based commercial opportunities, the cost to the federal and state governments will be increased. And there is the distinct likelihood that these costs will greatly exceed the savings the Committee envisions.

For example, if a Native hunter in 1971 is deprived of game with a food value equivalent to what could be purchased with $3,000 and if he is unable to find work, the government either will have to contribute $2,735 to supplement the family (5 members) dividend income of $265 to maintain their diet, or permit them to starve.

In addition, it is not certain that the Natives ever will receive all of the cash compensation provided for in the Senate bill. Nearly one-half of the cash ($497.3 million) is to be derived from royalties from mineral leasing on the federal public domain which otherwise would go to the State of Alaska under present law. The State questions the authority of Congress to enact this revenue-sharing provision and may take the issue to court. In the event the State wins, the Senate bill provides that the Natives will be granted the right to select the mineral estate to an additional 1 million acres. The *Report*, however, fails to estimate whether the income from this estate will in any way match the nearly $500 million the Natives would lose.

In sum, the cash compensation will not have a major impact on the economic well-being of the Alaska Natives. The amount is uncertain. The mechanics of distributing it will discriminate against children born after the enactment. And in all likelihood provisions of the Act which deal with the land will cause economic hardships that the federal and state governments can only alleviate by additional expenditures for welfare.

Subsistence Rights: It is estimated that the Natives use between 60 million and 120 million acres of land for subsistence purposes. The largest share of the food Native families consume comes from hunting, fishing, and gathering berries. Trapping is the major source of cash for many of them.

The sponsors of the Senate bill assert that they recognize the importance of the present-day subsistence economy and state that it will be protected where it is endangered. The bill provides for the emergency closing of public lands for exclusive Native subsistence use; however, it limits this emergency closing to a "maximum duration" of two years, with a possible two-year extension. No emergency protection whatever is provided for on the 103 million acres to be selected by the State.

From the Senate *Report*, it is clear the subsistence economy is to be legislated out of existence: "The settlement will with minor exceptions put an end forever to racial or ethnic distinctions in . . . hunting and fishing rights."

In short, the central feature of the Native economy today—the utilization of subsistence resources—is, with minor exceptions, left unprotected and almost certainly doomed.

The cash dividend notwithstanding, there is little reason to believe that under the Senate bill the Alaska Natives will escape the fate of Indian tribes on the Old West a century ago—they will be deprived of their traditional livelihood and will not be provided with the means to achieve self-sufficiency in a cash economy.

Land: The Natives oppose the land provision of the Senate bill because it denies them title to a sufficient amount of land to insure their economic well-being, the integrity of their communities and of the cultures, and their right to self-determination. The Natives estimate they need title to a minimum of 40 million acres for their survival as a people.

Of the 10 million acres provided for in the Senate bill, less than 6 milion is set aside for village lands. Divided among the State's 200 villages, the settlement amounts to approximately 23,000 acres per village, with additional acreage for the few villages with populations exceeding 450 persons.

This provision will adversely affect all villages; but it will hit inland villages the hardest since they need far more land per capita than coastal villages that derive a large share of their food from the sea.

Eight Interior villages are entitled to no land under the bill, since the State has already filed for their lands and the Senate bill ratifies these selections. The *Report* expresses the hope that the State will grant these villages some land, but recognizes State law may prevent the State from doing so, even if it were willing.

Of the remaining land, the Native Services Corporation created by the bill would receive title to 2 million acres of timber lands and one million acres for miscellaneous uses. More than 600,000 acres are designated for grants to individual Natives for homesites and campsites, and a special grant of 500,000 acres is made to the North Slope Native Corporation.

At the same time, the Senate bill revokes a number of Native land reserves which aggregate approximately 4 million acres.

The Senate *Report*, recognizing the importance of title to the Natives, states: "The unresolved status of [Native] lands has . . . subverted both the traditional livelihoods and the possibility of social and economic progress on a modern footing. Without title to the lands they use and occupy, Alaska Natives are defenseless against commercial development which changes the character of and sometimes depletes subsistence resources, and against the population influx which disorganizes indigenous ways of life. At the same time, the Native people have no useable property rights in the commercial resources of the lands they have historically used and occupied."

Nevertheless, the Interior Committee rejected the Natives' request for title to 40 million acres. It felt this would create "huge land enclaves" . . . which could result in remote, land locked reservations rather than viable open communities. The Committee's goal, the Report points out, is to "put an end forever to racial or ethnic distinctions in land tenure."

It seems a dubious strategy to seek to promote racial equality in the United States by depriving Indians, Eskimos, and Aleuts of their lands.

The Committee was also guided by the fear that the Natives would "tie up" the economic development of the State and interfere with conservation measures.

It may be asked whether the development of Alaska requires State ownership of virtually all commercially valuable properties and whether pauperizing the Natives—20 percent of Alaska's population—will contribute to its economic growth.

It also seems reasonable to question the justice and the logic of menacing the survival of the Alaska Natives as a people in the name of conservation.

The Natives have lived in delicate balance with their biotic resources for thousands of years. It is the newcomers to America who have polluted the air and the water and brought so many species, as well as whole tribes of Indians to the edge of extinction.

Confirming Native title to 40 million acres would still leave the Federal government well over 200 million acres and the State 103 million acres for the designation of parks and forests.

Native aspirations also run counter to the Committee's views on social change. The *Report* assumes that title to more land will impede the assimilation of the Natives: "This Act is not . . . predicated on the philosophy that the historic way of life of the Native people of Alaska can, or will, or should be perpetuated into the future for all time by the actions taken by this Congress. Like it or not, Western 'civilization' came to Alaska

and to virtually all the Native people many years ago."

A coercive policy of assimilation is undemocratic, unworkable, and destructive. The history of aboriginal cultures throughout the world shows that the way to destroy a people is to take their land.

Justice: Long ago, in the Organic Act of 1884, Congress stated that the Alaska Natives "shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress."

Again, in the Statehood Act of 1958, Congress required that "the State and its people . . . forever disclaim all right and title . . . to any lands or other property (including fishing rights), the right or title to which may be held by Indians, Eskimos, or Aleuts."

The Alaska Native Claims Settlement Act passed by the Senate in July profoundly "disturbs" the Natives in the possession of their lands, and it clears the way for the State to expropriate Native lands to which it previously had disclaimed all right and title.

The Senate action runs contrary to the tradition of American law and would lend legislative support to the notion that property rights of native Americans are inferior to those of other Americans.

Summary: The principal feature of S. 1830 is money, but the cash it provides does not constitute a livelihood. The Interior Committee states that the Natives live where there are few jobs and where little or no economic growth is taking place, but its bill denies them the title that would give them a stake in whatever commercial development there may be on tens of millions of acres of their land. It recognizes the importance of the Native subsistence economy, but fails to protect it.

Rather than giving the Natives a chance to adapt their present economies to new opportunities, it forecloses their options.

It asserts the right of the Natives to self-determination, but denies them any meaningful choice in their future.

It denies the Natives and the Nation a last opportunity to do justice.

PROSPECTS

Ten years ago Native land claims were generally considered worthless. Native organizations and the Association on American Indian Affairs have worked long and hard to win a fair settlement of these rights. We have come a long way, and we have a long way to go.

The House Committee on Interior and Insular Affairs has rejected the Senate bill and is presently preparing one of its own. U.S. Representative James A. Haley (D-Fla.) is expected to be its principal sponsor. The fine record of the House Committee on such issues as Blue Lake, Kinzua Dam, and Colville termination, give reason to hope the Natives may yet win title to a fair portion of their lands.

THE SENATE VERSION OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT: AN ECONOMIC ANALYSIS OF THE LAND-TITLE PROVISIONS

The proposed settlement in S. 1830 is economically unsound, for the Alaska Native people and for the nation. It will impoverish many Alaska Natives by substituting an unlivable annual cash income supplement ($53 per person in the first year, rising to $418 in 20 years) for their present right to make a subsistence living (and some cash income) by hunting, fishing, berrying, trapping on the lands that this bill strips from them. (See Table 1.) It does this without offering these Natives *the means of transition from a subsistence style of life to a full cash/job economy.*

Yet the policy guiding the proposed legislation is to require this transition by the very terms of the settlement: the Senate report on the bill notes that "the historic way of life" of the natives should not be "perpetuated" by Congressional action, because "civilization" has and must come to the Native people. Certainly the processes of change from the historic ways of life cannot be held off, but just as certainly the settlement should provide for a dignified, humane, and economically sound transition.

The proposed settlement attempts to cushion the transition by two major provisions: First, it gives the individual Alaska Native in the initial year about $201 worth of social services, *decreasing* to $27 worth of services in the 20th year. Whatever the worth of these services, they are not a substitute for a subsistence or a cash income.

Second, it provides the Natives with title to a mere fraction of the land they are now using to get food, clothing, and shelter from. Of the 60 million acres now in use by the Natives, the Act allows clear title to only 10 million. Yet, as the Senate report rightly states, "Without title to the lands they use and occupy, Alaska Natives are defenseless against commercial development which changes the character of and sometimes depletes subsistence resources . . ."

Let us take a close look at the current situation: Typically, villages with populations of around 200 Natives (the most usual village size) regularly use an area with a radius of 40–50 miles for hunting, fishing, and so forth—the Federal Field Committee reports. Thus, for their livelihood they rely directly on an area of 5,000–7,500 square miles. This area is scoured intensively, because the wildlife resources—like moose, caribou, and salmon—must often be harvested to their fullest extent simply to meet subsistence requirements. Among the reasons why such large areas are necessary are the limited yield of lands in that part of the world, the migratory habits of the wildlife, and the fact that different forms of essential wildlife often are not to be found on the same kind of land.

Under the Act, instead of a minimum 5,000 square miles they have been using, villages like these would each have title to only 36 square miles at one location—together with scattered 5-acre campsites. (Even that title might become worthless as changes in the environment from competing uses—commercial and sports fishing, hydroelectric plants, pulp industry, etc.—in surrounding areas threaten the wildlife and its migratory patterns.) There is simply no source of livelihood for such villages that would replace the subsistence and cash income from the use of their wide ranges.

The Federal Field Committee states that the annual cash value of the subsistence activities of a family of five village Natives lies between $1,000 and $3,000. The proposed settlement would provide that family with about $265 cash per year for five years, with increasing amounts later that would not rise to $1,000 per year before 1982, or $3,000 before 1996. Clearly, that is no substitute for the land rights lost to these families—who comprise about 30,000 of the 53,000 total Native population (1968 figures). The cash settlement is meaningful only to those who already live in towns and cities and have little or no subsistence activities.

Because proposed benefits are distributed equally without regard to dependence upon the land, some 20,000 villagers who are most dependent on the land will lose heavily in the first 10–15 years of the settlement. Of these, some 7,000 who live in Native villages in the Interior will never recoup their losses (even in dollar mathematics) over the whole time period of the settlement; they will simply suffer confiscation.

In short, the incomes of the village Natives (which are, after all, already at poverty levels) will be severely reduced to an intolerable point and, under the additional pressure of population increase, many Natives will be forced to migrate to the non-Native urban centers. There, without skills and education, facing outright discrimination, they will join the present 11,500 urban Natives, most of whom are poor themselves. Such a migration can only have the most destructive effects upon the migrants and upon the cities to which they flee. The transition required in this legislation is in effect a transition to greater poverty and to greater urban problems.

The economic fallacy of the settlement clearly lies in the swift deprivation of the traditional livelihood lands. A settlement that will not end up making the Natives welfare wards of the Federal government (or of the State of Alaska) must provide them title to a sufficient number of acres so that each Native can continue to feed, clothe, and shelter himself.

The title to the land must be definite, since the privilege of hunting on someone else's land cannot be guaranteed, even though the settlement seems to assume that somehow the Natives will indefinitely be allowed to use other people's land. Moreover, the acreage and rights must suffice to offer a chance for an improvement in the currently low standard of living—through proposed economic development activities—especially in view of projected population increases.

Since any Native economic development program will be a long-term proposition, there must be enough land to offer subsistence in the meantime. Job and income opportunities will not increase fast enough to nullify the need for subsistence lands for a generation in many areas of Alaska. In addition, to the extent that the growth of Alaska will not be in Native hands, they will not be able to insist upon access to the jobs that such growth will create. (The experience of blacks in economic growth throughout U.S. metropolitan areas, including the inner cities, provides ample evidence for this, as does the recent experience of urban Alaska Natives themselves.)

What actually should be the number of acres that will support the livelihood of the Native population while offering the opportunity for development from the subsistence culture? A computation on sheer economic grounds is complex and must vary not merely with population counts but also ecology and present and future land use.

Given the present unchallenged figure of a minimum of 60 million acres now in use by the Natives, the 10 million acre settlement is obviously inadequate. The recommendation of the Alaska Federation of Natives of 40 million acres would appear to be reasonable as a figure that permits an orderly transition in a growing Alaska in which the economic rights of the Natives will be protected.

TABLE I.—PROPOSED CASH SETTLEMENT COMPARED TO INCOME DEPENDENT UPON CURRENT LAND USE BY NATIVES

Location	Number of natives [1]	For a family of 5: Cash value of land use [2]	For a family of 5: Annual projected cash settlement [3] 1971–75	For a family of 5: Annual projected cash settlement [3] 1990
Nonnative cities and towns	15,000	$100	$265	$2,090
Large native towns	8,000	500	265	2,090
Native villages mainly dependent on sea	10,000	1,000	265	2,090
Native villages, some dependence on sea	13,000	2,000	265	2,090
Native villages, totally dependent on land	7,000	3,000	265	2,090

[1] Cited in the Federal Field Committee Report as estimates made by them in 1967 (See, Alaska Natives and The Land. U.S. Government Printing Office, 1968).

[2] Rough estimates developed from materials presented in the Federal Field Committee Report.

[3] Adapted from table 8, report of the Senate Committee on interior and Insular Affairs (S. Rpt. 91-925). Note that by 1990, only about ½ of the native population will be eligible for these cash settlements—due to population increase.

CONCERNING THE ALASKA NATIVE CLAIM SETTLEMENT ACT OF 1970

(By Earl Old Person, president, National Congress of American Indians, and Emil Notti, president, Alaska Federation of Natives)

The United States must not repeat in Alaska today the injustices that overwhelmed the American Indian tribes a century ago.

The Native people of Alaska—60,000 Indians, Eskimos, Aleuts—are fighting in Congress and the courts to save their lands from expropriation by the State of Alaska.

They have not sold their land, lost it in war, nor ceded it by treaty. However, only Congress can grant them security of title.

Time and time again the Native people of Alaska's 200 villages have asked for title to their lands, and they are told that they cannot expect justice from Congress—they must compromise. And so they have. They have reduced their claims for title first to 80 million acres and then to 40 million acres. And now they are asked to compromise even more.

They are warned that they must accept a bad bargain or there will be no bargain at all. They are told that by asking for enough land to protect their livelihood, they risk losing it all. And their fears are reinforced by Interior Secretary Walter J. Hickel's stated intention to transfer their lands to the State of Alaska unless Congress acts by December, 1970, to settle their claims.

The Alaska Claims Setttlement Act of 1970 (S. 1830) passed by the Senate on July 15 would extinguish Native claims to all of their lands in Alaska. In return, it provides the Natives with cash compensation and with title to only 10 million acres of land—less than three percent of the more than 350 million acres to which they have valid legal claims.

The cash compensation offered in the Senate bill will result in a net economic loss to the Native people. The present value of the land for subsistence hunting and fishing and for trapping and gathering, as well as its long-range commercial value, greatly exceeds what the Senate proposes in its cash settlement.

The cash settlement would be distributed in the form of social services and shares in a Native investment corporation. It is estimated that a Native shareholder will receive dividends on his stock of $53 in 1971, $152 in 1980, and $418 in 1990. By 1990, the Native population in Alaska will have doubled. Yet, none of the Natives born after the passage of the Senate bill will be entitled to shares in the investment corporation. Clearly, the proposed services and dividends will in no way constitute a livelihood for those Natives now living nor for those yet to be born.

Although the Senate has provided for conditional hunting and fishing rights on the lands that will be taken from the Natives, the history of our nation's treatment of American Indians shows that these rights, without the security of title, quickly disappear.

We reject the notion that the Alaska Natives cannot receive justice from Congress. We believe that this, the last, opportunity to deal fairly with them is worth fighting for.

A secure and adequate land base is essential to the dignity and survival of Alaska's 60,000 Indians, Eskimos, and Aleuts.

We urge the U.S. House of Representatives to enact legislation that would confirm to the Native villages of Alaska title to a minimum of 40 million acres of their ancestral lands.

The Alaska Natives depend upon the land and its inland and coastal waters for their livelihood, hunting and fishing for subsistence, as they have from time immemorial. Moreover, the land offers them their best opportunity for sharing in the future economic growth and development of the State and nation. Equally important, the land is the foundation of their rich and varied cultures and a cherished source of their spiritual life.

To deny the Alaska Natives an adequate land base of at least 40 million acres will contribute to their dependency, to the disintegration of their communities, and to the erosion of their cultures. To strip the Alaska Natives of their land will destroy their traditional self-sufficiency, and it is certain to create among them bitterness toward other Alaskans and a deep distrust of our institutions and our laws.

The Natives' request for a title to a minimum of 40 million acres of their land is fair, reasonable, and humane. The U.S. House of Representatives has a historic opportunity to secure to the Native people of Alaska a just settlement that will honor the nation and be a source of pride to future generations of Americans.

CONCERNING THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1970

(Statement of Monroe E. Price, chairman, American Bar Association Committee on Indian Affairs and Professor of Law, UCLA)

The history of federal-Indian relations is filled with actions by responsible officials "giving," out of charity, more than they thought the recipient was entitled to as a matter of right. In almost each case, the verdict of history has been that the perception that the United States was acting charitably was misplaced.

I think it is important to keep that historical reoccurrence in mind as the House deliberates the Alaska claims settlement. There will be many who view it as the majestic penance of a kind sovereign, not obligated to do anything, but out of moral goodness doing something. That is a wrong basis for judgment.

Underneath all the legal complexities, the Alaska Native Claims is a simple matter of property rights. Our institutions are based on concepts of property rights; our various cultures in the United States are based on the power of property. Texas, Montana, California, New York: in each State strong cultures are maintained because of the land resources to which the cultures are tied. No government official seriously argues for the destruction of patterns of life within those States by altering the land tenure patterns.

Here, however, there is something like that at work. Some feel that if the Natives retain a significant portion of their patrimony, their culture, their way of life will be maintained. If their patrimony is eroded, then before long their culture and style of life will be eroded as well. The Federal Government must not seek to deprive a group of its property as a means of undermining its culture. I can think of few acts more seriously at odds with the American tradition.

Section 4(a) of S. 1830, the proposed Alaska Native Claims Settlement Act of 1970, declares in part:

"The provisions of this Act shall constitute a full and final settlement and extinguishment of any and all claims against the United States, the State and all other persons which are based upon aboriginal right, title, use, or occupancy of land in Alaska . . . by any Native, Native Village, or Native group. . . ."

Thus, in return for $1 billion in deferred payments and recognized ownership of some 10 million acres, the Natives of Alaska (Indians, Eskimos and Aleuts) will be required to give up all their rights and interests based upon use and occupancy to 350 million acres of land.

The proposition that the Natives actually possess a legal claim to vast land areas within the State of Alaska is not subject to serious challenge. Indeed, in a series of decisions reaching back to *Johnson v. McIntosh*, 8 Wheat. 543 (1823), the Supreme Court consistently has upheld "the Indian right of occupancy", which "is considered as sacred as the fe-simple of the whites" (*Mitchel v. United States*, 9 Pet. 711, 746 (1835)), and which may "not be interfered with or determined except by the United States." *Cramer v. United States*, 261 U.S. 219, 227 (1963); *United States v. Santa Fe Pacific Railroad Co.*, 314 U.S. 339, 345 (1941). Indian title "amounts to a right of occupancy which the sovereign grants and protects against intrusion by third parties" (*Tee-Hit-Ton Indians v. United States*, 342 U.S. 272, 279 (1955)), and the United States in fact has accorded such protection to lands used and occupied by Alaskan Natives under a variety of circumstances. *State of Alaska v. Udall, 420 F. 2d 938* (9th Cir., December 19, 1969); *United States v. State of Alaska*, 197 F. Supp. 834 (D. Alaska 1961); *United States v. Cadzow*, 5 Alaska 442, 1914).

In addition to rights derived from original Indian title, the possessory interests of Alaskan Natives have been the subject of specific legislative protection from the time of the 1867 Treaty of Cession with Russia. Section 8 of the Organic Act of May 17, 1884, 23 Stat. 24, the first statute applying Federal land law to Alaska, for example, provided in pertinent part:

"That the Indians . . . shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress."

Similarly, Section 27 of the Act of June 6, 1900, 31 Stat. 321, which established a civil government for Alaska, declared that "The Indians . . . shall not be disturbed in the possession of any lands now actually in their use or occupation," and prohibited entry, under the public land laws, on land occupied by Natives. Finally, Section 4 of the Alaska Statehood Act of July 7, 1958, 72 Stat. 339, required the State to "disclaim all right and title . . . to any lands or other property (including fishing rights), the right or title to which may be held by any Indians, Eskimos or Aleuts. . . ."

Thus, even apart from the Natives' legal rights under judicial predecents, the Federal Government has assumed in Alaska a clear-cut statutory and moral responsibility to respect their use and occupancy of land. Moreover, the extent of that responsibility is nowhere better expressed than in the Northwest Territorial Ordinance of 1787 which specifically provided that the land and property of the Indians "shall never be taken from them without their consent" and that "their property, rights, and liberty . . . shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress."

Translated into a modern context, the principles of the 1787 Ordinance demand that Congress not impose a unilateral land settlement upon the Natives of Alaska, but rather seek their wholehearted acquiescence in the consideration to be paid. The Natives, speaking through the Alaska Federation of Natives, have asked that 40 million acres, or about 10% of the area they rightfully claim, be recognized in Native ownership under the pending legislation.

The Alaska Natives, collectively, are selling their greatest rights. They must be treated as any other seller who puts forward a fair price. To ignore that price because it will continue a way of life which seems inconsistent with some notion of the "American mainstream" is wrong-headed and inconsistent with the mainstream itself.

CONCERNING THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1970

(Statement of Dr. Angie Debo, professor of history, emeritus, Oklahoma State University and lecturer in Indian history, University of Oklahoma)

In my study of Indian history I have found an invariable pattern. (1) Take away the Indians' land, sometimes even paying them for

it, but destroying their economic base. (2) Place their diminished property under Government control rather than their own collective management—i.e. paternalism. (3) Set a date for dividing their property into individual shares—and subsequent loss and impoverishment. (4) "Termination." This is the last blow. The Indians of the Lower 48 know what this means.

I had hoped history would not repeat itself with the natives of Alaska, but the bill passed by the Senate is an exact recapitulation of these three and a half centuries of exploitation or blundering. (1) These natives support themselves mainly by subsistence hunting, using eighty million acres of land. (It takes a lot of tundra to feed a caribou.) They are asking title to forty million, an absolute minimum, about one-tenth of the state for about one-fifth of the population. The Senate bill cuts this amount to about ten million. This simply will not support them. Why do they not find jobs in industry? Perhaps they will some day, but the jobs are not available now. (2) The Senate bill is said to be generous in its payment for the land taken away from the natives. But who implements it? An appointed Commission with a majority of non-native members. "Father knows best." (3) After fifteen years this corporate property will be divided into individual shares subject to sale. Why would they sell? To keep from starving, stripped of their land base. We have seen this happen, tribe after tribe, in the lower 48. (Incidentally, how long would *our* collective property—national, state, local—remain intact if any citizen could claim his share and dispose of it?) "Termination," after five years. Then comes the relief and welfare burden. After we have impoverished a people, we do not let them starve.

Why repeat this tragic cycle? We have a new chance to do it right. But the only hope lies with the House of Representatives, which may come up with a better bill.

JANUARY 22, 1971.

THE LAND OF ALASKAN NATIVES: THE NEED TO AVOID SOCIAL CATASTROPHE

(By Dr. Alexander Leighton, professor of social psychiatry, head of the Department of Behavioral Sciences, Harvard School of Public Health)

Legislation proposed by the Administration to settle Alaska Natives land rights in the 91st Congress, as well as the Senate-passed version of a Settlement Act (S1830) are inconsistent with the Alaskan Natives needs for an adequate land base and, if enacted would threaten the native people with social catastrophe. The best estimate of the amount of land required by the Natives to help insure successful adaptation is a minimum of 40 million acres.

There can be no disagreement that the Alaska Native is on the road to becoming a part of modern civilization. Hopefully, he will be a worthy and integral part.

The question of how the transition is to be accomplished is the point at issue. The record of the United States in this matter with other Indian groups is not a good one, and it is important at this juncture not to repeat old errors.

The adaptation and change so that a hunting people can become part of an industrial and commercial civilization is not an easy matter. History suggests that to be successful, the motivation and the timing must come from the people concerned and not from outsiders, and especially not through government attempts to exert direct or indirect coercion. The latter runs the grave risk of creating chronic demoralization and pauperization. Time and again Indian groups (e.g. the Navaho) have been pressured to assimilate and have had their land taken. Ultimately the Government has been forced to choose between buying it back for them or having them as dependents on relief. Successful adaptations such as those by the Northeastern Indians to steel construction have been generated by the Indians themselves. In recent years, the Navahos have made impressive strides in self-management and self-sufficiency, and this too has come from within the group and by means of adjustments to which they were motivated on their own. Prior to this, some 90 years of coercive effort had failed.

In short, the shift of the Alaskan Natives from a hunting economy and culture must come about through their will and self-determination; and it must follow a period during which resources for preparing themselves have been put at their disposal through education and technical training, and when preparations have been made in the larger society for their economic and social acceptance.

Without a secure and adequate land base for their present subsistence needs and for future commercial development, the Alaskan Natives will come into the society of the United States at the lowest economic level. This is one aspect of repeating the unfortunate history of other Indian groups. It will constitute a major failure in cultural change.

For Indians to come into the larger society of the United States at its lowest economic level means that they come into close association with the most deprived and unsuccessful segment of our population, the most powerless, the most uneducated, the most inclined to prejudice, and the most bitter, hostile and disillusioned with regard to American society. There is, thus, little opportunity to learn from those who have themselves learned how to negotiate their way in this society.

Cultural change is always difficult for those undergoing it, and it often generates influences that are socially and psychologically demoralizing. When these tendencies are reinforced by years of exposure to demoralized whites, it is virtually impossible to resist individual and group deterioration.

ALASKA NATIVE LAND RIGHTS: WILL WE REPEAT THE MISTAKES OF THE PAST?

(By Frederick W. Turner III, University of Massachusetts, Amherst, Mass.)

"We came from no land as did the whites. Nature placed us here in this land of ours."

These words were spoken some years ago by Yellow Wolf, a survivor of Chief Joseph's Nez Perce, who fought a remarkable battle against the whites who had forced upon them a cash settlement for the tribe's ancestral hunting grounds. To a very real extent the statement reflects the deep and abiding attachment to land that has historically characterized the American Natives—an attachment at once mystical and practical, spiritual and economic. The Natives' feeling about land has been reflected in every aspect of their cultures, in their tales, myths, and customs; in the way they have taken their living from the land; and perhaps most importantly, in their strong conviction that where they are is where they were intended to remain. Yet, because this general attitude is not common to Western Civilization, whites have persistently ridiculed and ignored it. They have arrogantly assumed that pre-literate, non-technological peoples could not hold any attitudes which were more than base superstition; and so they have taken, by any means expedient, the Native lands which an expanding population required.

The process as far as Americans are concerned might be said to have begun with the $24 purchase of Manhattan, a historical joke which schoolchildren memorize along with how to spell "Mississippi." Such a purchase on such a vast continent so early in our history must have seemed almost incidental; but by the 18th century it was clear that Natives held lands that the whites would need; and so the imported theories of certain Scottish philosophers were trotted out to provide the convenient rationale: any prosperous and populous nation had the natural right to take from its neighbors such lands as it needed if those neighbors were not using the land to best advantage. So went the argument and the whites clinched it to their own satisfaction by observing that the Natives rather roamed over the country than inhabited it.

By the early years of the 19th century the problem of land space was once again acutely felt, and the Natives' title to *any* lands was called into question. Justice John Marshall upheld the Natives' claims then and stated: "It has never been contended that the Indian title amounted to nothing. Their right of possession has never been questioned." But, of course, that was only opinion; and seven years later Andrew Jackson signed the Removal Act (1830), whereby all the wasteful nomads were to be removed west of the Mississippi into a region then assumed to be unfit for human habitation. In 1834, Congress established the Great Plains as permanent Indian country: but less than twenty years later surveyors were in the area preparatory to the laying of railroad track. Matters reached a head in the 1870's when the discovery of traces of gold in the Black Hills region portended the final, inevitable destruction of the last Native preserve south of Canada, a preserve guaranteed them "for as long as the grass shall grow." The Natives had a brief moment at the Little Big Horn in 1876; but the following year it was all over; and the continent's original landholders were consigned to reservation existence.

In that same year President Hayes put the Natives' situation bluntly when he remarked that "they have been driven from place to place. The purchase money paid to them in some cases for what they called their own has still left them poor." Again the whites refused to listen, and ten years later the Dawes Severalty Act—a cruel deception which ensured the rapid decrease in Native-held lands and the virtual destruction of the reservation system—completed the callous chronicle of dispossession.

What the whites gave the Natives in return for what they took is ludicrous to contemplate today. Originally it was beads, bits of glass, and hand axes. Later it was cash. And still later came annuities in the form of goods, these often scandalously shoddy. For the last piece of virgin land on the globe the original titleholders received little more than the cast-off gew-gaws of an alien culture.

It is an old story, one we are all tired of hearing. But if we would once listen to it, there might no longer by any need of repeating it. Once again, in Alaska, the whites are preparing to offer a predominately cash settlement to the Natives whose most important asset is the land they live on. Both sides are aware that this is so; both understand that money has a way of declining in value while land increases. But the whites refuse to understand that the Native population of Alaska has, over the centuries, developed a group of related cultures which are intimately dependent upon the existence of large areas of land from which they derive subsistence living and spiritual/psychological confidence. The whites persist in believing that a "generous" cash settlement is compensation for leaving the Natives with less than a fifth of the land they will need if they are to maintain their traditional ways of life. At the same time, the whites ignore the lesson which our history has to teach us: that assimilation is possible only if it is one of many alternatives that the Natives possess.

It seems altogether likely that many Alaska Natives will not choose the road of assimilation, that they will choose instead to work out their own unique destiny. Without a forty million acre land settlement which

the Natives judge to be essential to their survival as a people, this will simply not be possible. The cultures will quickly disintegrate into trauma-packed, poverty-ridden fragments. For the best definition of culture is still the simplest: that it represents a people's response to the environment.

One hundred and eight years ago the Secretary of the Interior spoke as follows: "The rapid progress upon the continent will not permit the lands which are required for civilization to be surrendered to savage tribes for hunting grounds. The government has always demanded the removal of the Indians when their lands were required . . . by advancing settlements. Although the consent of the Indians has been obtained in the form of treaties, it is well known that they have yielded to a necessity which they could not resist." This will be the last time that the United States has an opportunity to reverse this process of making capital of necessity, and it has long been time that we learned the lessons of our common history.

SECTION-BY-SECTION ANALYSIS OF BILL "TO PROVIDE FOR THE SETTLEMENT OF CERTAIN LAND CLAIMS OF ALASKA NATIVES" AS SUBMITTED BY THE ALASKA FEDERATION OF NATIVES TO THE 91ST CONGRESS

(Proposed by Mr. Arthur Lazarus, Jr.)

This memorandum is intended to accompany and explain the proposed bill to "provide for the settlement of certain land claims of Alaska Natives," as submitted to the Senate and House Committees on Interior and Insular Affairs by the Alaska Federation of Natives (AFN). Where appropriate, comparisons will be made to other pending bills on the same subject either derived from the Federal Field Committee report or recommended by the Department of the Interior.

DECLARATION OF POLICY

Section 2(a) summarizes the major elements of the land claims settlement legislation, as suggested in the AFN position paper of June 20, 1969, and as set forth in greater detail in subsequent sections of the bill. These key provisions include: a recognition of the claims of Natives and Native villages in Alaska based upon aboriginal land use and occupancy; a confirmation of title in Native village and regional corporations to 40 million acres of land; a payment of $500 million and retention of an overriding 2% royalty as compensation for lands to which Native title has been or will be extinguished; authority for the organization of Native-owned development corporations, and for individual Natives to acquire ownership of lands actually used for homes, businesses, fishing, hunting and trapping camps, and for reindeer husbandry; and protection of subsistence hunting, fishing, trapping and gathering rights.

Section 2(b), as contained in the Field Committee and Interior Department bills, has been revised to declare a specific Congressional policy of "maximizing the participation by Natives in decisions affecting their rights and property and [of] vesting in them as rapidly as prudent and feasible control over the lands set aside and corporations organized pursuant to this Act." All too often, government paternalism, reflected in the withholding of decision-making powers from Indians, has inhibited their initiative, has prevented economic and social development, and has postponed the day when they can be masters of their own fate. The Natives of Alaska feel confident of their ability fully and freely to manage their own affairs and, if given the proper tools, to make a positive contribution towards growth of the State. To foster this goal, and in order to avoid the mistakes of the past, the AFN amendment is designed to demonstrate a legislative intent to vest in the Alaska Natives control over their lands and other property as quickly as prudent and feasible.

The term "wardship" has been dropped from subsection 2(b)(2), since this legal concept in its true sense never has been applicable to the Indians of the United States, and the word "ultimately" has been inserted in subsection (b)(3) to show that the Act will confer certain temporary tax benefits upon the Natives. A new sentence also has been added to section 2(c) to make clear that the payments and grants authorized under section 5 constitute compensation for the extinguishment of property rights and are not merely to be substituted for governmental programs which otherwise would be available to the Natives of Alaska.

DEFINITIONS

For ease in reference, and unlike the Field Committee and Interior Department bills, the definitions of terms used in the bill are given in alphabetical order.

Definitions have been included in section 3 for the terms "State", "regional corporation", and "village corporation", since these entities are mentioned repeatedly in the legislation. For the reasons given in connection with section 6, the word "Corporation" has been redefined to show that the Alaska Native Development Corporation will be organized under the laws of the United States. The definition of the word "person", on the other hand, has been dropped because it is not necessary.

The term "public lands" has been redefined (1) to clarify that lands selected by, but not yet patented to, the State are included therein, and (2) to limit the exclusion for improved land actually used in connection with the administration of any Federal installation. The purpose of these changes is to include as "public lands" all tracts still in Federal ownership to which Native title has not yet been extinguished and thus really to effect a complete settlement of Native claims.

"Who is a Native?" is basically a question for the Natives themselves to decide (*Patterson* v. *Council of Seneca Nation*, 245 N.Y. 433, 157 N.E. 734 (1927)), and the AFN definition of "Native" differs significantly from the definitions in the Field Committee and Interior Department bills. The Field Committee bill, for example, defines "Native" in part as "any Alaska Indian, Eskimo, or Aleut of at least one-fourth degree Alaska Indian, Eskimo, or Aleut blood, or a combination thereof," but does not establish any forum for deciding whether an individual meets that test. The Interior Department bill, by contrast, creates such a forum, but gives it too much power; in other words, a Native is defined thereunder as meaning any person the Alaska Native Commission determines to be of at least one-fourth degree Alaska Indian, Eskimo, or Aleut blood, or a combination thereof—apparently regardless of whether the Commission's determination is correct. The AFN proposal retains the basic definition of Native contained in the Field Committee bill and gives the Commission authority to determine eligibility, as in the Interior Department bill, but also provides for review of the Commission's findings by appeal to the courts (sections 6(j), (k), and 7(b)(2)).

The AFN bill limits the Natives entitled to benefits under the Act to citizens of the United States, thus eliminating the possibility that Canadian members of Alaska Native groups may be enrolled. For purposes of clarity, the measure specifically recites that the term "Native" includes an individual "whose adoptive parent is not a Native." Since written records in many cases do not exist, the AFN bill further stipulates that, in the absence of proof of a minimum one-quarter blood quantum, the term "Native" also shall include any citizen of the United States who is, and whose parents are or were, considered to be Alaska Native by a local Native community. Although this provision may permit a few persons of little or no Native blood to qualify for benefits, such risk is far outweighed by the desirability of not excluding either persons who properly do qualify but have no proof of entitlement, or persons who have less than one-quarter Native blood but have long since assimilated into Native society.

The Field Committee and Interior Department bills both provide that the Tsimshian Indians (Metlakatla) shall not be considered Natives of Alaska because they originally came from British Columbia and were settled upon the Annette Islands Reserve established by the Act of March 3, 1891 (26 Stat. 110). Consistent with this approach, the AFN bill excludes the Metlakatlans from any share in the $500 million provided under section 5(a) for the loss of lands held by virtue of aboriginal use and occupancy (see section 15(e)). AFN recognizes, however, that the Tsimshian Indians, who have lived in the United States for over seventy years, in many ways face the same problems and suffer from the same disabilities as other indigenous groups, and thus proposes that they be entitled as Natives to future benefits under the Act.

DECLARATION OF SETTLEMENT

Section 4 of the AFN bill provides that this Act shall be regarded as a full and final settlement not only of all Native claims against the United States, as specified in the Field Committee and Interior Department bills, but also of all Native claims against the State of Alaska and all third parties based upon aboriginal right, title, use or occupancy of land. The AFN bill thus takes care of the legitimate concern expressed during the hearings by the State and a number of oil companies that, even after enactment of land claims settlement legislation, the Natives would be free to challenge the rights of any landholder other than the Federal Govrnement.

The AFN bill also takes into account the fact that the Indian Claims Commission and the Court of Claims have jurisdiction to entertain claims of Alaska tribes, bands or groups based on grounds other than loss of aboriginal Indian title lands, and the declaration of settlement has been appropriately amended to preserve such unrelated causes of action.

Finally, the matter of attorneys' fees and expenses, treated under section 4(b) of the Field Committee and Interior Department bills, is covered under section 17 of the AFN bill and will be discussed in connection therewith.

ALASKA NATIVE COMPENSATION FUND

Section 5 of the AFN bill follows the pattern set in section 6 of the Field Committee bill by creating a special Alaska Native Compensation Fund in the Treasury of the United States.

Under the AFN bill, the United States would pay into the Fund direct appropriations of $500 million and all additional revenues derived from a 2% overriding royalty upon the sale, lease or other disposition of public lands in accordance with section 14, as compensation to the Natives of Alaska for lands and interests in lands taken in the past or to which their rights and claims are extinguished by the Act. The justification for these payments already has been given in the written statements and oral testimony of Native representatives, and will not be repeated in this memorandum. Suffice it to say that the receipt last September of over $900 million by the State of Alaska in bonus bidding for oil and gas leases upon only a fraction of the land subject to Native claims shows beyond question the fact that the AFN proposal is reasonable, provides for compensation far below the fair market value of the property, and will not place an undue financial burden upon either the State or the Federal Government.

The Interior Department bill calls for payment of $500 million in installments of $25 million each (without interest) over a twenty-year period, a formula which really accords the Natives a present value of only $322 million. (See Report of Secretary of the Interior Walter J. Hickel on S. 1830, dated July 25, 1969, hereinafter referred to as "Hickel Report", p. 6.) AFN believes that the Natives are entitled to full value for their property at the time of its loss and, if the United States is to make payment in installments, interest should be provided upon the unpaid balance at the traditional rate of 4%. On the ground that the Interior Department proposal would authorize distribution over too long a period and in annual amounts too small to support many needed development projects, the AFN bill also provides for an eight-year, instead of a twenty-year, pay-out.

Section 7(h) of the Interior Department bill calls for a direct payment by the Secretary of each yearly installment of compensation to the Alaska Native Development Corporation, a procedure which would circumvent the normal annual appropriations process in Congress. The AFN bill follows the regular legislative scheme of authorizing appropriations. In order to assure the Natives that their compensation will be paid, and following the precedent of the Boulder Canyon Project Adjustment Act (Act of July 19, 1940, as amended, 43 U.S.C. 618a(c)), however, section 5(c) of the AFN bill further declares that the payments due the Natives shall constitute "contractual obligations of the United States," which, of course, would be enforceable in the Court of Claims.

ALASKA NATIVE COMMISSION

Like the Field Committee and Interior Department bills, the AFN bill would authorize the creation of an Alaska Native Commission, as an independent Federal agency, to administer many provisions of the Act and also to decide a number of questions, such as entitlement to enrollment and boundary disputes, which may arise under the Act. As set forth in section 6(k) of the AFN bill, the duties and responsibilities of the Commission would be far more extensive than its functions under either of the other proposals—a fact which lends even greater weight to the policy decision implicit in all three bills that the Commission could best operate outside the structure of the Interior Department. Since a basic purpose of the proposed legislation is to break away from traditional forms of Federal-Native relationships and to break new ground in Native self-development AFN feels quite strongly that the Alaska Native Commission should be fully independent and not housed in the same department as the Bureau of Indian Affairs.

Under the AFN bill, the Commission would have five members, all of whom would become full-time Federal employees; not more than three members could belong to the same political party, and at least three members would have to be Natives. Members would be appointed by the President but no recommendation is here given as to whether such appointment should be "with the advice and consent of the Senate," AFN's opinion being that this issue properly can be decided only by the Congress. In order to encourage continuity in policies and expertise, Commission members would serve staggered terms.

The AFN bill strengthens the legislative provisions governing operations of the Commission by including the following changes:

(1) section 6(c) removes from the chairman alone and vests in the entire Commission the power to designate a place of hearing outside its normal office;

(2) the word "shall" is substituted for "may" in sections 6(f) and (g) to assure the right of all parties to present evidence on their own behalf and that all official action will be in writing open to public view;

(3) section 6(f) makes clear that a party may appear for himself or through counsel;

(4) section 6(h) provides a specific criminal sanction for failure to comply with a Commission subpoena;

(5) section 6(h) also provides a mechanism for making information in the possession of other government agencies or departments readily available to the Commission and the parties;

(6) in view of the remoteness of many of the parties involved, section 6(j) increases the time for seeking judicial review from thirty to sixty days; and

(7) section 6(j) also drops the unusual feature of the Field Committee and Interior Department bills, which would authorize appeals from the Federal District Court in Alaska to the eleven Courts of Appeals, in favor of directing all appeals to the United States Court of Appeals for the Ninth Circuit.

As set forth in section 6(k) of the AFN bill, the duties and responsibilities of the Commission would cover the preparation of Native membership rolls and a roster of Native villages, and the determination of eligibility for inclusion thereon, the appointment of incorporators for the Alaska Native Development Corporation and the approval of articles of incorporation for Native corporations, the hearing of appeals from decisions of the Corporation refusing to approve a village plan for the management and expenditure of its funds, the settlement of land disputes and the certification of eligibility for patents, and the approval of certain land transactions. The Commission also would be given authority to review and comment upon, but not suspend or veto, the annual budgets of the Native corporations for a period of ten years. As an exception to the general rule, and in order to forestall the possibility that the expenditure of funds may be tied up by litigation for years, rulings of the Commission on appeals from decisions of the Corporation are not made subject to judicial review (see sections 6(j) and 9(f)(6)).

ENROLLMENT

Given the fact, as experience elsewhere has demonstrated, that the preparation and promulgation of a final Native membership roll will require at least five years to complete, a key problem presented in every version of the land claims settlement legislation is whether the Natives shall be entitled in the interim to make decisions and/or receive financial benefits under the Act. The Field Committee and Interior Department bills both proceed on the premise that, unless and until placed upon the membership roll, a Native will not qualify for any rights or benefits under the Act. Moreover, since neither bill establishes a deadline for the preparation even of an "initial roll," the net result is to vest in non-Natives, such as the Secretary or the Commission, the power during early years to make vital decisions affecting the Natives' own funds, property and future welfare.

In order to facilitate the selection and management of lands, the use of funds and the organization of corporations by the Natives themselves, section 7(a) of the AFN bill provides that the Secretary shall prepare within six months after the effective date of the Act a "temporary census roll" of all Natives living on December 31, 1969. The temporary census roll would serve two major purposes: first, inclusion thereon would entitle a Native to vote for directors of the Alaska Native Development Corporation, and in elections involving other Native corporations and village land selection committees; and, secondly, the Native population as shown on the roll would be the basis for determining the number of acres of land to which village and regional corporations would be entitled. In short, the temporary census roll would provide a means for the Natives to select lands and start operations of their development corporations without waiting years for preparation of an official membership roll.

The temporary census roll, of course, will be far less complete and accurate than the final membership roll. Accordingly, section 7(a)(2) of the AFN bill specifies that "the temporary census roll shall not be used as a basis for determining the right of any individual, village or corporation to receive funds and property or otherwise to share in the benefits accorded the Natives of Alaska under this Act." In other words, unlike the Field Committee and Interior Department bills, the AFN bill distinguishes between the right to receive financial benefits, where absolute correctness of the membership roll is essential in order to carry out the purposes of the legislation, and the right to participate in decision-making, where only a substantial majority of all eligible Natives need be identified in order to carry out Congressional intent.

The Secretary's decision regarding the eligibility of any person for inclusion on the temporary census roll shall be final, except that any person listed on an existing membership roll of a Native village shall be conclusively presumed to be eligible. Basically, the Secretary will be conducting a head count, without any real effort being made to investigate claims of eligibility, but the chances that any person will give false information to qualify himself or another for inclusion on the census roll are reduced by making such conduct subject to criminal sanctions (see section 7(e)). In view of the nature of the temporary census roll and the finality of the Secretary's decisions with respect thereto, the six-month deadline for its completion seems entirely reasonable.

Under section 7(b) and (d) of the AFN bill, the Commission is directed to prepare: (1) a final Native membership roll within five years after the effective date of the Act; and (2) a roster of Native villages eligible for benefits under the Act, in addition to the villages listed in section 10(c), within three years after its effective date. To ensure fairness and accuracy, the Commission is further directed to publish the roll and roster, respectively, before final promulgation, and an opportunity is accorded "any person or village denied enrollment or omitted from the roster . . . to protest such denial or omission to the Commission," and to "the Secretary of any Native village listed in section 10(c) . . . to protest to the Commission the inclusion of any individual on the membership roll or any village on the roster of Native villages." Protests are made subject to hearings and judicial review.

Each Native is given the right to designate the village in which he and his children under the age of nineteen are to be listed as members and, in the absence of protest by the named village, such designation shall be final. In the event of a protest, the Commission is vested with authority to determine the village of which a Native is a member in accordance with a scheme of priorities set forth in the statute. A Native need not be a present resident of a village in order to qualify for membership therein.

Finally, under section 7(c) of the AFN bill, the Commission is directed to establish procedures for maintaining a membership roll containing the names of Natives born during the twenty-year period after December 31 of the year in which the Act becomes law, since such afterborn children also have a right to share in all benefits under the Act except membership in the Alaska Native Development Corporation.

Alaska Native Development Corporation

The Field Committee, Interior Department and AFN bills all call for creation of an Alaska Native Development Corporation, but the AFN bill materially differs from the two

other proposals in the following significant respects:

(1) The Field Committee and Interior Department bills both provide that the Alaska Native Development Corporation shall be an Alaska corporation, even though the Hickel Report concedes that "we are still concerned that some of the Corporation's activities might be considered incompatible with the laws of Alaska" (p. 5). AFN recognizes that State law now or as hereafter enacted may not comport with efficient operation of the Corporation and that, under such circumstances, Congress would be unable to remedy the difficulty. Accordingly, the AFN bill provides that the Corporation be organized under the provisions of this Act, or, in other words, under the laws of the United States. In order to promote conformity with State practice, on the other hand, the AFN bill further provides in section 8(i) and (j) that the rights and powers of the Corporation, and the rules governing its internal affairs, shall track the laws of the State of Alaska with certain necessary exceptions. The AFN bill also preserves the stipulation that the Corporation shall not be an agency or establishment of the United States Government.

(2) The Field Committee and Interior Department bills both contemplate that the Alaska Native Development Corporation will be a business corporation, with the Natives as stockholders, and that the Corporation will be entitled to receive, expend, distribute, invest, manage or otherwise use all funds due the Natives from the United States under the Act. The AFN bill, on the other hand, establishes the Alaska Native Development Corporation as a non-profit membership corporation, which will retain only 5% of the money distributed out of the Alaska Native Compensation Fund (section 8(f) and (g)), and which will serve primarily as a service organization to advise, help and guide regional and village business and development corporations (section 8(i)). Indeed, section 8(h) of the AFN bill specifically declares that the Corporation "shall be considered a public instrumentality eligible for grants and contracts for planning and development programs which will assist Natives, Native villages and Native corporations under any Federal law."

(3) The Field Committee and Interior Department bills so structure the internal organization of the Alaska Native Development Corporation that it will be dominated and controlled by non-Natives for years after its formation, the end date for control by non-Natives (and thus non-stockholders) under the Interior Department bill being June 30, 1991. The AFN bill, on the other hand, is designed to give the Native owners of the Corporation control over the organization not later than nine months after the effective date of the Act (section 8(b)(1)). In addition, until Native directors are elected, the powers of the initial board of directors are limited to the completion of incorporation and such other acts as are essential to start the operations of the corporation (section 8(b)(3)).

(4) As above noted, the Field Committee and Interior Department bills both provide that the Alaska Native Development Corporation shall be the sole organization for investment, expenditure or distribution of money derived from the Native Compensation Fund. AFN takes the position, and believes that the State of Alaska concurs, that any single private company having the assets thereby vested in the Corporation would wield undue influence and economic power within the State. Furthermore, given the vast distances between points in Alaska and the great differences between Native communities in different parts of the State, AFN feels that a single statewide corporation cannot help but be unfamiliar with and thus potentially unresponsive to local needs and aspirations. Accordingly, the AFN bill establishes the Corporation as merely the top of a pyramid, with the bulk of all funds received to be distributed to regional and village corporations.

OTHER NATIVE CORPORATIONS

Section 9(a) of the AFN bill authorizes the Commission to divide the State of Alaska into twelve geographic regions, with each region composed as far as practicable of Natives having a common heritage and sharing common interests. In the absence of good cause shown to the contrary, such regions will approximate the areas covered by the operations of Native associations already in existence. Under section 9(b), a regional corporation would be created under Federal law for each of the twelve Native regions of Alaska.

Section 9 of the AFN bill in large measure would vest in the twelve regional corporations the business and investment functions which the Field Committee and Interior Department bills would concentrate in a single Alaska Native Development Corporation. Thus, each regional corporation would be a stock corporation, with the stockholders of the corporation being the Natives of the region and with the stock being distributed and subject to the limitations set forth in section 9(e). The most important of these limitations (1) withhold the right to receive dividends until the final membership roll is promulgated, (2) restrict the alienation of stock for twenty years except by will or intestacy, and (3) deprive non-Natives of the right to vote stock for twenty years. Similarly, under section 9(i), each regional corporation may exercise all rights and powers given a business corporation under Alaska law, and the internal affairs of the corporation are to be governed in accordance with the laws of the State of Alaska relating to business corporations, with certain necessary exceptions.

Unlike the statewide Corporation which, under the AFN bill, would be essentially a planning and service organization, the regional corporations would build projects and conduct on-going development programs, so such corporations under section 9(b)(2) are to be considered political subdivisions of the State for the purpose of being eligible for grants, loans and contracts for planning, housing assistance, economic development, public works, construction and other programs which will assist Natives, Native villages and Native corporations under any Federal law. In addition, each regional corporation will be authorized to manage lands, interests in lands and subsurface (mineral) rights to which it will acquire a patent under section 12(b)(3) and (4) of the Act, the proceeds from such resources being divided one-half to the region in which the property is located and one-half to all other regional corporations on the basis of population (section 9(g)(2)).

The AFN bill in treatment of the regional corporations also comes to grips with an unresolved problem presented in the Field Committee and Interior Department bills. Specifically, both other bills vest inconsistent functions in the Alaska Native Development Corporation, to wit: business functions, such as the investment of funds and making of commercial loans, and charitable functions, such as grants for health and welfare or the relief of distress (section 7(f)). Quite obviously the directors would be torn between their responsibilities towards the owners of the Corporation and their duties towards the beneficiaries of the Corporation, who as the years go by will increasingly fall within two different classes.

The foregoing problem is handled under section 9(f) of the AFN bill by dividing inconsistent functions and by requiring each regional business corporation to organize an affiliated non-profit membership corporation to carry out those programs which are not designed to make money. The non-profit corporation will be funded by further requiring the regional corporation to distribute to the affiliate not less than 10% nor more than 50% of its net income. The non-profit affiliates, in turn, would be prohibited from distributing more than 20% of the money received from the regional corporations to eligible Natives, and then only in accordance with "family plans," which for the individual or family involved, as the case may be, will require expenditure of any such payment for constructive purposes.

Section 9(f) of the AFN bill follows the pattern of funneling a substantial portion of the compensation paid the Natives for the loss of their aboriginal lands from the statewide Corporation to the twelve regional corporations, and through the regional corporations to village corporations. In order to preserve flexibility, and subject to the limitations set forth in section 9(k), a Native village may organize pursuant to section 9(j) as a corporation under the laws of the State of Alaska, or of any other State or the District of Columbia, or in accordance with any applicable Federal law. A village corporation shall not be eligible to receive funds from the regional corporation, except for planning purposes, until it has developed an initial five-year program for the management, investment and expenditure of such funds, and this program has been approved by the Alaska Native Development Corporation (section 9(f)(6)).

WITHDRAWAL OF PUBLIC LANDS

The Field Committee, Interior Department and AFN bills all provide for the revocation of Public Land Order No. 4582, the so-called "land freeze," and, as a preliminary to the recognition of Native land titles, for the temporary withdrawal from appropriation of public lands in each township which encloses all or part of a Native village listed in the statute.[1] The Interior Department and AFN bills also call for the withdrawal from appropriation of public lands in each township which is contiguous to or corners upon the township or townships in which the Native village is located, while the AFN bill further provides for the withdrawal of additional townships up to a total of nine if fewer otherwise would be withdrawn because of the location of the village on an island, along the coast or near an international boundary.

The Field Committee and Interior Department bills, with minor differences in text (such as the inclusion in the latter measure of the term "subject to all valid existing rights"), both specify that the lands shall be withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws. Both bills also exclude from the withdrawal lands reserved for national defense purposes, other than petroleum reserve numbered 4. Since no reason exists in law or equity for denying Natives subsurface rights in their own lands or for treating defense reserves differently from other Federally withdrawn lands, the AFN bill provides that all public lands as defined in the Act within the affected townships shall be "withdrawn, subject to valid existing rights, from selection by the State and from all forms of appropriations under the public land laws, including the mining and mineral leasing laws."

Finally, in order to enable the Natives to select up to 40 million acres of land pursuant to section 11, without having to compete with the State or hold up all State selections, section 10(d) of the AFN bill also provides for the withdrawal, subject to valid existing rights, from the selection by the State and

[1] The list of Native villages, as set forth in section 10(c) of the AFN bill, contains more names than the list in either other bill, including, in particular, villages and cities having a substantial Tlingit and Haida population.

from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, of all public lands within sections 5–8, inclusive, of every township in the State of Alaska not otherwise withdrawn in accordance with section 10. Sections 5–8 in every township, of course, have been selected at random—just as sections 16 and 36 were set aside under the School Lands Act—and any other block of four sections in each township would be equally appropriate to accomplish the purposes of the proposed legislation.

SELECTION OF PUBLIC LANDS

Section 11(a) of the AFN bill provides that each Native village listed in section 10(c) [2] shall be entitled to select, with eighteen months after the effective date of the Act, a total of 92,160 acres of 500 acres per member, as shown on the temporary census roll prepared pursuant to section 7(a), whichever amount is greater, from the lands withdrawn in accordance with section 10. Where the Native villages within any region, as defined in section 9(a), are entitled to select in the aggregate less than 5% of the total land area of the region, such villages are granted a right to select additional land up to 5% of the total land area of the region. The purpose of this extra entitlement is to mitigate the impact of the land settlement upon the subsistence Indian villages of interior Alaska and along the North Slope which otherwise would lose a far higher percentage of the lands which they now use and occupy than the more populous Native villages along the western and southeastern coast. In exercising its selection rights, a village would first have to designate contiguous lands within the surrounding withdrawn townsites and could select non-contiguous tracts withdrawn pursuant to section 10(d) only if the public lands in the surrounding townsites were not sufficient to satisfy its entitlement.

The AFN bill thus provides for each native village an amount of land sufficient for community use, expansion and development, and an amount of land reasonably related to the Natives' current needs as well as past patterns of use and occupancy. By contrast, the Field Committee bill would allow each village a maximum of only 23,040 acres, a drop in the bucket compared to the acreage now used. Moreover, if the township in which the village is located does not contain 23,040 acres of public land, the deficiency could be made up only after a complex procedure of certification by the Commission leading up to public hearings by the Secretary (section 8(b)).

Similarly, section 8(a)(1) of the Interior Department bill would authorize each Native village to select only two townships—the one in which the village is located and one from the surrounding townships—and such selection could ripen into a patent to a maximum of 46,080 acres (section 10(b)). As a practical matter, however, the village patent would be reduced in size by patents to individuals and organizations (section 10(a)), and, of course, minerals covered by the mineral leasing laws also would be excluded. More significantly, the Interior Department bill authorizes the issuance of a patent only to an "incorporated native village" (section 10(b)), which is defined in section 3(h) as "any village incorporated as a governmental unit under the laws of the State of Alaska," even though it appears that some Native villages will not qualify so to incorporate (see Title 29, Alaska Statutes, § 29.25.030). Finally, the Tlingit and Haida villages would be limited to a maximum of 23,040 acres (sections 10(c) and 12).

The Interior Department bill specifies that each Native village shall make its land selection within one year (after which the withdrawal is revoked) "in accordance with rules and regulations established by the Secretary," but makes absolutely no provision for safeguarding the village's land selection rights if the Secretary fails or refuses to establish such regulations. This oversight is corrected in section 11(b) of the AFN bill, which specifically designates the village organizations authorized to make land selections and which directs the Secretary to hold a village election to pick a land selection committee where no authorized organization exists. Section 11(c) of the AFN bill also spells out a procedure for resolving overlaps where two or more villages select the same lands—a problem which is briefly touched in the Field Committee bill (section 10(c)(3)) and wholly ignored in the Interior Department bill.

The justification for the provisions in the AFN bill confirming Native title to 40 million acres in the State already has been given in the written statements and oral testimony of Native representatives, and will not be repeated in this memorandum. Given the number of Native villages listed in section 10(c) and an estimated Native population in the temporary census roll of about 60,000, less than 40 million acres will be subject to village selection under sections 11 and 15 of the AFN bill. Accordingly, section 11(d) authorizes the regional corporations "to select, during the period beginning eighteen months and ending ten years after the effective date of this Act, from the public lands withdrawn in accordance with section 10(d), such amount of land as represents the difference, if any, between 40,000,000 acres and the total acreage selected by Native villages."

CONVEYANCE OF LANDS

Section 12(a) of the AFN bill requires the Secretary to survey townships withdrawn and areas selected for conveyance to Native villages and regional corporations, as well as certain defined lands within such tracts, and is comparable to section 9 of the Interior Department bill.

Section 12(b)(1) of the AFN bill provides that, upon completion of the survey of lands selected by a Native village, the Secretary shall issue a patent or patents to such village (if and when it qualifies to own real property) to the land and all interests therein, except minerals covered by the mining and mineral leasing laws, which under section 12(b)(3) are to be patented to the regional corporation for the region in which the village is located. Any village patent shall be subject to valid existing rights and also subject to the terms of section 12(b)(2), which in turn provides that the Native village:

(1) must issue deeds to the occupants, without payment of any consideration, to the surface of tracts occupied by Natives on September 1, 1969, as a primary place of business or residence, or for subsistence campsites or reindeer husbandry;

(2) must issue deeds to the occupants, upon payment of the fair market value for such property, to the surface of tracts occupied by non-Natives on September 1, 1969, as a primary place of residence or business;

(3) may issue deeds to the occupants, in the discretion of the village either without consideration or upon payment of an amount not in excess of fair market value, to the surface of tracts occupied on September 1, 1969, by non-profit organizations for the purposes for which such organizations were established; and

(4) may issue deeds to the occupants, upon payment of the fair market value for such property, to the surface of tracts occupied on September 1, 1969.

The AFN bill thus eliminates the requirement of the Field Committee and Interior Department bills that village lands be granted to non-profit organizations without any payment, and allows the Native owners discretion to charge or not to charge for such property, with a safeguard that all non-profit organizations be treated on the same basis.

Section 12(b)(4) of the AFN bill provides that, upon completion of the land selection by a regional corporation, the Secretary promptly shall issue a patent or patents to such corporation to the land and all interests therein, including minerals covered by the mining and mineral leasing laws. AFN further takes the position that the owner of land should be entitled to the benefits therefrom, so section 12, contrary to section 10(j) of the Interior Department bill, provides that, upon conveyance, the Native village or regional corporation, as the case may be, shall succeed and become entitled to any and all interests of the United States or the State, as lessor or prior landowner, in any leases, permits, contracts or rights-of-way covering such lands.

Unlike section 13 of the Interior Department bill, the AFN bill would not repeal the Native Allotment Act of May 17, 1906 (34 Stat. 197), as amended. Section 12(c) of the AFN bill provides a further mechanism for Natives to obtain patents outside withdrawn areas under limited circumstances for homes, places of business, campsites and reindeer grounds, and is a simplified substitute for more detailed provisions in the Field Committee and Interior Department bills covering substantially the same subject (see section 10(d) *et seq.*).[3] Section 12(d) of the AFN bill corresponds to section 10 (j) and (k) of the Interior Department bill, with an amendment to insure that Native landowners will enjoy the full benefits of their property.

ADMINISTRATION OF LANDS

AFN believes that the provisions of the Field Committee and Interior Department bills (section 8(c)) dealing with the management of lands withdrawn for the benefit of Native villages are inadequate and misconceived. In short, even though the Native villages now are the beneficial users of such property and ultimately will have clear title thereto by virtue of the legislative settlement, the Field Committee bill directs that withdrawn land be administered for the benefit of the Alaska Native Development Corporation, while the Interior Department bill would channel all income therefrom to the Federal Government. Moreover, both bills vest unreviewable control over the use, management and administration of the land in the Secretary, so he would be fully authorized to grant leases, permits or concessions thereon without the consent of the Natives.[4]

Section 13 of the AFN bill, on the other hand, limits the Secretary's power to dispose of land eventually destined for Native ownership and makes the Natives the beneficiaries of their own property. Specifically, section 13(b) provides that, pending selection by a Native village or regional corporation, the Secretary is authorized to take such action as

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[2] A Native village, as defined in section 3(e), which is not listed in section 10(c), but is listed on the roster prepared by the Commission pursuant to section 7(b), will not be entitled to select land, although otherwise entitled to benefits under the Act.

[3] Whereas all public lands would be open to patent under the AFN and Field Committee bills, the Interior Department bill generally would exclude "land within the National Park System, National Wildlife Refuge System, and National Forest System, and land withdrawn or reserved for national defense purposes, other than petroleum reserve numbered 4. . . ."

[4] To make matters worse, even after patent to a Native or Native village the Federal Government would continue to receive the revenue from the lease, permit or contract under section 10 of the Interior Department bill.

shall be necessary to administer, manage and protect withdrawn public lands, but may not enter into a lease, contract, or permit which extends more than eighteen months after the effective date of the Act, and must pay over the net revenue from use of the land to the village or regional corporation involved. Section 13(c) provides that after selection, but before a patent issues, the Native village or regional corporation may lease or otherwise dispose of the land on the same terms and conditions as an organized Indian tribe, subject to the approval of the Alaska Native Commission. Section 13 also establishes procedures for the issuance of easements and rights-of-way across withdrawn and selected lands, a subject not expressly covered in either the Field Committee bill or the Interior Department bill.

As a precautionary measure against improvident transactions before business experience is acquired, section 13(d) provides that, although a village or regional corporation may hold, manage, lease or dispose of patented lands and interests therein, including minerals, in accordance with the laws of the State, the Native corporations for a period of ten years may sell or enter into long-term commitments with respect to land only with the approval of the Commission. For the purpose of effecting land consolidations or facilitating the management and development of land, section 13(a) of the AFN bill also permits village and regional corporations to exchange land, interests in land and water rights with each other and with the State or the United States.

ROYALTY ON DISPOSITION OF PUBLIC LANDS

The justification for reserving to the Natives a 2% overriding royalty upon proceeds from governmental leasing and mineral development in Alaska already has been given in the written statements and oral testimony of Native representatives, and will not be repeated in this memorandum. Section 14 of the AFN bill is designed to achieve this objective, and is patterned in part upon section 12 of the Field Committee bill.[5]

In general, section 14 would recognize in the Natives a 2% interest in land of the State outside the tracts to which they acquire title. This interest would not exist with respect to land patented before January 1, 1969, or apply either to the Outer Continental Shelf or to minerals subject to the mining laws, but would cover timber and surface uses (section 14(c)) and minerals subject to the mineral leasing laws. The Natives' interest also would extend to petroleum reserve numbered 4, which, in order to make that interest meaningful, would be opened to competitive leasing by the Secretary, with the concurrence of the Secretary of Defense (section 14(b)).

Section 14(a)(2) of the AFN bill declares that 2% of the rentals and bonuses received from the leasing in Alaska of minerals subject to the mineral leasing laws during the period beginning January 1, 1969, and ending on the effective date of the Act, including leasing by the State on tentatively approved land under section 6(g) of the Statehood Act, shall be paid into the Alaska Native Development Fund. Section 14(a)(2) also provides that, out of any royalty paid under leases entered into during the same period, the Natives shall receive an amount equal to 2% of the gross value of the minerals before calculation of the respective shares of the State and the United States in such royalty. The latter provision, of course, is intended to give effect to the Native interest without placing any additional royalty burden upon the lessee.

Section 14(a)(3) establishes a comparable Native interest in the proceeds of mineral leases entered into after the effective date of the Act. Section 14(d) expressly stipulates that the reserved Native interest in land shall not operate to prevent State selections under the Statehood Act, but further provides that every patent to the State shall be subject to the overriding Native royalty. Finally in order to create an effective means of enforcement, section 14 provides in essence that the Natives' royalty interest will be collectible by the United States on their behalf.

REVOCATION OF RESERVATIONS; EXCEPTIONS

AFN strongly believes that no Native group should end up after passage of land claims settlement legislation in a position worse than it had occupied before enactment of the statute. Accordingly, the AFN bill eliminates any special provisions for the Tlingit and Haida Indians, notwithstanding the fact that in 1968 they, after many years of litigation, were successful in a suit against the United States to obtain compensation for the loss of some, but not all, of their aboriginal land. *Tlingit and Haida Indians* v. *United States*, 389 F. 2d 778 (Ct. Cl., 1968). Similarly, section 15(e) of the AFN bill grants to the Native village of Metlakatla the Annette Islands Reserve created by the Act of March 3, 1891 (26 Stat. 1101), and preserves for 50 years the fishing rights of the Tsimshian Indians given recognition in *Metlakatla Indian Community* v. *Egan*, 369 U.S. 45 (1962).

Section 15(a) of the AFN bill, like section 16 of the Field Committee bill and section 14 of the Interior Department bill,[6] would revoke the various reserves heretofore set aside for Native use. Consistent with the above mentioned AFN position that the legislation should not operate to the detriment of any Native group, section 15(b) gives each village now having a reserve set aside for its use or benefit a right to select such reserve in lieu of the land to which it otherwise would be entitled, and it is expected that villages having some of the larger reserves, such as Venetie, will exercise this option. By the same token, section 15(c) would authorize the Native village of Tyonek to retain subsurface rights in the Moquawkie Reserve (while giving up its proportionate share of minerals elsewhere), and section 15(e) would continue in effect the terms of the Act of November 2, 1966 (80 Stat. 1094), relating to lands in the Pribilof Islands.

PROTECTION OF SUBSISTENCE RESOURCES

The setting aside of 40 million acres of land for Native use, as provided in sections 10–12 of the AFN bill, clearly will be insufficient to sustain the subsistence hunting and fishing activities upon which many Native groups still will depend for years to come. Accordingly, section 16(a) provides that "the Natives of Alaska shall have a right to hunt, fish, trap, gather fuel and pick berries or other natural food products for subsistence purposes" on lands withdrawn for their benefit and on public lands for a period of one hundred years. Subsistence uses on public lands would be subject to restriction by the head of the agency having jurisdiction therein, and the rights of Natives on patented lands would expire on the date of patent or twenty-five years after the effective date of the Act, whichever later occurred.

Section 16(b) of the AFN bill authorizes the Secretary of the Interior to provide special protections for the biotic resources of the State, and is similar to Section 13 of the Field Committee bill.

ATTORNEYS' FEES AND EXPENSES

The Field Committee and Interior Department bills both include provisions (section 4(b)) for the payment of attorneys' fees and expenses which are incomplete and which, in all likelihood, violate existing contracts, approved by the Secretary, between counsel and Native tribes, bands or groups covering the prosecution of claims before the Indian Claims Commission. Section 17 of the AFN bill, on the other hand, calls for the payment of attorneys' fees in accordance with approved contracts where Indian Claims Commission cases are involved, and also takes into account the fact that the most valuable services rendered the Natives by their lawyers deal not with litigation, but rather with the land claims settlement legislation.

Specifically, instead of vesting responsibility for paying or determining legal fees in the Alaska Native Development Corporation or the Alaska Native Commission, section 17(a) of the AFN bill provides that, in the case of attorneys' fees and out-of-pocket expenses incurred in the prosecution of claims litigation under a contract approved by the Secretary, "the amount of such fees and reimbursable expenses shall be determined in accordance with such contract or, if the contract does not provide for compensation in the event of a dismissal [as the Act would require], by the Secretary on a *quantum meruit* basis." In addition, section 17(b) provides that legal fees and expenses of Native groups incurred for representation in connection with the claims legislation are also to be paid, provided that the amount of such fees and reimbursable expenses shall be subject to approval of the Secretary pursuant to the terms of the attorneys' contract. In this regard, the AFN bill follows the pattern of the Interior Department bill in calling for a separate appropriation of an amount sufficient to pay counsel fees and disbursements allowed under the Act.

TAXATION

Section 7(h) of the Field Committee bill and section 7(f) of the Interior Department bill declare that the sums paid by the United States to the Alaska Native Development Corporation for the extinguishment of Native title to land shall not be subject to Federal or State taxation.[7] The rationale for this rule is, quite properly, that the Government should not be in a position of paying for the Natives' property and then taking back a sizeable portion of that payment through taxation. Actually the transaction could be viewed even under the ordinary tax laws as a conversion by the Natives of a capital asset to cash upon which no income is realized.

Section 18(a) of the AFN bill carries the foregoing principle to its logical conclusion by declaring that the lump-sum compensation for land, and any interest earned with respect thereto while the funds are under Federal control, shall be non-taxable not only in the hands of the Corporation, but also upon distribution to any other Native corporation or individual Native. Section 18(b) creates the same tax-exemption covering revenue derived from the 2 percent overriding royalty for a period of twenty years, but thereafter subjects such income to taxation upon distribution "on the same basis as like income is taxed when received by a non-Native individual or corporation." Other para-

[5] Since the Secretary has not endorsed a royalty formula, section 11 of the Interior Department bill is inappropriate in Native claims legislation. Section 11 would open up petroleum reserve numbered 4 to mineral leasing by the Secretary of the Interior without approval by the Secretary of Defense, and would change the mineral leasing laws to require competitive bidding, but has no relevance to Native lands.

[6] Interestingly, the Field Committee and Interior Department bills both make revocation subject only "to any valid existing rights of any nonnatives." AFN suggests that, in Native land claims settlement legislation, the revocation of reserves should be made subject to any valid existing rights of Natives too.

[7] Section 7(f) of the Field Committee bill also exempts the income of the Corporation from taxation for ten years.

graphs of the AFN bill stipulate that funds received by a Native corporation for which it acts as a conduit and, therefore, which must be turned over to another Native corporation shall not be income to the conduit corporation, but shall be income to the corporation ultimately receiving the benefit thereof. See sections 8(f)(1), 9(f)(7), and 9(g)(3).

Experience elsewhere in the United States has demonstrated that the imposition of real estate taxes is a frequent cause of land passing out of Indian ownership. Accordingly, under section 18(c) of the AFN bill, land to which a Native village or regional corporation acquires title shall be exempt from State and local real property taxes for a period of fifty years. Municipal taxes or assessments, however, may be levied upon individually-owned real property, and easements, rights-of-way, leaseholds and similar interests may be taxed in accordance with State or local law. Similarly, all "rents, royalties, profits, and other revenues or proceeds derived from such lands and mineral rights shall be taxable to the same extent as such revenues or proceeds are taxable when received by a non-Native individual or corporation."

REVIEW BY CONGRESS

AFN has revised the provisions relating to Congressional review as set forth in the Field Committee and Interior Department bills to require more thorough reports from the Secretary and the Commission, and to make sure that Native views will be made known.

APPROPRIATIONS

Section 20 of the AFN bill is comparable to section 16 of the Interior Department bill.

PUBLICATION

Section 21 of the AFN bill contains an amendment to section 17 of the Interior Department bill authorizing the Commission as well as the Secretary to publish appropriate rules and regulations in the Federal Register.

SAVING CLAUSE

Section 22 of the AFN bill is comparable to section 18 of the Interior Department bill.

ALASKA NATIVE LAND CLAIMS SETTLEMENT LEGISLATION

(Prepared by Mr. Arthur Lazarus, Jr.)

The key starting point in consideration of any proposed settlement of Alaskan Native land claims is recognition of the principle that the Federal Government is not here dealing with ordinary "social welfare" legislation under which the United States will provide, and the Native beneficiaries receive, a variety of gratuitous funds, goods and services. This legislation involves property rights. The primary objectives of the Administration's bill, therefore, must be (a) to enable the Natives to retain a reasonable share of their aboriginal property, and (b) to pay the Natives just compensation for the lands, interests in lands and other rights which they are being required to give up, and only as a corollary (c) to foster or establish an economic setting in which serious Native social welfare problems are either prevented or corrected.

A fair settlement thus should afford the Natives land, money and future expectations, within an administrative framework which permits them to manage, as well as derive benefits from, their own assets. According to the Alaska Federation of Natives (AFN), and as more fully discussed below, such a settlement would include a confirmation of title in Native village and regional corporations to 40–60 million acres of land, a payment of $500 million over an eight-year period and retention of an overriding 2% royalty as compensation for lands to which Native title has been or will be extinguished, and long-range protection of subsistence hunting, fishing, trapping and gathering rights. The purpose of this Memorandum is to demonstrate the major areas in which the Alaska Native Claims Settlement bill submitted to Congress by the Secretary of the Interior two years ago (hereinafter called the "Hickel bill") fell short of Native desires and, more particularly, lacked essential elements of fairness.

SECTION 2. DECLARATION OF POLICY

Text: Sections 2 (b) and (c) of the Hickel bill would declare the intent of Congress, in settling Native claims, not to establish racially defined institutions, or create a reservation system, or add to the categories of tax-exempt property.

Comments: These sections are basically negative and, at one and the same time, both terminationist and paternalistic in tone, contrary to the President's Message on Indian Policy.

Recommendations: Section 2(b) should be revised to state an additional Congressional policy of maximizing the participation by Natives in decisions affecting their rights and property and of vesting in them as rapidly as prudent and feasible control over the lands set aside and corporations organized under the Act. The term "wardship" should be dropped from subsection 2(b)(2), since this legal concept in its true sense never has been applicable to the Indians of the United States, and the word "ultimately" should be inserted in subsection (b)(3) to show that the Act will confer certain temporary tax benefits upon the Natives. Finally, a new sentence should be added to section 2(c) to make clear that the payments and grants authorized under the legislation constitute compensation for the extinguishment of property rights and are not merely to be substituted for governmental programs which otherwise would be available to the Natives of Alaska.

SECTION 3. DEFINITIONS

Text: Section 3(e) of the Hickel bill defines the term "public land" as meaning "all Federal land and interests therein situated in Alaska, except any improved land used in connection with the administration of any Federal installation."

Comment: This proposed definition of "public land" ducks the hard question of whether the Natives should be allowed to have their title confirmed in lands selected by, but not yet patented to, the State of Alaska. The law seems clear that title to selected lands, whether or not tentative approval has been given to the selection by the Secretary, remains in the United States, and the issuance of patents to the State cannot be forced. See *State of Alaska* v. *Udall*, 420 F. 2d 938 (1969). To effect a complete settlement of Native claims, therefore, the term "public land" should include all tracts still in Federal ownership to which Native title has not yet been extinguished—with the elimination of specific T/A lands, as might possibly be done in the case of the North Slope oil leases, being the exception and not the rule.

Recommendation: The term "public land" should be redefined to mean "all Federal lands and interests therein situated in Alaska as of the effective date of this Act, including lands selected by, but not yet patented to, the State. . . ."

SECTION 4. DECLARATION OF SETTLEMENT

Text: Section 4 of the Hickel bill provides that the proposed legislation would settle and extinguish all Alaskan Native land claims against the United States, and would lead to the dismissal of pending proceedings before the Indian Claims Commission instituted by Native groups.

Comments: The settlement of Native claims should run in favor of the State of Alaska and third parties (such as oil companies) as well as the United States. In addition, the bill should expressly preserve the jurisdiction of the Indian Claims Commission and the Court of Claims to entertain suits on grounds other than loss of aboriginal Indian title lands. Finally, the payment of attorneys' fees and expenses (Section 4(b)) might more appropriately be treated elsewhere in the legislation.

Recommendations: In view of the foregoing comments, the changes which should be made in Section 4 are self-evident.

SECTION 6. ENROLLMENT

Text: Section 6 of the Hickel bill would authorize the Alaska Native Commission to prepare a membership roll of all Natives living on the effective date of the Act.

Comment: Experience in a number of Indian claims cases has demonstrated that the preparation and promulgation of a final Native membership roll will require at least five years, and perhaps twice as long, to complete. Nonetheless, the Hickel bill proceeds on the premise that, unless and until placed upon the membership roll, a Native may not qualify for any rights or benefits under the Act. Moreover, since the bill does not provide a deadline for the preparation even of an "initial roll", the net result is to vest in non-Natives, such as the Secretary or the Commission, the power during early years to make vital decisions affecting the Natives' own funds, property and future welfare.

Recommendations: Section 6 should be amended to provide that the Secretary shall prepare within six months after the effective date of the Act a "temporary census roll" of all Natives living on December 31, 1970. The temporary census roll would serve two major purposes: first, inclusion thereon would entitle a Native to vote for directors of the Alaska Native Development Corporation, and in elections involving other Native corporations and village land selection committees, if such institutions are authorized; and, secondly, the Native population as shown on the roll could be the basis for determining the number of acres of land to which a Native village or corporation would be entitled. In short, the temporary census roll would provide a means for the Natives to select lands and start managing their own affairs, without waiting years for preparation of an official membership roll.

The temporary census roll, of course, would be far less complete and accurate than the final membership roll. Accordingly, the bill also should specify that "the temporary census roll shall not be used as a basis for determining the right of any Native, village or corporation to receive funds and property or otherwise to share in the benefits accorded the Natives of Alaska under this Act." In other words, the legislation should distinguish between the right to receive financial benefits, where absolute correctness of the membership roll is essential in order to carry out the purposes of the settlement, and the right to participate in decisionmaking, where only a substantial majority of eligible Natives need be immediately identified in order to carry out Congressional intent.

SECTION 7. ALASKA NATIVE DEVELOPMENT CORPORATION

Text: Section 7 of the Hickel bill, among other matters, would provide: (1) for the organization of an Alaska Native Development Corporation under State law (subsection (a)); (2) for control of the Corporation by non-Natives until June 30, 1991, even though its assets and income belonged to the Natives (subsections (b) and (c)); and (3) for giving the Corporation exclusive power over the investment, expenditure or distribution of money derived from the Native Compensation Fund (subsection (h)).

Comments: The Interior Department report which accompanied the Hickel bill conceded that "we are still concerned that some

of the Corporation's activities might be considered incompatible with the laws of Alaska" (p. 5). As a matter of fact, the likelihood exists that State law now or as hereafter enacted may not comport with efficient operation of the Corporation and that, under such circumstances, Congress would be unable to remedy the difficulty. Indeed, the Hickel bill may be authorizing the creation of a corporation which cannot legally exist under Alaska law, or which, once created, could not legally perform the duties placed upon it.

Secondly, AFN takes the position, and believes that the State of Alaska concurs, that any single private company having the assets which would be vested in the Alaska Native Development Corporation under the Hickel bill could wield undue influence and economic power within the State. Furthermore, given the vast distances between points in Alaska and the great differences between Native communities in different parts of the State, a single statewide corporation cannot help but be unfamiliar with and thus potentially unresponsive to local needs and aspirations. If the Corporation is to be free of Federal domination, yet not itself become a dominating force, Native control and local institutions must be encouraged.

Recommendations: (1) Section 7(a) should be amended to provide that the Corporation be organized under the laws of the United States; in order to promote conformity with State practice, the rights and powers of the Corporation and the rules governing its internal affairs, could track the laws of the State of Alaska where feasible and appropriate. (2) Natives should be granted voting control over, and a majority on the Board of, the Corporation three months after completion of the temporary census roll or, in other words, nine months after the effective date of the Act. (3) The Corporation should be envisioned as merely the top of a pyramid, with the bulk of all funds received to be distributed to regional and/or village corporations.

SECTION —. ALASKA NATIVE COMPENSATION FUND

Text: Sections 2(a) and 7(b) and (h) provide for a payment by the Federal Government to the Alaska Native Development Corporation of $25 million per year for 20 years, or a total of $500 million, as compensation for the lands, interest in lands and other property rights which the Natives are relinquishing.

Comment: For all practical purposes, the present fair market value which a condemnation court might find for the 350 million acres in which Native title would be extinguished under the proposed settlement legislation is impossible to calculate. Since the Hickel bill was submitted to Congress, however, one event sheds some light upon what the property could be worth; specifically, the State of Alaska has received over $900 million in bonuses alone for oil leases on a tiny fraction of the North Slope—land, incidentally, where the Natives still possess aboriginal ownership. The true dollar value of all Native property in Alaska thus is staggering to contemplate.

In view of the magnitude of the areas and values being considered, the amount the United States should pay the Natives in order to reach a level of fair compensation obviously involves a question of judgment. The Administration in the Hickel bill and AFN are in agreement that $500 million is the proper number. Their differences lie in the scheduling of payments and over whether interest should be credited upon the unpaid balance, since, as the Interior Department report points out, if we "take the $500 million authorized by the bill and discount it by 4 and ⅝ percent over the 20-year payment period provided for in the bill, we come up with a present worth of approximately $322 million" (p. 6).

$500 million for 350 million acres in fact less than $1.50 per acre and, while not quite as good a bargain as Manhattan Island, the cost can hardly be characterized as extravagant. As a matter of equity, the Federal Government should pay the agreed (and publicly announced) price for the property it is acquiring in current dollars, not in promises of future cash payments which, after inflation also is taken into account, really will net the Natives less than 50 cents on the dollar. Moreover, when the United States buys from any other landowner and payment of the purchase price is delayed, it pays interest at the rate of 6%.

Secondly, $25 million per year for 20 years, as provided in the Hickel bill, amounts to about $400 annually for each of the estimated 60,000 Natives of Alaska. Such a sum, if distributed per capita, clearly would be spent on consumer goods, rather than long-range development, since $400 will not support a student in school, or build a house, or start a business. In order to have a meaningful impact, therefore, the compensation must be paid out more quickly and in correspondingly larger figures.

In addition to a cash payment, the Natives seek to retain a 2% royalty interest in the lands to which their aboriginal title is being extinguished.[1] Viewing the claims settlement in proper context as the purchase and sale of real estate, the principle of revenue-sharing, rather than being a novel concept, appears to fall within the ambit of normal land transactions and to be well tailored to provide the Natives an adequate payment for their property. In other words, when any private citizen disposes of land having an indeterminate mineral potential, the reservation of a royalty on future production is standard business procedure, and the Natives' desire to follow the same course in relinquishing their Alaskan land thus constitutes no exception to ordinary commercial practice. Furthermore, revenue-sharing in the public domain between States and the Federal Government has been the policy of our country for generations.

Secondly, revenue-sharing, in the form of a 2% royalty, will provide at least three major long-range benefits for the Natives of Alaska and thus go a long way towards insuring that the land claims settlement legislation works out successfully. Specifically, the 2% royalty, which would reflect future values and which also would represent a constantly increasing amount of compensation, effectively will prevent the Natives of Alaska from ever complaining (as has happened in the case of other settlements with Indians) that the price paid by the United States for their land was too low and should be readjusted. In addition, revenue-sharing would give the Natives not only a feeling that they are participating, but also a direct financial stake, in development of the resources of the State of Alaska—thus giving the Native and non-Native sectors of the populace a clearcut community of interest.

Perhaps most significant, revenue-sharing would provide continuing income which could be used by the Natives to rectify their mistakes. In other words, it is probably realistic to assume that, among the many Native corporations which the legislation contemplates will be established, a few will suffer from poor management or just bad luck. In the case of a lump-sum settlement, such a corporation and its Native owners would be doomed to failure because no resource existed to replace lost assets. In the event revenue-sharing is approved, on the other hand, a portion of the 2% royalty could be set aside to rescue corporations which fall upon hard times and thus relieve the Federal Government of the inevitable call for new financial assistance.

Recommendations: A new section should be added to the Administration's bill reinstating the Alaska Native Compensation Fund. As requested by AFN, the $500 million should be turned over to the Natives during an 8-year period, and interest at the rate of 4% should be credited on the unappropriated balance. Finally, the legislation should provide for retention by the Natives, and payment into the Fund, of a 2% overriding royalty in lands to which their titles will be extinguished.

SECTION 8. WITHDRAWAL OF PUBLIC LANDS

Text: Section 8 of the Hickel bill provides for the withdrawal of all public land, "except land withdrawn or reserved for national defense purposes, other than petroleum reserve numbered 4, subject to all valid existing rights, from all forms of appropriation under the public land laws, including selection rights under the Alaska Statehood Act, as amended, and including the mining laws, but not the mineral leasing laws" in up to nine townships around certain named Native villages, and further authorizes such villages to select, and thus obtain title to, a maximum of two townships.

Comments: No reason exists in law or equity for denying Natives full subsurface rights in their own lands. See *United States* v. *Shoshone Tribe*, 304 U.S. 111, 118 (1938); *United States* v. *Northern Paiute Nation*, 183 C. Cls. 321 (1968). Indeed, the Papago Reservation in Arizona was the *only* Indian reservation established in the history of our country where the United States withheld mineral rights from the tribe, and Congress remedied that breach of good faith under the Act of May 27, 1955, Public Law 84-47. The language of the Hickel bill providing that the Alaskan Natives may keep resources subject to the mining laws, but not resources subject to the mineral leasing laws, simply cannot be explained in terms other than Federal self-interest prevailing over justice.

Although Section 8(a) of the Hickel bill would authorize each Native village to select two townships—the one in which the village is located and one from the surrounding townships—and such selection theoretically could ripen into a patent to a maximum of 46,080 acres (section 10(b)), as a practical matter the village patent would be reduced in size by patents to individuals and organizations (section 10(a)).[2] More significantly, the bill authorizes the issuance of a patent only to an "incorporated native village" (section 10(b)), which is defined in section 3(h) as "any village incorporated as a governmental unit under the laws of the State of Alaska," even though it appears that some Native villages will not qualify so to incorporate (see Title 29, Alaska Statutes, §29.25.030). Finally, the Hickel bill specifies that each Native village shall make its land selection within one year (after which the withdrawal is revoked) "in accordance with rules and regulations established by the Secretary," but makes absolutely no provision for resolving overlaps where two or more villages select the same lands, or for safeguarding the villages' and selection rights if the Secretary fails or refuses to establish appropriate regulations within one year.

Recommendations: Section 8(a) should be amended to provide that all public lands as defined in the Act within the affected townships shall be "withdrawn, subject to valid existing rights, from selection by the State and from all forms of appropriation under the public land laws, including the mining and mineral leasing laws," and the conveyancing sections of the bill should similarly be changed to insure that Native vil-

[1] A memorandium showing that revenue-sharing is lawful in the context of the Alaska Native claims settlement can be furnished if desired.

[2] For discussion of the adequacy of land grants under the Hickel bill, see the analysis of section 10, *infra*.

lages can acquire title to all subsurface rights in their retained lands. Section 8 should be further amended (a) to extend withdrawals and permit land selections for a period of six months after the Secretary's regulations relating thereto are finally promulgated, (b) to provide procedures for resolving overlapping selections, and (c) to insure that each village in fact will be legally eligible to receive a patent.

SECTION 10. CONVEYANCE OF LANDS

Text: Sections 10 (b) and (c) of the Hickel bill provide that the Secretary, upon application, may issue a patent of up to 23,040 acres to an incorporated Tlingit or Haida village and up to 46,080 acres to all other incorporated Native villages, excluding subsurface resources subject to the mineral leasing laws.[3] The amount of land which will be confirmed in Native ownership under these sections and other sections of the legislation relating to homesites, campsites, etc., is estimated at 10–12 million acres.

Comment: The provisions of the Hickel bill covering land withdrawals and conveyances deal with one of the most crucial issues involved in the Native land claims settlement: the question of whether the proposed legislation sets aside for the Alaskan Natives an amount of land which is reasonably related to their current needs as well as past patterns of use and occupancy, and more importantly, whether the area of land to which Native villages can obtain title will be sufficient for future community use, expansion and development. For the following reasons, AFN submits that 10–12 million acres is inadequate to establish a viable Native economy, and that the allocation of roughly equal acreages (as against a fixed statutory ceiling) to all Native villages, regardless of their size, location and resources, will cause extreme hardships in many cases.

The Federal Field Committee Report, the most comprehensive survey of the literature on the Native way of life, expresses three major points in its discussion of the Alaskan Natives and their relationship to the land; (1) if grants to meet subsistence needs are to be made, then a minimum of 60 million acres will be required; (2) Native land use varies widely according to geographic location and biotic carrying capacity and, therefore, land grants to protect the Native subsistence economy should be allocated to villages in varying amounts based in proportion to the number of people the land will support; and (3) in order to provide the economic means for the Natives to make reasonable and sustained progress, any claims settlement legislation should not only protect subsistence resources, but also confirm Native title to commercially valuable properties.

As noted in the Field Committee Report, projections of Native land use based upon surveys of the number of individual villages throughout the State suggest that the acreage required for traditional subsistence needs actually totals 80–120 million acres, or, in other words, about double the area AFN is requesting. The studies further suggest a wide variation in environmental living patterns. The villages of Kivalina, Noatak and Point Hope, for example, with a total population of 7,446, have subsistence needs of 6,430,720 acres, exclusive of use of the sea and its marine and annual resources. Five village populations, totalling 215 persons, in the Upper Yukon-Porcupine Region "in all cases range over an average radial distance of 40 to 50 miles from home," thereby using at least 3.2 million acres apiece. Other Native villages, of course, particularly in Southeast Alaska, make far less extensive use of the surrounding country.

Native dependence on the land is not casual, but is the central feature of the present-day Native economy. Again according to the Field Committee, a survey of 35 villages in Northern and Interior Alaska indicates that more than half the population depends on subsistence activities to provide half or more of its food. A dietary study of the residents of 11 villages shows that "local food, chiefly meat and fish, are still the foundation of their diets." In short, a substantial number of Natives now rely, and for the foreseeable future will continue to rely, upon the subsistence use of large areas of land in Alaska in order to survive. Moreover given the cost of food and other essentials in the Alaskan economy, the cash payments provided under the proposed legislation cannot furnish anything but inadequate substitutes for such subsistence activities.

Implicit in the land features of the Hickel bill is the assumption that the Natives soon will abandon village life and, with the development of Alaska, will migrate in increasing numbers to urban centers for permanent wage work. The Field Committee Report contradicts this assumption.

Village population in the last 20 years has grown substantially. Furthermore, any projections on rural Native population movement must take into consideration the desires of the Native people themselves. The Field Committee Report states that a survey of 1000 men in Northern, Interior and Coastal villages indicates that "about ¼ told interviewers they would not accept any employment. Of the more than 750 who said they would accept employment, nearly 300 said they would accept only temporary employment—and ⅓ of those said they would accept such employment only near home." With respect to the last possibility, the Report further points out that the Natives can expect little employment from local oil or mineral exploitation—a prediction which is being confirmed by experience on the North Slope.

Similarly, the Field Committee Report points out that, in large areas of Alaska, opportunity based on natural resource occurrence is extremely limited. Commenting on the economic potential of the southwest coastal lowland region, for example, the Report states, "no glib, uninformed, theoretical pronouncements can change the natural resource endowments of the region, and, in summary, we can note that only the anadromous fishery resources—of the entire natural resource spectrum—offers any significant potential for cash income to augment subsistence food harvest requirements. Even here the impact can only be local around the Bethel area where facilities are capable of development and may be served by adequate transportation arrangements, since the Yukon fisheries run is virtually totally committed to subsistence use and coastal and tundra villages are too far removed from the scene to benefit from Kuskokwin River commercial fishery harvests." The Report adds that "these facts are extremely important to understand if land tenure adjustments and monetary settlements for the natives of the region are to be achieved in harmony with environmental subsistence requirements."

In summary, the findings of the Field Committee lead inevitably to the conclusion that "Alaska Natives as a group now have little if any stake in a continuation of the present of regional economic development. It follows also that they have little stake in a resolution of their protests and claims for the sake of removing obstacles to economic development, unless that resolution involves either the creation of *new kinds* of economic opportunity for individual Natives or Native groups or a substantial transfer of commercial valuable assets to them. Unfortunately, the land provisions of the Hickel bill would deprive the Natives of the basis for their present economy, but would not set up the means for a successful transition to a new cash economy.

Recommendations: If the land claims settlement is not ultimately to become the starting point for a long slide by the Natives of Alaska into the poverty and despair of their American Indian relatives, the proposed legislation should be amended to raise the Native land entitlement from 10–12 million acres to 40–60 million acres. As urged by AFN, the property so confirmed in Native ownership should be allocated on a regional basis, with each regional corporation being granted lands in proportion to its share of the total Native claim area. (On this basis, those regions where the Natives use the most land also will retain the most land—a result not possible if land were divided on a population basis.) Finally, in order that the Natives may be able to select their full land entitlement, section 8 of the bill must be amended to authorize the withdrawal of additional portions of the public domain.

SECTION —. ADMINISTRATION OF LANDS

Text: Section 8(c) of the Hickel bill provides that "the applicable laws and regulations, other than the mining laws, shall govern the use, management, and administration" of withdrawn lands, while section 10(j) provides that where a contract or lease affecting such lands has been made prior to patent, the lessor or contractor shall continue to receive the income from, and administer, the lease or contract even after patent.

Comment: The provisions of the proposed legislation dealing with the management of lands withdrawn for the benefit of Native villages are inadequate and misconceived. In short, although the Native villages now are the beneficial users of such property and ultimately will have clear title thereto by virtue of the legislative settlement, the Hickle bill would vest unreviewable control over the use, management and administration of the land in the Secretary, so that he would be fully authorized to grant leases, permits or concessions thereon without the consent of the Natives, and even after patent the income from such leases, permits and concessions would go to the Federal Government and not the Natives.

Recommendations: The Administration's bill should provide: (a) specific procedures for the issuance of easements and rights-of-way across withdrawn and selected lands; (b) that the Secretary may not enter into a lease, contract or permit covering withdrawn lands which has more than an 18-month term; and (c) that the benefits of any leases, contracts or permits shall run to the Native village after the land involved has been selected.

SECTION 14. REVOCATION OF RESERVATIONS

Text: Section 14 of the Hickel bill provides for the revocation of all reservations in Alaska set aside "for native use or for administration of native affairs . . . subject to any valid existing rights of non-natives."

Comment: In terms of fairness and human expectations, the land claims settlement should not be the basis for depriving Natives of property they now have or, stated another way, no Native group should end up after passage of the proposed legislation in a position worse than it had occupied before enactment of the statute. Section 14 of the Hickel bill, however, would achieve just that result for a few fortunate Native villages, such as Tyonek and Venetie, which already enjoy more land or resources than they would be entitled to receive under the settlement. Moreover, although the Tsimshian Indians are excluded from any benefits under the legislation by the definition of "native" (sec-

[3] For a discussion of this exception, see analysis of section 8, *supra*.

tion 3(b)), section 14 fails to preserve either the Annette Islands Reserve created by the Act of March 3, 1891 (26 Stat. 1101), or the fishing rights of the Tsimshian Indians given recognition in *Metlakatla Indian Community* v. *Egan*, 369 U.S. 45 (1962).

Recommendations: Section 14 should be amended: (1) to accord any Native village which now has beneficial use of a reservation the option to obtain title to such reserve in lieu of its selection rights under the Act; (2) to exclude the Annette Islands Reserve, and corollary fishing rights, from the revocation; and (3) to provide that the revocation of reserves shall be subject to any valid existing rights of Natives as well as non-Natives.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to limitation of debate.

The PRESIDING OFFICER (Mr. STEVENSON). The question is on agreeing to the motion to postpone for one legislative day the motion to proceed to the consideration of Senate Resolution 9.

Mr. BYRD of West Virginia. Mr. President, I thank the able Presiding Officer. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD of Virginia. Mr. President, I was greatly encouraged by the vote taken in the Senate yesterday. The Senate by a vote of 48 to 36 for the third time in 3 weeks refused to invoke cloture. To me this was very encouraging. It shows, I feel, that the demand to change the rules of the Senate is not as widespread as the communications media would lead people to believe. It is not as widespread as some Members of the Senate would lead the people to believe.

Mr. President, not even a majority of the elected Members of the Senate supported cloture on yesterday. The effort to bring debate to a close fell eight votes short of the number necessary to close debate.

Mr. President, the three votes that the Senate has taken in the last several weeks as to whether debate shall be brought to a close dramatizes that there is a procedure in the rules of the Senate to bring debate to a close whenever a sufficient number of Senators feel that such debate should be brought to a close. This rule basically goes back to 1917. Before that time, Mr. President, the Senate had no way to bring debate to a close. There was unlimited debate and no procedure for shutting off debate. But since 1917 there have been in the rules of the Senate what is essentially the present rule XXII. That rule makes it possible—and the rule has been utilized—to bring debate to a close.

Mr. President, were there not such a rule in the Senate today, I would favor the adoption of such a rule. I think it is necessary and desirable that the Senate have a way to shut off debate. However, I submit that the Senate does have such a way and has had such a way to shut off debate whenever a substantial majority wanted to bring debate to a conclusion. It has had that right since 1917, for 54 years.

Mr. President, the effort to change the rules of the Senate is bogging down. I think the vote on yesterday when only 48 Members of the Senate voted for cloture, emphasizes the fact that this whole question of changing rule XXII is losing much of its appeal.

I am glad that this is so, Mr. President, because I think it would be unwise, very unwise, for the Senate to change this rule, the purpose of which is twofold:

First, it is a means of shutting off debate when a substantial majority of the Senate want to shut off debate; and

Second, it is a protection of the rights of the minority against the will, or what could be, the tyranny of a majority.

Mr. President, I support rule XXII as it exists today. As it exists, Mr. President, whenever two-thirds of the Members of the Senate present and voting care to do so, they can shut off further debate and bring the pending measure to a vote.

Mr. President, when I last spoke to the Senate concerning the importance of retaining rule XXII, I had begun to discuss the significance of the 10th amendment of the Constitution of the United States.

That this important amendment, which I say is too often ignored in this day and age, this amendment which assures the fact that this country is a republic, was omitted from the initial draft of the Constitution, is in itself remarkable, but as we know the error was rectified in short order. The 10th amendment, when read with the other provisions of the Constitution, makes it apparent that the Government of this country was intended to be a government which would respect the interests of the people as one body, and of the States as another body.

The 10th amendment reads as follows:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Let us never forget that it was the States who created the general government, not the reverse.

Therefore, when assembled in the Senate of the United States, each State has a voice which is equal to that of her sisters, irrespective of population.

Mr. President, I invite the attention of Senators who represent small States, and who are supporting the change in the rule, to a few population statistics. All of us know that regardless of size and regardless of population, each State has two votes in the Senate. That applies to States with a very small population—less than 1 million in many cases—and it applies to the States with the largest population—California with 20 million and New York with roughly 20 million. There are those who say that the Senate should do away with rule XXII or liberalize rule XXII whereby majority cloture can be invoked. I submit that if that principle is a desirable one which is needed to bring about democracy in this country, that it could be argued that States like Hawaii, Alaska, Arizona, Montana, and any number of smaller States with limited populations, should not have the same representation in the Senate as California, New York, Michigan, New Jersey, or Virginia.

Incidentally, Virginia is one of the largest States of the Union now. Virginia has a population of 4.7 million. It is the 14th most populous State in the Union. I feel when I speak on behalf of the smaller States in this Union I can do so without being accused of lobbying in a selfish vein inasmuch as the State I represent, the Commonwealth of Virginia, must be considered with her 4.7 million population as one of the largest States of the Union.

If we want to carry the proposal to change the rules of the Senate, if we want to put it on the basis that the rule should be changed because a majority should have the right to shut off debate; or as the pending proposal calls for, that 60 percent of the Senators should have the right to shut off debate, then let us look for a moment at what would happen nationally if that same principle were applied.

There are nine States in the Union that comprise 52 percent of the total population, if the population of those States is added together. If five more States are added, then a total of 14 States have 60 percent of the total population of our Nation.

The nine States which have a combined population of 106 million persons out of the total of 204 million persons, are California, New York, Pennsylvania, Texas, Illinois, Ohio, Michigan, New Jersey, and Florida. Then, if we add the next five States in population, that is, Massachusetts, Indiana, North Carolina, Missouri, and Virginia, it will be found that those 14 States, collectively, have within their borders more than 60 percent of the total population of the 50 States of our Union.

It is basic to the concept of the Senate that the Senate represents States rather than people. If that were not the case, then each State would not be entitled to two, and only two, representatives in the Senate.

By allowing a full and free discussion of issues before the Senate, we further the purposes and intent of the framers of the Constitution, and of the author of the 10th amendment, by injecting a device which would allow protection of minority rights. Thus, before a collection of legislators from the more populous States can work their will, possibly to the detriment of the smaller States, a measure must be debated, at length, if necessary, in order to preserve that which

the Constitution foresaw; specifically, the protection of smaller States against actions of the larger States.

In reiteration, I feel that rule XXII historically is in complete agreement with the spirit of the Constitution.

Moreover, it is obvious, that in repeatedly utilizing the two-thirds formula for major decisions, that the Founding Fathers of this Republic considered that this number, and not three-fifths or a simple majority, to be the measuring point of the importance of a given proposal.

It was from this guideline that the Senate, in 1917, enacted the two-thirds proviso on cloture.

I might say at this point that the present provision providing for cloture was presented to the Senate in 1917 by one of my predecessors in this office, the late Thomas S. Martin, U.S. Senator from the State of Virginia from the year 1893 until his death in 1920. Senator Martin was serving as majority leader of the Senate in 1917. In March of that year, just prior to the outbreak of World War I, at the request of President Wilson and because of the very critical situation throughout the world, Senator Martin presented to the Senate the essence of what is now rule XXII, which provides for means by which the Senate could bring debate to a close.

Mr. President, I think it is significant that the following year, 1918, when our Nation was in the midst of war, an effort was made to change rule XXII, which provided for a vote of two-thirds before cloture could be invoked, to make majority cloture possible during the period while the United States might be at war. The Senate debated that matter, and despite the fact that the Nation was then at war, the Senate refused, and I think on just and desirable grounds, to further restrict the right of extended debate. So for 54 years now, this body has had as one of its fundamental rules, rule XXII, which, as I mentioned a while ago, has a twofold purpose. The country should realize it has a twofold purpose. One purpose is to give to the Senate and to Senators means by which debate can be brought to a conclusion. The second purpose is, while doing that, to simultaneously protect the rights of the minority.

The present resolution which is being debated, calls for an abandonment of the two-thirds requirement, and a substitution of three-fifths, or 60 percent. I would submit to the Senate that this is but a thinly disguised step on the road toward the establishment of tyranny by the majority, which would in time trample upon the rights of the minority.

This proposed change would lead, in my view, to future demands for majority cloture. Thus we have before us the possibility that if only a bare quorum of Senators were present, that 26 men could impose a gag rule upon the Senate and push legislation toward hasty and precipitous consideration.

Then, it would not be a question of the majority working its will, but a question of the minority forcing its way.

The requirement of an extraordinary vote for actions considered vital by sizable groups of people is not a denial of the freedom to change. On the contrary, it is a guarantee that change will be accepted by the people who must live with it. It is a guarantee against unwise and inflammatory legislation which can destroy the bonds of citizenship.

I am unconvinced that in this day of instant causes and overnight crises, magnified by an overzealous communications media, if the Senate of the United States were to impose upon itself a gag rule on deliberation of legislation, that this Nation would receive the cautious and well-considered legislation which is so desperately needed at this time.

Too often, we have seen demonstrations by groups from the right, left, and other virulent sources, to create instant panaceas for whatever convulsion is spurring the action of these pressure groups at one particular time.

I need not remind the Senate of the past follies which have resulted from an overreaction to what is termed the latest crisis.

While a minority might be able to obstruct or delay legislation, the alternative is to give to the majority the right to oppress the minority.

I am not persuaded by the sloganeering of those who attempt to equate a free form of government with the principle of majority rule.

Were the principle of the majority rule considered absolutely sacrosanct, then this body, the U.S. Senate, would never have been created in the first place. The Senate of the United States was established with an eye toward protection of the rights of the minority, protection of the small States, protection of the unique geographical divisions in this Republic, and protection of the many voices of our diverse people.

We have a wonderful country. We have a very large country geographically as well as in population, but we are a diverse country. The conditions which exist in one area are unique, in many cases, to that particular area and are quite different from the conditions which exist elsewhere. That is why the Senate was created as it was—to represent the States, while the House of Representatives was created to represent the people. As a result, the House was designed, and has been for the most part through the years, to be closer to the people at any particular time. The House of Representatives must submit its membership to referendum every 2 years. Senators, of course, have 6-year terms, one-third being before the electorate each 2 years, and the Senate is further removed from the people for that reason and further removed from the people also in the sense that each State has two Senators regardless of size, and by the fact that the makeup of the Senate is not predicated upon population.

So I say that if we in the Senate are going to take the view that the free form of government requires adherence to the absolute principle of majority rule, the Senate itself will no longer be the Senate as we know it. A State such as California would have a very large number of Senators, and States sparsely populated would have very few.

The majority rules on most issues. I think that is sound. It should.

But on questions which involve the deepest interests of large segments of our people and whose effects will be visited upon generations to come, some wider consensus must be sought. Meaning no recrimination whatever to this body as a whole, nor any Member thereof, I must say in all honesty, that the fact cannot be escaped that there are times when even a majority of this body finds itself out of step with the people as a whole. The opportunity to pause and reflect upon the issues before the Senate, presented by rule XXII, grants to us the chance to obtain some depth of feeling for the true consensus of the people on a given issue.

I believe we should distinguish between issues affecting the daily affairs of running a community and those which would change its whole way of life.

These latter issues must be referred to a broader majority and must await general acceptance if they are to succeed in their purposes.

Government is only part of a larger web of community, and it is dependent on the support of that community for its effectiveness. Most students of history and government recognize this.

It is no secret, of course, that what is really at issue today is a change in rule XXII. The question of whether or not the Senate is a continuing body is merely a tactic by which advocates of the rule change hope to squeeze out a victory over free and unlimited debate in the U.S. Senate.

But even a change in rule XXII is not the main issue. That remains to come. Given the rules change, there will be nothing to prevent the denial of an effective voice to those with dissenting views or alternative proposals for settling problems.

That is the real issue in all of this—whether the deep social, political, and economic questions affecting this country and the whole world should be settled by recourse to a nose count or by reference through debate to the thoughts and opinions of all involved.

James Madison described how this body, the U.S. Senate, was created to prevent just such a course of action, when he wrote in Federalist No. 10:

> The influence of factious leaders may kindle a flame within their particular States, but will be unable to spread a general conflagration through the other States: a religious sect, may degenerate into a political faction in a part of the Confederacy; but the variety of sects dispersed over the entire face of it, must secure the national Councils against any danger from that source: a rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union, than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire State.

Rule XXII does not stand in the way of a decision. I wish to emphasize that, Mr. President. Rule XXII does not stand in the way of a decision by the Senate. Whenever a sufficient majority of the Members of the Senate feel that debate

should be eliminated, then, under rule XXII, debate can be brought to a close. During the debate on whether or not rule XXII should be changed, I have said a number of times that if there were no way under the rules by which cloture could be invoked, debate shut off, and a measure brought to a vote, if there were no way under the rules to accomplish that, then I would favor a change in the rules.

But, Mr. President, that is not the situation. Rule XXII provides that whenever two-thirds of the membership of this body, present and voting, vote to shut off debate, debate shall be halted and a vote shall be had on whatever issue is at that time pending before the Senate.

I emphasize that, Mr. President, because too often those who want to change the Senate rules, too often those members of the communications media feel that the rules should be changed, lead the people to believe that there is no way that the Senate can bring debate to a close.

That simply is not correct. The Senate does have a means to bring debate to a close, and that rule has been a part of Senate procedure for 54 years.

The rule does prevent a bare majority from stifling the remainder of the Senate, even though the remainder of the Senate might represent a very substantial percentage of the total membership.

So I say, Mr. President, that the more that one considers the purposes of the Senate, the more one considers the need to protect minority views and interests, the more one reaches the conclusion that Senate rule XXII is a fair rule and, indeed, a necessary one.

Mr. President (Mr. GRIFFIN), I say that a good measure—one that has widespread public support—will not be killed by rule XXII. The truth of this statement is amply illustrated by the fact that it is indeed a rare occasion when a period of extended debate, initiated by one or two Senators, is successful in forestalling permanently, legislation which is desired by the majority.

Rule XXII gives protection to majority and minority alike. For it can never be known when the two will change places. It seems to me that this is what many of our colleagues tend to overlook. Those who may be in a majority today may find themselves in a minority tomorrow, or next week, or next month, or next year. Those of us who have faced election—I might say in that connection that I have been on the ballot nine times—always must be aware of the fact that even though we had a majority with us in the past, it will not necessarily be there in the future. I submit that it is the same with respect to the great issues facing our Nation. Times and conditions change. A group that may be riding high at one particular time, in one particular year, on one particular occasion, may very well find itself in a minority position at a subsequent date.

That is why I say that it is important that we have rules. It is important that we have rules in the Senate that will protect majority and minority alike. I say again, it can never be known when the two will change places.

Under a continuing rule XXII, that change of place may come about with no injury to the rights and freedoms of those involved. The Senate has demonstrated time and again that where there is sufficient public and senatorial support, debate can be cut off and the issue resolved. I think that thought should be emphasized. We do not see that in the public press. We do not see that on television. We do not hear that on the radio. But the fact is that, under the rules of the Senate, cloture can be invoked and debate can be shut off. The only requirement is that there be a sufficient majority favoring such action.

In the long history of the U.S. Senate, there have been many Senate giants who argued as did Senator William E. Borah of Idaho, who said:

> I have never known a good measure killed by a filibuster or a debate. I have known of a vast number of bad measures, unrighteous measures, which could not have been killed in any way except through long discussions and debate.

Mr. President, I believe keenly in the accuracy of that statement by that great Senator from Idaho who was around these halls some 30 years. I read again what he said:

> I have never known a good measure killed by a filibuster or a debate. I have known of a vast number of bad measures, unrighteous measures, which could not have been killed in any way except through long discussions and debate.

Others who argued in a similar vein—and I might say that all of them were of a liberal philosophy—were Wisconsin's Robert LaFollette, Nebraska's George Norris, Wyoming's Joseph C. O'Mahoney, and New Mexico's Dennis Chavez.

Senator LaFollette, as Senators are aware, was elected as a Progressive. He was one of the foremost liberals of his time. If I recall correctly, he was not listed in the Senate as either a Republican or a Democrat.

He was listed in the Senate as a Progressive. He ran on a third-party ticket for President of the United States as a Progressive. He was one of the foremost liberals of his day. Yet, he was in fact one of the greatest filibusterers in the Senate's history.

In 1908, he spoke for 18 hours and 23 minutes—a record that stood for 39 years—in an attempt to defeat a bill to allow banks to issue currency on security other than Government bonds.

The words of Senator Borah, which I read a few moments ago, are equally as true today, in my judgment, as they were when they were spoken. I think it can be said without fear of contradiction, that the negative effects of extended debate are extremely overrated. While it would be admitted that extended debate as practiced by a few Senators on any given piece of legislation might have the effect of slight delay in the Senate's consideration of that legislation, it simply cannot be said with any authority that a few Senators could permanently impede or defeat the legislative intent of this body as a whole. Sheer mathematics prevents such a course of action.

It is only when a large group of Senators feel very strongly about a particular issue that extended debate can be effective.

With the existence of rule XXII, as it is written today, embodying the Constitutional numerator of two-thirds to cut off debate on an issue before any such debate could reach the point of permanently impeding legislation, a considerable number of Senators would, of necessity, have to be engaged in such debate. This is precisely the reason for the existence of rule XXII. It is to protect the rights of this sizable minority who wish to be heard on a given issue.

Rule XXII was not designed to give a single Senator, or even one or two Senators, the right to defeat legislation. It is quite obvious from the way the rule is written, and has remained since 1917, that such course of action is impossible. Moreover, it is clear that throughout the long history of the Senate, that one or two, or a handful, of Senators, even prior to the adoption of rule XXII in 1917, have never been able, on their own, to stifle the legislative will of the rest of the Senate.

Therefore, I am of the strong view that the propaganda which is continuously launched against the existence of rule XXII, in which it is claimed that the mere presence of the rule allows one or a handful of Senators to defeat legislation at will—this propaganda is simply without factual basis, and should be dismissed from the course of argument on this subject, for that reason.

The filibuster is not the exclusive weapon of any philosophy, a party, or section of the country.

In the second vote on cloture during the debate, it became perfectly apparent that the adherence of the right of extended debate in the Senate represented a great cross-section of this Nation. Thirty-six Senators voted against cloture subsequent to the filing of both the second and third cloture motions. In addition to the 36 who voted against cloture, there were at least four other Members of the Senate who were either paired against the motion to cut off debate, or who had previously announced their opposition to this motion. No one can seriously contend that any ideological factor or any geographical section of this country can command the support of 40 U.S. Senators. Therefore, it is apparent that there is widespread opposition in this body to the limitation of debate.

I was greatly encouraged yesterday that those who would shut off debate in an effort to bring about a change in the rules received only 48 votes—less than a majority of those elected and serving in this body. It is one of the few encouraging signs in government I have seen recently. I have been alarmed and discouraged that the budget proposal of the administration, which goes completely contrary to the pronouncements of the administration a year ago, will start this country farther down the road of deficit spending. Recently there have been few encouraging signs—to me, at least.

But I was greatly encouraged by the vote yesterday which appears to me to show widespread sentiment in the Senate to maintain rule XXII. It is vitally important that rule XXII be retained

for two basic purposes; namely, one basic purpose, to give the Senate a means to shut off debate, and the second basic purpose, to protect those who happen to find themselves in a minority on a particular issue.

A review of the voting results of the second vote on cloture this session on the present motion, reveals that the opponents of cloture represented 28 States of the Union—well over a majority of the States. I do not believe that those who support the right of extended debate can in any fashion be characterized as a willful, small band of Senators representing a sectional, minority outlook, when in fact the elected representatives of over half of the States in the Union have expressed on three occasions their opposition to the stifling of free debate in this Chamber.

I reiterate what I said on previous occasions that those who so strongly insist on the change in the rules today would be well advised to consider their own positions in the future.

Mr. President, I have reason to believe that some of our colleagues are changing their minds as to the desirability of liberalizing rule XXII.

Increasingly, the right of extended debate has come to be used by those described as "liberals." In fact, I am most interested to note, that of late, certain segments of the press that can hardly be described as "conservative" in outlook, have indicated that even the liberals are having second thoughts about the value of rule XXII in our present turbulent society.

Only recently, the Senator from Wyoming (Mr. HANSEN) and I discussed the recent commentary by Mr. Nicholas von Hoffman of the Washington Post, who wrote in defense of rule XXII. Now I notice that the New Republic magazine has added its editorial voice to those from the liberal side of the fence who are having a possible change of heart concerning the use of extended debate. I would not claim to be in full philosophical accord with the editorial policy of the New Republic. In fact, in the past, I am sure that that publication would have been profoundly shocked to have found itself in agreement with me on any issue. But I wish to call to the attention of the Senate that even the New Republic is beginning to see the light, and with the indulgence of the Senate, I would like to call attention to its editorial in the February 20, 1971, issue of that magazine:

FILIBUSTERS

Liberals, many of whom are poor at arithmetic, like to think that they constitute a majority in the United States. They also tend to be addicted to ideological abstractions. We know whereof we speak, for we speak from introspection. And so on issues of the structure of institutions of government, liberals generally favor simple, straight-out majoritarian solutions. Hence, about every two years, they lead a fight to abolish the filibuster, or as currently in the Senate, to make it relatively easy to stop one by allowing cloture to be imposed on a three-fifths (60 percent) vote.

But of the several filibusters that marked the second session of the 91st Congress, and particularly its last few weeks, most were conducted by liberals—and to very good purpose: to block the supersonic transport or expenditures for U.S. forces in Cambodia. For on most issues, liberals scarcely form a majority in the Senate, certainly not in the Congress as a whole. All too often, the problem the liberals face is not to get something past an obstructive minority, but to give an impatient majority pause.

Is the ideological case against the talk-athon, the case against it on principle, so strong then that the liberal position is justified even though, in practical terms, it runs counter to self-interest? Well, to begin with, a simple majoritarianism is not the overriding organizing principle on which the institutions of our government rest. Senate seats are not apportioned on a population basis, the Supreme Court is not a majoritarian institution, the Constitution itself, which is very difficult to amend, is not a majoritarian device, and neither very often is the Presidential veto. "The American idea of a democratic decision," wrote Walter Lippmann on the occasion of another of these anti-filibuster fights 22 years ago, "has always been that important minorities must not be coerced. . . . For if that principle is abandoned, then the great limitations on the absolutism and the tyranny of transient majorities will be gone, and the path will be much more open than it now is to the demagogic dictator who, having aroused a mob, destroys the liberties of the people."

It is of course true both that minorities can and should ultimately be coerced on many occasions—as in the past 16 years we have time and again successfully coerced an important segregationist minority—and that institutions and devices other than the filibuster are available for their protection. But the filibuster has the virtue at its best of giving the majority pause without necessarily stopping it, and of testing its intensity against that of the minority. The ballot is an excellent counting mechanism, but it neither measures nor weighs what it counts. It does not, therefore, register intensity, and we are consequently relegated, for the most part, to the street, or to exaggerated and even violent rhetoric, when we want to give witness of the depth of our convictions, and test the will and conviction of our opponents.

The filibuster could be destructive, if used indiscriminately by incontinent men, or if no majority, however large, were sufficient to overcome it. But all the institutions and devices of our government, not alone the filibuster, have it in them to destroy everything else in the process, once restraint and trust and ultimate civility are gone. And the power of a majority that is large enough and, what is more important, that is confident of the validity of its purposes and correspondingly determined, is ensured by the present Senate rule, under which cloture can be imposed by a two-thirds majority of members present and voting.

(At this point Mr. TAFT took the chair as Presiding Officer.)

Mr. President, I compliment the editorial writer, not because I happen to agree with him, but because I am frank to say that he sets forth the case far better than I could. His use of words and phraseology is far better than my own.

I commend the editorial writer of the New Republic for this editorial because, in a few short paragraphs—actually five paragraphs—he sums up the case against changing rule XXII.

This makes clear, Mr. President, that whether one adheres to what he might call a conservative philosophy or a liberal philosophy, or regardless of how one may feel on a particular situation, he would be very well-advised to support rule XXII in its present form.

Mr. President, I wish to pick out a sentence or two from the editorial for additional comment. The last paragraph begins thusly:

The filibuster could be destructive, if used indiscriminately by incontinent men, or if no majority, however large, were sufficient to overcome it.

But as the editorial then points out, a majority sufficiently large when it becomes aroused, and when it desires to do so can override the filibuster.

I wish to emphasize again that those who oppose the change in rule XXII have to combat not only Senators who wish to change the rule, but also we have to combat practically the entire news media, which gives the public the impression that there is no way in which the Senate can curb filibusters.

It is not true that the Senate has no way to curb filibusters. Rule XXII provides that whenever two-thirds of the Members of the Senate present and voting feel that debate should be cut off the two-thirds, by so voting, can bring debate to a close and have the pending question put to the Senate as a whole. That is one of the basic parts of rule XXII; that is the reason it was placed on the books; and that is the reason for the existence of rule XXII. That is why former Senator Martin of Virginia in 1917 introduced rule XXII whereby there would be a means to shut off debate. Prior to 1917 there was no means to shut off debate. The entire purpose of rule XXII, the reason for its existence, was to give the Senate a means under its rules to bring debate to a close.

Rule XXII, having that as its basic purpose, simultaneously gives a protection to the minority by providing that a bare majority is insufficient to limit debate; but whenever two-thirds of the Senators present and voting desire to do so, then debate can be brought to a close.

Mr. President, the term "filibuster" has frequently been used during the consideration of this rule change. The word initially referred to English buccaneers of the 17th century, and later to American adventurers of the mid-19th century who led armed attacks against small Latin American countries.

In the Senate, it has come to mean the use of dilatory tactics by a minority to defeat, stall or force a compromise in legislation supported by a majority.

The connotation is unfortunate. It tends to lump all extended debate together as an obstruction to action. With less prejudgment, such debate may be found to be an aid to understanding. Those who listen may come to understand both the merits of the speaker's position, and the strength and determination of his conviction. It is the latter element which is not registered in a simple majority vote. But in many ways this intensity of feeling may be more important than sheer numbers.

Rule XXII permits just such a test of conviction on both sides. The opposition can hold out only so long as a two-thirds majority lacks sufficient strength of conviction to muster its forces. This is a test that numbers alone cannot provide.

Too often, the commentators upon the

evils of rule XXII, tend to overlook the fact that the end product of extended debate, is not always either cloture and passage of an issue, or permanent abandonment of the proposal before this body. In many more instances, especially in recent years, the right of free debate has given rise to compromises and amendments, which, while not totally satisfactory to the extremes on either side of an issue, represent in themselves, a philosophy more closely akin to that of the entire Senate.

Unfortunately, this phenomena of compromise, whereby a more perfect bill is achieved, is labeled by those who conduct only a perfunctory study based upon preconceived notions, as "weakening" the bill. This is not so.

In many cases it strengthens or helps the bill, for while a majority might pass legislation, oftentimes it lacks the ability to govern effectively in the face of determined opposition by the public as a whole to the legislation it has enacted. With the addition of compromising and clarifying amendments following a period of extended and free debate, that segment of the public which was unalterably opposed to the legislation, at the outset, is much more readily attuned to accept it.

I do not deny that on occasion both liberals and conservatives have used rule XXII in a dilatory fashion; but more often, I think, the debates under rule XXII are constructive and useful to anyone interested in arriving at an objective conclusion, and at a breathing period, as in the SST legislation.

No one has expressed this point better than our beloved former President pro tempore of the Senate, whose recent passing we have all mourned. When he wrote:

> For the greater part of our history, the right of full and free debate in the United States Senate has stood as a vital safeguard over the right of the minority to protest against legislation it believes to be injurious and oppressive.
>
> According to a popular misconception, a Senate filibuster consists of long and dilatory speech-making, wholly irrelevant to the legislation question at hand, designed solely to wear down the opposition.
>
> Sincere advocates of freedom of debate in the Senate reject this notion. The objective of full and fair debate is to inform, to educate, to expose, and—if possible—to convert. It is not an abuse of freedom of debate in the Senate to speak at length, if what is said is pertinent to the issues and if the discussion is serving to enlighten the Senate and the country on the merits or demerits of a proposal.
>
> A check of the pages of the Congressional Record will show that this is precisely what the opponents of the civil rights proposals did in 1957 and 1960. I do not recall a single reference to "pot likker" or "hush puppies," and no one read from a telephone book or mail-order catalogue.
>
> The present rule of the Senate that allows a high degree of freedom of debate—as will be seen later, it is not absolute—is the natural outgrowth of the peculiar position that the Senate occupies under our constitutional system. Indeed, the right of an individual Senator to insist on full discussion of any question or issue is the essential element which distinguishes the Senate as the greatest deliberative body yet devised.
>
> Under the gag rule, Senators would serve little other purpose than to act, in effect, as additional members of their state's delegation to the House of Representatives. For once the Senate yields the right of its members to express themselves fully, it undoubtedly would be only a matter of time before Senators would find themselves begging for the privilege of speaking for five minutes—as can and does happen under the rules of the House.
>
> It also is probable that the loss of freedom of debate in the Senate would be followed by an attempt to abolish the Senate's time-honored right of amendment, the other principal characteristic that distinguishes the Senate, in Gladstone's description, as "the most remarkable of all inventions of modern politics."
>
> Indeed, these rules have enabled the Senate to function as a legislative body without serious detriment to the welfare of the United States throughout our history. They have enabled the Senate to discourage and prevent excesses by the temporary majority of the moment that may seek drastic change for selfish or partisan gain.
>
> Freedom of debate in the Senate, so long as it is preserved, serves as a protection of the fundamental rights and liberties for which men for thousands of years have fought, sacrificed and died.

That is the end of the quotation from Senator Richard B. Russell, of Georgia, who, incidentally, served in the Senate longer than any other individual in the history of our Nation with one exception. Senator Russell came to the Senate in January 1933, and served here until his death January 21, 1971. Only the beloved Carl Hayden, of Arizona, served longer in the Senate than did Senator Russell. Senator Hayden served for 42 years as a Member of this body. If I remember correctly, he, along with Senator Russell, was a consistent supporter of the right of extended debate, because both of those men, who had served so long in this legislative body, knew the importance—the importance to the Senate, but, more than that, the importance to the liberties of the American people—of having in the Senate, the right of extended debate of the great issues upon which this body must pass.

Important as the right of extended debate has been in the past, I happen to be one who believes that it will be even more important in the future. I say that because Government has become highly centralized. The cost of Government has skyrocketed. The powers of the President have become greater and greater. Once the Congress appropriates, the President, whoever he may be, has vast billions of dollars to be spent under his control and direction.

I submit that the question as to whether rule XXII should be changed so that debate can be shut off by a fewer number of Senators really goes beyond, in its full implications, the rules of the Senate themselves.

It seems to me, as the months and years go by, that the fact that the Senate of the United States has the right of extended debate can have a very far-reaching influence on the course of the executive departments and the Chief Executives of our Nation.

Mr. President, I am not speaking with regard to the present occupant of the White House, or any past occupants, or those who will come in the future. Regardless of who might be elected in subsequent years to the Chief Executiveship of our Nation, the fact is that the power of that office has become so great, the centralization of its resources has become so great, that the power which the President has over the lives of the people is very substantial indeed. If there is to be restraint on Presidential powers, then that restraint, to a very considerable extent, must come from the Senate of the United States.

Whether the Senate will be in a position to exercise restraint on the Chief Executive in the years to come will depend in great measure on whether the rules of the Senate will permit reasonable debate, extended debate; whether the Senate will have the right to full discussion of these great issues, until such time as two-thirds of the membership calls a halt and demands a vote on the pending question.

Yes, Mr. President, I think the right of extended debate in the U.S. Senate ought to be of vital importance to our Nation down through the years. But, as important as it has been in the past, I think we may very well find that it will be even more important in the future.

Mr. President, I have grave concern about the continued centralization of power in Washington. I have great concern about the continued centralization of power in any one place or in any one individual. Just by the very fact that our Nation has become so large, and because the tax take from the individual citizens has become so great, the power of the Chief Executive of our Nation likewise has been multiplied.

Mr. President, I see this battle in the Senate this year in regard to rule XXII as not just a fight over what the Senate rules shall be, but I see it in its broader implications. As I see those broader implications, extended debate could, as the years go by, be the one restraining force on whoever might occupy the White House in the years ahead.

Mr. President, there are some at the present time, who would have us believe that the Constitution of the United States is an outmoded and reactionary document, drafted at a time of reaction and repression in the 18th century. Such a concept could not be further from reality. The truth of the matter is that the Constitution of the United States, and the men who wrote the document, were the products of what I consider true liberalism, the liberalism which sprang from the pen of John Locke, through the French philosophers, and down to Franklin, Jay, and Madison.

As a matter of fact, those men who framed our Constitution in 1787 had lived under what, thank God, none of us have lived under: a dictatorship. They had lived under the tyranny of a British king, and in framing the Constitution, they were seeking to forge for themselves and for those who would come after them an instrument which would guarantee individual liberty.

This country was fortunate indeed in being founded at a unique period in history. The Constitution followed by al-

most exactly one country, the Glorious Revolution of 1688, which resulted in the permanent enshrinement in Britain's unwritten Constitution of the Petition of Right and the Bill of Rights, as well as the Habeas Corpus Act. The Glorious Revolution, in addition to replacing a somewhat unwise Stuart king, resulted in the permanent ascendency of Parliament in the affairs of Great Britain.

John Locke was a product of such a time, and it was the writings of John Locke that so profoundly influenced thinkers both on the Continent and in this country at a later date. The writings of Locke, on the social compact theory of government, can be traced almost word for word in many passages of the Constitution of our Nation. The framers of the Constitution drew, in addition, from the French philosophers of the time, such as Voltaire and Rousseau, all of whom reiterated Locke's concept that governments are instituted by men to create more perfect harmony, and that the powers of the government are drawn from the consent of the governed.

Mr. President, that is the point that I find is so seldom realized—that the powers of the government are drawn from the consent of the governed. We tend to get away from that, Mr. President. When we get away from it, we get into, in essence, a dictatorship. The powers of the Government are drawn from the consent of the governed; we must always be sure that that remains the case.

This strongly individualistic philosophy became the framework for our Republic, the only adjustment being the fact that the State governments were created by the individual citizens, and the States, in turn, acting for their individual citizens, created the Union, surrendering some, but by no means all, of their sovereignty in return for the blessings to be disposed by a general Federal Government.

I say that this country was fortunate in being formed at this particular period in history, for it was only a few years later that the rational doctrines of Locke and Voltaire were twisted into the excesses which permeated the unfortunate French revolution, and resulted in the anarchy of the terror and the dictatorship of Bonaparte.

Not being subject to the volatility of continental ideas, this country was so situated as to allow for the growth and expansion of the concept of the dignity of the individual and the rights of the minority. Thus it was that what I would consider the true liberalism of the time, was able to continue. This was a liberalism that was based upon the dignity of the individual, and on faith in the value of individual effort in the community as a whole.

The men who comprised that very first Senate of the United States, which adopted the continuing rules for the governing of this institution, were products of what I think one could accurately call a liberal age, and it was in furtherance of their own ideas and liberal thought, that these first Senators clearly established that this body should be a deliberative one in which the expression of every individual Member might be listened to without restraint, and that the position of the minority might be regarded with respect and dignity.

I cannot comprehend the logic of the many who would change the rules under which the Senate has been operating for a long time. I think it is vitally important that the rules of the Senate be such that the majority not be in a position to attempt to bludgeon a determined opposition into obedience merely because the power to do so is temporarily theirs. Is the street after all a better place to find justice? Did the French majority who ruled the streets during the Terror, find justice at the guillotine? Did the German plurality which placed Adolph Hitler in office, find justice in the slave state that he created?

I ask those who support this proposed rules change to think for a moment what a consistent application of the principle involved would mean.

May I suggest to them that it would mean the end of any kind of meaningful dialog between groups in this country. Numbers would be king. Debate, and persuasion would be conducted, it at all, against the hopeless certainty that this mindless king would have his way regardless of what is said.

It will mean the end of the most basic of all liberal values—meaningful opposition to the majority of the day. Opposition may continue, but only at the sufferance of those in power. Meaningful opposition? It is unlikely when the outcome is predetermined by the count of the bodies on either side of the political aisle.

We should not delude ourselves into believing that the rights, whose protection I so earnestly seek, are only of those who oppose them today. Like the majority, the minority is a shifting thing. At one time in the past, and at some time in the future, every group is likely to find itself outnumbered by its opponents. No one should recognize this more clearly than the so-called liberal community.

It is for the protection of their rights to be heard and respected, as well as the rights of all other Americans, that I speak out today in defense of Senate rule XXII.

Mr. President, rule XXII goes back 54 years. I want to emphasize that if it were correct that under the rules of the Senate debate could not be brought to a close, I would favor a change in the Senate rules. But the fact is that, under the rules of the Senate, whenever a substantial majority—namely, two-thirds—of the Senators present and voting desire to shut off debate, debate can be brought to a close and the pending question put to the Senate.

It is very important that it be realized—it is very important that the American people realize—that under the rules of the Senate as they now exist, there is a provision, a clear-cut provision, to shut off debate if and when a substantial majority—namely, two-thirds—of the Senators present and voting so desire. If we get away from that concept, I submit that we are getting away from the basic purpose of the Senate itself.

There are not many legislative bodies anywhere which permit extended and important debate on the great issues facing our Nation. Too frequently, the Senate is compared in this respect to the House of Representatives. The charge is made that in the House of Representatives there is little debate on the basic issues and that, therefore, there is no reason for the Senate to devote much time to debating the issues. Mr. President, it is because there is that great difference between the two Houses that this Nation has become a nation which guarantees to its citizens the maximum individual liberty. We would have a far different country today if the Senate rules were changed to conform to the rules of the House.

I want to make clear that the purposes and functions of the House of Representatives are vitally important to our system of government. The point is that we have different purposes and we represent different constituencies. The concept of one House is different from that of the other. It is by meshing the two together that we have wrought in this country a constitutional kind of government under which the American people have achieved the highest standard of living of any nation in the world with the maximum amount of freedom. I do not believe that this country became the nation it is by accident. I am convinced that those who wrote the Constitution in Philadelphia in 1787 knew precisely what they were doing.

They were men who were merchants, frontiersmen, farmers, lawyers, and doctors. They were men who had lived most of the time under a dictatorship, a tyranny. Their desire was to forge an instrument of government which would guarantee to themselves and to their children, and to their children's children freedom, freedom of speech, freedom of the press, and freedom of religion. They were men who themselves had suffered at the hands of a tyrant. They were seeking to bring forth upon this new continent a form of government in which tyranny could not exist. They felt that the House of Representatives, its membership having to submit itself to a referendum every 2 years, would mean that the people had a House where the people's voice could be heard and reflected; and yet, in the Senate, at the same time, they would have a House, a House of parliament, a House of government, in which the diverse conditions of the many States could be reflected, and that each State, regardless of how large or small, would have precisely two votes.

It was the combination of these two houses, along with the checks and balances of the three coordinate branches of government—legislative, executive, and judicial—that the framers of the Constitution relied upon to bring liberty to this great Nation and to provide the instrument upon which liberty and freedom could be guaranteed.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I yield to the distinguished Senator from West Virginia without losing my right to the floor.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, upon the conclusion of the colloquy, which is to be under the control of the able Senator from Indiana (Mr. HARTKE), there be a period for the transaction of routine morning business not to exceed 45 minutes, with statements therein limited to 3 minutes.

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

ORDER FOR RECESS FROM TOMORROW TO FRIDAY, MARCH 5, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in recess until 12 o'clock meridian on Friday next.

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

ORDER FOR RECESS FROM FRIDAY TO MONDAY, MARCH 8, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday next, March 5, 1971, it stand in recess until 12 o'clock meridian on Monday next, March 8, 1971.

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

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, does the able minority whip have any remarks or requests for time from Senators on his side of the aisle?

Mr. GRIFFIN. No.

PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11 o'clock a.m. tomorrow, following a recess, and upon approval of the Journal, if there is no objection, and the recognition of the two leaders under the standing order, the able Senator from Indiana (Mr. HARTKE) will be recognized for not to exceed 1 hour, for the purpose of conducting a colloquy.

Following that, the period for the transaction of routine morning business, set aside under the previous order, will not exceed 45 minutes. Following the period for the transaction of routine morning business, during which speeches will be limited to 3 minutes, the Senate will pursue its further consideration of the pending business.

Mr. President, what is the pending question?

The PRESIDING OFFICER (Mr. TAFT). The pending question is on the motion to postpone for 1 legislative day the motion to proceed to the consideration of Senate Resolution 9.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 3 o'clock and 7 minutes p.m.) the Senate recessed until tomorrow, Thursday, March 4, 1971, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate March 3 (legislative day of February 17), 1971:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Stephen Kurzman, of the District of Columbia, to be an Assistant Secretary of Health, Education, and Welfare, vice Creed C. Black, resigned.

Robert O. Beatty of Idaho to be an Assistant Secretary of Health, Education, and Welfare.

U.S. DISTRICT COURTS

Richard C. Freeman, of Georgia, to be a U.S. district judge for the northern district of Georgia, vice a new position created by Public Law 91–272 approved June 2, 1970.

DEPARTMENT OF JUSTICE

G. Kent Edwards, of Alaska, to be U.S. attorney for the district of Alaska for the term of 4 years, vice Douglas B. Bally.

Sidney E. Smith, of Idaho, to be U.S. attorney for the district of Idaho for the term of 4 years, vice Sherman A. Furey, Jr., resigned.

HOUSE OF REPRESENTATIVES—*Wednesday, March 3, 1971*

The House met at 12 o'clock noon.

Dr. James E. Rogers, past national chaplain, Disabled American Veterans, Columbia, S.C., offered the following prayer:

O Lord, the Shepherd of all, who giveth our needs, and extends the green pastures of life,

Hallowed be Thy name.

Lead us by still waters in restoring our spirits.

Hallowed be Thy name.

Give direction to our Nation even when we walk among the valleys and peaks of life.

Hallowed be Thy name.

For the heritage of the good life brought forth by the sacrifice of the many.

Hallowed be Thy name.

For Thy goodness and mercy which follows us through life and for the noble soul of America.

Hallowed be Thy name.

Through God the Father, the Son, and the Holy Spirit. 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.

TRIBUTE TO REV. JAMES E. ROGERS

(Mr. SPENCE asked and was given permission to address the House for 1 minute.)

Mr. SPENCE. Mr. Speaker, these are the very first words I have uttered on this floor since being elected to Congress, and I am doubly honored by the occasion which brings me to speak.

I take pleasure in introducing to my colleagues this morning the Reverend James E. Rogers. Chaplain Rogers is from the capital city of Columbia, S.C., and a resident of my home district.

The Speaker mentioned the fact that Reverend Rogers was a former national chaplain of the DAV, but I would like to add that in my district he has also been known for many years for his very fine work with various veterans organizations, as well as service groups. He is now chaplain of the veterans hospital in Columbia and has been with the Veterans' Administration for 23 years.

Mr. Speaker, Chaplain Rogers has devoted his life to the men and women who have served our country in wartime. His dedicated service has been characterized by notable courage, resourcefulness, and exemplary leadership. His presence is always a great comfort to those individuals with whom he comes in contact, a fact which is unanimously affirmed by many grateful patients.

Mr. Speaker, the House of Representatives is graced by the presence of Chaplain Rogers today, and I am honored to have the opportunity to present him.

EIGHTY-FIVE YEARS AGO

(Mr. LANDRUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include an article.)

Mr. LANDRUM. Mr. Speaker, from time to time we find ourselves reminiscing and listening to ourselves or our colleagues yearning for the past. This Member is guilty, as I know other Members are. Oftentimes we can think of something in our history that makes us wish we were back there.

I found an amusing description in the Gainesville Times of last week describing an era in our history of the mountains of North Georgia that I should like to read to the membership, to bring to its attention vividly some of the values of the past:

Mrs. J. C. Fortenberry, Hancock Avenue, Gainesville, furnishing The Times with a clipping from the Blairsville paper about how times were 85 years ago . . . You could get 16 pounds of sugar for $1 . . . Calico sold in Blairsville at a nickel a yard . . . Eggs went for six to eight cents a dozen . . . Col. Pat Haralson was the teacher at Fairview School and got $25 a month . . . Labor was 50 cents a day, dinner thrown in . . . All merchandise brought from Blairsville either came from Gainesville or Murphy, N.C. . . . "Com-